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FIRE & RESCUE SERVICES National Employers

To: Chief Fire Officers
Chief Executives/Clerks to Fire Authorities
Chairs of Fire Authorities
Directors of Human Resources

CC: Members of the Employers' Side of the NJC

28th January 2021

CIRCULAR EMP/3/21

COVID Support

1. For information, please find attached a recent exchange of correspondence between Matt Wrack, General Secretary of the Fire Brigades Union and Cllr Chard, Chair of the National Employers.
2. Cllr Chard's response refers to both the original letter and sight of the FBU's circular issued to its members yesterday.

Yours faithfully,



Gill Gittins
Assistant Employers' Secretary



Matt Wrack General Secretary
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Our Ref: MW/sll

26 January 2021

Mr Nick Chard – National Joint Council Employers Side Chair

Letter sent by email to nick.chard@kent.gov.uk

Dear Nick

Discussions to seek a reinstatement of a national agreement for Covid-related assistance to partner agencies

I am writing to build on the positive discussion at yesterday's meeting of the NJC lead members. If there is to be an agreement it is imperative that the meetings to explore whether this is achievable take place as soon as possible.

The officials at FBU head office, and the Executive Council as the decision-making body, have agreed to continue to prioritise consideration of any proposals from the employers' side and/or that arising from the joint discussions.

We have expressed our disappointment at the termination of the national agreement but we are pleased that the employers wish to explore the reinstatement of an agreement. The ideal situation would be to have an agreement which could be reached without any delay.

This can be achieved by reinstating the control measures agreed and circulated on 9 December 2020, whilst any alternative arrangements are discussed.

If the employers are not willing to do so then the status quo, as a consequence of the national employers ending the agreement on 13 January, is that there is no agreement.

We would be content if, as previously, negotiators are fully empowered, to negotiate a draft agreement which would be brought to the union for approval. It would be advantageous for both sides to empower their representatives in this way.

The EC remains committed to:

- ensuring that assistance can be provided to other sectors to defeat this pandemic;
- ensuring good conditions of employment that provide for the safety and health of all staff.

Contd/2...

We note with pride that the arrangements in place under the national agreement ensured that assistance to other sectors was provided whilst the fire sector was largely kept safe.

ONS statistics, published 25 January 2021, on Coronavirus (COVID-19) related deaths by occupation in England and Wales show that up until now the number of Covid-19 related deaths in the FRS are lower than the fatality rates in many other settings and significantly lower than those in care and health settings:

<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/causesofdeath/bulletins/coronaviruscovid19relateddeathsbyoccupationenglandandwales/deathsregisteredbetween9marchand28december2020#men-and-deaths-involving-covid-19-by-occupation>

The impasse – between the two sides of the NJC is:

- The outsourcing of certain control measures and risk management decisions; the matter of the standard of control measures not being set by the FRS as a result of risk assessment, but proposing instead to track a standard set by external agencies by way of the provision of 'parity' only (and in relation to different hazards to those identified in the FRS).
- The absence of a provision to ensure safe and clear arrangements for the situation where no test (kit) is available at the point when the firefighter returns to the FRS workplace.

There is no doubt that if the employers had been prepared to shift their position to address these two fundamental and reasonable points, the FBU would have been able to reach agreement on the use of the lateral flow test (LFTs) as an alternative to the PCR test after a minimum of three days.

However, since 13 January some other concerns, raised by a number of leading health and scientific experts, regarding the efficacy of LFTs and the manner in which they are being used have come to our attention which we mentioned at our meeting on 25 January.

We propose that these matters inform our discussions. It is vital that we adopt the safest possible practice especially in the light of the new variants which are considered more transmissible and more infectious than the original Covid strain. This would be in line with the position published in the paper by the Westminster government's scientific advisory committee (SAGE) on 31 December - Mitigations to Reduce Transmission of the new variant SARS-CoV-2 virus.

<https://www.gov.uk/government/publications/emgspi-btweg-mitigations-to-reduce-transmission-of-the-new-variant-sars-cov-2-virus-22-december-2020>

This explained that a new variant of the SARS-CoV-2 virus (VOC-202012/01, variant B.1.1.7 - 'new variant') had been identified in the UK and was spreading rapidly. SAGE estimated that this new variant could be associated with an R number of 0.39 higher than other lineages and a growth rate that could be 71% faster per generation than other variants.

SAGE argued that it was now "*essential to reinforce the core principles of a hierarchy of control measures to reduce physical transmission through the environment by all routes – close-range, airborne, and via surfaces, given the risks that transmission of the new variant may be higher for all these routes*".

SAGE stated that the primary actions to reduce transmission included reducing social contacts, effective testing and tracing, robust outbreak identification and control, support to ensure effective isolation and quarantine, and population vaccination. They warned that “as a consequence of the uncertainty around the mechanisms for increased transmission, enhanced mitigation measures are likely to be necessary”. The warning included the following:

6. *Where interactions between people are unavoidable, then engineering, procedural and personal controls are essential for reducing transmission. It is important that these measures are applied rigorously to ensure they are effective. Organisations and individuals should reassess their environments in the light of new evidence about transmissibility of the new variant to consider whether they have maximised all the steps they can take to reduce the probability of transmission.*

I look forward to hearing from you shortly.

Yours sincerely

A handwritten signature in black ink, appearing to read "M. Wrack".

Matt Wrack
General Secretary

cc: Gill Gittins
Naomi Cooke

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**FIRE & RESCUE SERVICES
National Employers**

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28th January 2020

BY EMAIL ONLY

Dear Matt,

I refer to your letter dated 26 January 2021.

Lead members were content to discuss the matter of COVID support arrangements as part of the pre-arranged NJC joint lead members meeting on 25th. You will recall members explained that they would now need to explore with the full membership of the employers' side of the NJC the potential for a replacement agreement to that which expired at midnight on 11th January.

In respect of the impasse referred to in your letter you will not be surprised that I believe it reasonable to express the employers' view.

In the case of the parity issue, the employers' had suggested that in the event of an indication of a reduction in the health surveillance arrangements (which would be set out in the respective risk assessment/s) a review could take place to consider whether the change still provided an appropriate control/s for fire and rescue service personnel undertaking the particular activity.

In the case of your second point – no test (kit) being available when the firefighter returns to the FRS workplace – the employers' response provided absolute clarity and reassurance. If sufficient tests were not available at the outset of the activity, then the activity would not happen.

Unfortunately, the FBU had not been prepared to shift its position.

I am also aware of the FBU circular issued on 27th January. While I don't believe it helpful to enter into tit for tat responses I do feel it important to say that we stand by the content of the FAQs issued to FRA/FRSs as an accurate reflection, including that the duration of the NJC agreement was clearly set out in the original agreement, and that prior to release of the employers' circular on 13th January the FBU was aware of

both the employers' final position in respect of an agreement and that it would need to advise FRAs one way or another by 5.00p.m. on 13th January whether or not a way forward had been agreed.

I can confirm that arrangements are currently being put in place for an employers' side meeting and I can confirm your letter will be included in its considerations.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Nick Chard".

Cllr Nick Chard
Chair – NJC Employers' Side