

TO: Cambridgeshire and Peterborough Fire Authority

FROM: Chief Fire Officer

DATE: 24 September 2008

PROVISION OF EMERGENCY FIRE COVER - PROJECT FIREGUARD

1. Purpose

- 1.1 To provide the Fire Authority with an update on Project Fireguard and seek approval to enter into the national contract.

2. Recommendation

- 2.1 The Fire Authority is asked to approve:

- a) that the service enters into the national contract to provide a contingency for operational response cover for a 10 year period commencing at a minimum cost of £1.5m over the contract period;
- b) that delegated authority be granted to the Chief Fire Officer, in consultation with the Chairman of the Fire Authority, to enter into the national contract on behalf of the Fire Authority, subject to the cost per annum not exceeding £165k;
- c) that the Fire Authority's financial strategy and reserve utilisation be reviewed in light of this commitment.

3. Risk Assessment

- 3.1 **Legal** – The national contract has been subject to legal scrutiny by solicitors appointed by Firebuy Ltd to ensure it is legally robust and the relevant procurement legislation has been adhered to.

The Fire and Rescue Services Act and Civil Contingencies Act clearly state that the Fire Authority has a duty to provide its core function throughout a period of emergency and that it makes appropriate arrangements to ensure business continuity. The Chief Fire Officer's assessment is that the Fire Authority is unable to guarantee continuity of service, particularly whilst strike action by the Fire Brigades Union (FBU) remains a legal course of action.

- 3.2 **Political** – The issue affects all Fire and Rescue Services across England and Wales. The contract has been structured in such a way that for it to work all parties must limit their specification to their emergency requirements. If these

requirements are changed significantly, then the contract may potentially become unviable.

- 3.3 **Financial** – The national contract will be let for 10 years, resulting in a minimum outlay over the period of £1.5 million. This outlay will only pay for the provision being available. Additional costs will be incurred as and when the resources are used. If the resources are used to cover industrial action then any savings would offset the costs through this period. The annual outlay will need to be financed in future years; this will have an impact on Council Tax levels of around 1% on Band D Council Tax.

4. Background

- 4.1 Fire and Rescue Authorities (FRAs) have a duty under Section 7 of the Fire and Rescue Services Act 2004 (FRSA 2004) in relation to firefighting, to “secure the provision of the personnel, services and equipment necessary to efficiently meet all normal requirements.” A similar duty applies under Section 8 in respect of road traffic collisions. They also have a duty under Section 2 of the Civil Contingencies Act 2004 (CCA 2004) to plan for “emergencies” and to maintain plans for the purpose of ensuring, so far as is reasonably practicable, that if an emergency occurs it is still able to continue to perform its functions.
- 4.2 This report advises of a Chief Fire Officers Association (CFOA) led project to ensure that these requirements can be met and seeks approval for this Authority to join with others in awarding a contract for the provision of emergency fire cover which could be called upon in scenarios such as pandemic flu, industrial action, or as a result of a catastrophic incident or natural disaster, which could potentially see a significant reduction in the staffing resources available to the FRS and hence the ability of this Authority to meet its statutory duties. It should be noted that the contract would also allow the Authority to supplement its existing workforce in the event of a major incident.
- 4.3 The Fire and Rescue Service (FRS) National Framework (2006-2008) stated:
- ‘3.26 The CCA 2004 imposes a duty on FRAs to put in place business continuity management arrangements to ensure that they can continue to exercise their functions in the event of an emergency so far as is reasonably practicable. It cannot be assumed that the Armed Forces will be available to provide cover in the event of industrial action by fire-fighters. The Government will work with Fire and Rescue Authorities to examine how national contingency planning arrangements can be further improved. This will include linking any revised arrangements with improved regional resilience, the future role of the Armed Forces, raising the public awareness and other elements which comprise emergency fire and rescue services’.*

This requirement is confirmed and clarified in the draft FRS National Framework (2008-2011) which states:

'1.17 The Civil Contingencies Act 2004 lays down duties for specified "Category 1 responders", including the Fire and Rescue Authorities, to assess, plan and advise in relation to emergencies. For a Fire and Rescue Authority, an emergency includes a period of industrial action'.

'1.18 Government has worked actively with the Local Government Association and with The Chief Fire Officers Association to support self sufficiency in emergency cover across the country. It is the responsibility of the individual Fire and Rescue Authorities to keep under review the levels of emergency cover that they deem to be appropriate

Each Fire and Rescue Authority must:-

Have in place a plan to provide such levels of emergency cover as it regards as appropriate during any period of emergency, liaising as necessary with other relevant organisation, but without reliance upon support from the Armed Forces;'

- 4.4 In 2006 and following the guidance contained within the FRS National Framework (2006-2008), a number of seminars and meetings were held to raise the awareness of the Government's expectations that the Armed Forces would no longer be able to support deployments within the UK in the event of industrial action. FRSs were asked to consider how they could become more 'self sufficient' and how they could provide a robust and suitable 'safety net' to ensure they could meet their statutory duties. Some FRSs believed that resources could be found within their existing pool of employees and have used resilience contracts to attempt to 'guarantee' cover in the event of a future dispute. Others were not so confident that such a guarantee could be given and as a result the Project Fireguard was set up in early 2007 to look at whether the market was capable of providing a suitable and affordable solution that could discharge an FRA's statutory obligations in the event of an industrial dispute or other large scale emergency event having a similar effect on the availability of FRS operational staff.

