

APPENDIX 1

NATIONAL JOINT COUNCIL FOR LOCAL AUTHORITY FIRE AND RESCUE SERVICES AGREEMENT**RESPONSES TO MAJOR INCIDENTS DURING PERIODS OF STRIKE ACTION (“the Agreement”) - ENGLAND**

1. This Agreement arises from discussions between the National Employers (the Representative National Organisation of Employers for Local Authorities Fire and Rescue Services) and the Fire Brigades Union (FBU). It confirms the circumstances in which striking fire personnel respond to any major incident (defined at Annex B) anywhere in England (alongside similar agreements in Scotland, Wales and Northern Ireland) where strike action is taking place and during periods of strike action.
2. Fire and rescue authorities have statutory responsibilities to put in place business continuity arrangements to ensure they can respond to emergencies. This means it is essential that, as far as is possible, fire and rescue authorities through their Chief Fire Officers put, and keep, arrangements in place which will allow available people equipment and resources to respond to incidents in a safe and co-ordinated way. Accordingly, the Chief Fire Officer will determine the resources necessary to attend incidents.
3. For major incidents which arise during the strike action, in accordance with this agreement, the Chief Fire Officer will make arrangements to achieve this via discussion through normal local negotiating machinery and Health and Safety committees. FBU officials will respond quickly to an approach by a Chief Fire Officer and will assist in drawing up a practical procedural note that allows the implementation of the principles within this agreement. **Annex A** to this memorandum sets out the agreed framework for achieving reasonably satisfactory levels of cover. Chief Fire Officers will ensure there is sufficient trade union facilities time to allow such discussions to take place expeditiously. It is expected that all fire and rescue authorities and fire and rescue services will have in place arrangements to implement this Agreement.
4. It is agreed that there must be established locally agreed arrangements, which would implement the principles within the agreement to best ensure a co-ordinated professional approach.
5. The FBU exempts from strike action those of its members who would be willing, under the conditions of this Agreement, to respond to major incidents when such incidents occur. Return to duty as outlined in this agreement shall be voluntary and personnel shall be given reasonable access to fire stations and other workplaces during strike action to facilitate this agreement. This is to be achieved through the mobilisation arrangements agreed locally.
6. The following will apply:
 - Any person on strike that does respond to major incidents in accordance with Annex A will be enabled to do so using the normal range of appliances and resources available to the fire and rescue service.
 - The mobilisation method will be agreed locally.
7. Where a major incident is declared in a fire and rescue service and the specifics of the incident require the deployment of National Resilience assets, the FBU will exempt from strike action those of its members who are specifically trained and deal with that particular asset in another fire and rescue service as part of their normal duties in order to respond, on a voluntary basis, to the major incident.

8. Fire and rescue authorities will allow personnel at all times during the strike action to have reasonable access to stations and other workplaces and to establish a robust means of direct communication between them and the emergency fire control centres. This will ensure that they are able to:
- respond in good time and with immediate access to personal protective equipment and other equipment (including RPE Respiratory Protective Equipment.)
 - access welfare facilities – e.g. hydration, food/nutrition, dry clothing, ablutions
 - access operational information/policy documentation
- This will also allow notifications of incidents and turnout arrangements to be as effective as possible for both initial and make-up responses.
9. It should be noted that any responses will be on a voluntary basis. Neither FBU nor fire and rescue authorities will require or compel any personnel to deal with a major incident. It is agreed that in respect of pay, pension, insurance, liability and other employment issues, members of the fire and rescue service who return to duty in these circumstances will be treated for all purposes as being on duty.
10. It is recognised by all parties that all personnel will have continuity of service and in accordance with the pensions scheme regulations:
- a. continued membership of their respective pension scheme; and
 - b. the ability to purchase back pensionable service relating to strike action.
11. The FBU commits to ensuring in each fire and rescue service its officials will be aware of and willing to contribute to introducing local arrangements along the above lines.
- This shall not alter the FBU call to their members to take strike action pursuant to the ballot mandate.
12. Fire and rescue authorities will ensure implementation of these arrangements as a matter of priority and then notify the National Joint Council by e-mail as soon as they have reasonably satisfactory arrangements in place. It is recognised that the National Employers may provide this to the Home Office and the NFCC for information.
13. It is accepted that this Agreement and all steps taken and arrangements made under this Agreement will not impact upon the strike action ballot currently being conducted, notice of which was given to the employers on 28 November.

Signed by: Matt Wrack
On behalf of the Fire Brigades Union

Signed by: Naomi Cooke
On behalf of the National Employers

Signature:



Date:
23 December 2022

Signature:



Date:
23 December 2022

RESPONSE TO MAJOR INCIDENTS DURING PERIODS OF STRIKE ACTION

Introduction

1. By virtue of the Agreement the FBU will support an initial response from relevant FBU members to deal with a major incident as defined in Annex B. The FBU has also agreed that further support may be able to be given, also on a voluntary basis, by other striking members in the same fire and rescue authorities and that mutual support through cross-border assistance from the initial response teams in other fire and rescue authorities will be possible through these arrangements.
2. The FBU will not discourage its members from dealing with such incidents.

Operational Arrangements

Initial Attendance

3. This will need to be sufficient to provide an effective response (albeit a lower level than normal) recognising all previously agreed safe systems of work.
4. The response will be based on the pre-determined attendance in a service's current operational plans for a major incident using normal crewing levels.

Make Ups for major incidents

5. In recognising that this guaranteed level of initial response is unlikely to be sufficient to sustain extended operations, the following arrangements for further assistance will apply:
 - (1) Mutual Aid from adjacent fire and rescue authorities may be called upon up to the level guaranteed for the initial attendance.
 - (2) Additional striking firefighters voluntarily responding to their stations.
 - (3) A general recall to duty for the specific incident. Attendance would still be voluntary in accordance with the Scheme of Conditions of Service.

Arrangements

6. Chief Fire Officers will need to agree with their local FBU officials the exact arrangements for putting those procedures into place in the light of local circumstances. However, in doing so they must have regard to the following points:
 - The arrangements will only apply to major incidents as defined by this agreement.
 - Once implemented the arrangements will apply only for the duration of the incident, or incidents as appropriate
 - Fire and rescue authority personnel will be under the command of operational managers at all times during the incident.
 - Individuals who are not NJC for Local Authority Fire and Rescue Services (NJC for LAFRS), Scheme of Conditions of Service operational firefighters or members of the armed forces, or other members of the Ministry of Defence, who are in attendance at incidents ,will be withdrawn from the incident ground where it is practicable and safe to do so at the earliest opportunity

- NJC for LAFRS firefighters will only be deployed in BA teams which comprise of NJC for LAFRS firefighters from their own fire and rescue service; and will be deployed under the control of a BA entry control officer who is a NJC for LAFRS employee from their own fire and rescue service.
- Robust guaranteed arrangements must be put in place to alert immediately the striking staff who are providing the initial response and to allow them positively to communicate with the controllers providing the initial message. These arrangements will be the responsibility of the fire and rescue authority.
- In order to facilitate the ability of firefighters to be able to comply with the major incident agreement, fire and rescue authorities will allow reasonable access to fire stations and other workplaces to striking firefighters at all times.
- Firefighters responding subsequently to the initial response should report to a nominated place of duty and not to the incident itself.
- Fire and rescue authorities will ensure that normal practices are adhered to with regard to relief arrangements.
- Fire and rescue authorities will ensure the transportation of personnel back to their station/other workplace.
- Arrangements will be governed by the following overriding principles.
 - a guaranteed initial response.
 - recognised safe systems of work
 - a response in an organised and professional manner

Post incident

7. At the end of the incident appliances will be returned to their original station and be made ready for a subsequent incident.

RESPONSE TO MAJOR INCIDENTS FOR THE DURATION OF PERIODS OF STRIKE ACTION

Whilst each FRS will have a major incident procedure within its current operational plans, for the purposes of this agreement a major incident would need to meet one or more of the following principles:

- a. the initial treatment, rescue and transport (removal from a position of danger) of a large number of casualties;
- b. the involvement either directly or indirectly of large numbers of people who are at risk of death or serious injury;
- c. the need for the large scale combined resources of two or more of the emergency services one of which includes the fire and rescue service as primary responder under the principal piece of fire services legislation
- d. the mobilisation and organisation of the emergency services and supporting organisations, eg local authority, to cater for the threat of death, or serious injury to a large number of people.

and no incident shall be regarded as a major incident unless it would have been regarded as such irrespective of the FBU strike action.