5. Project Fireguard

- 5.1 Project Fireguard has now brought together 33 Fire and Rescue Services in England and Wales in a procurement managed on behalf of CFOA by Firebuy Ltd. This procurement is being conducted as a competitive dialogue under the Public Contracts Regulations 2006.
- 5.2 A CFOA Project Board has been established chaired by the Chief Fire Officer of the Greater Manchester FRS and comprising a representative from each of the participating CFOA regions. In addition each participating FRS has appointed a Liaison Officer who is responsible for day to day participation in the project and in particular for managing the information flow between the project and the individual FRS and for ensuring that actions necessary to support the project and its objectives within each individual FRS are taken. In addition, throughout the project, advice has been sought from external legal and commercial advisers.

- 5.3 It is acknowledged that to provide a full replacement wholetime fire service would not be feasible both physically and financially. Therefore each FRS was asked to realistically estimate what their minimum requirement would be to provide cover in such circumstances.
- 5.4 A national Project team was established in late 2006 by CFOA. The project, known as 'Fireguard', has a full time team dedicated to it. They are based at the London Fire Brigade Headquarters.
- 5.5 FRSs across England and Wales were invited to be part of the initial dialogue and consultation process to help find a viable solution. Liaison Officers from each service were appointed to provide information, feedback and report on the progress. Cambridgeshire Fire and Rescue Service (CFRS) are one of the 34 FRSs who took part in this process.
- 5.6 CFRS minimum requirement has been included within the initial specification. This is four emergency fire crews covering wholetime appliance locations at Cambridge, Huntingdon, Peterborough and Wisbech.
- 5.7 The Project Fireguard team have followed a structured project management path and put together the project plan, milestones, initial & final specifications, expressions of interest and invitations to tender including a European Journal Notice (OJEU) ensuring all legal and financial aspects have been addressed.
- 5.8 The procurement element of the project was undertaken by Firebuy Ltd, the national procurement consortium of the FRS.
- 5.9 Three companies were short-listed as having the potential to supply the service. A robust evaluation process, involving a variety of Fire Service professionals, selected a 'preferred bidder'. Group 4 Security Services UK was selected, providing the evaluation team with the confidence that they could provide the service as specified.

6. The Solution

- 6.1 The Group 4 Security Services UK solution will provide:
- 1360 retained staff who will be Group 4 employees (they will not employ existing FRS staff);
 - 54 or more crews ready for national deployment on a 3 watch system;
 - deployment for national events in 14 days notice (subject to a 12 month initial lead time whilst the contract is established);
 - availability of 25% of their staff within 24 hours;
 - crews to work on CFRS wholetime stations, drive and ride on CFRS fire appliances;
 - one crew during a nationwide event; CFRS would draw 20% (one crew) of specified request, this is discussed further below. However, the contract will be sufficient to cover local and regional delivery or the demand from one large Metropolitan area;

- an ability to call off additional resources from the contract. If a local or single region requires to 'call off' the service, CFRS would be guaranteed 4 crews (as per the specification) but it would be possible to take as many crews as required if it were for less than 12 hours;
- up to 81 crews for a period of up to 4 days;
- deployable resources in 14 weeks after letting of contract due to the use of existing Group 4 firefighting staff;
- staff trained by the Fire Service College and a training regime to ensure ongoing competence in role;
- existing Group 4 mobilisation and supervision of staff on a three watch system;
- regional operations managers to build understanding and partnership with participating FRSs;
- full back office support for Group 4 staff;

6.2 The capacity to cover a national event and the provision of only one wholetime appliance within CFRS, needs to be viewed within the correct context. Should pandemic influenza strike nationally then worst case scenarios suggest some 40% of staff may be unavailable for work. Clearly this would create a reduction in service levels but CFRS, through its work with ORH, has detailed knowledge of how to position available appliances to best effect. It is only strike action by staff that could potentially remove the entire service. A reduction to one wholetime appliance would only occur in the event of a national strike. Although strike action remains a legal course of action for employees of the fire service, it more likely that industrial action occurring within the lifespan of the contract will centre on local rather than national issues. However, a national strike remains a possibility.

7. Other Options

7.1 Before considering other options it is necessary to examine the context in which the Service operates. Although the project team correctly presents Fireguard as a solution for all threats to business continuity, historically only industrial action by FBU members has seriously disrupted delivery of service. This may not be the case in the future but it remains, in the opinion of the Chief Fire Officer, the most likely cause of disruption to service whilst it remains a legal course of action for FBU members.

7.2 Under the Authority's existing business continuity management arrangements plans exist to address a number of anticipated scenarios, such plans include:

- Section 13 and 16 arrangements with surrounding FRA's
- National Mutual Assistance protocols
- Recall to Duty

7.3 These plans are tested and proven. However they are not sufficiently robust to meet legislative requirements without assistance from the military.

- 7.4 Whilst some authorities have determined that sufficient resilience exists within their existing structures, the Chief Fire Officer does not consider the current position within Cambridgeshire to be acceptable. The key reasons for this are outlined below.
- 7.5 The experience of previous strike action within CFRS suggests that current FBU membership amongst station based staff (81%) is sufficient to remove all whole time appliances from service. Equally the number of flexible duty officers who are members of the FBU (84%) precludes any realistic possibility of robustly and safely crewing appliances over a sustained period of action using officers only.
- 7.6 Use of the retained staff is an option but it must be borne in mind that they too could be affected by a pandemic, terrorist attack or industrial action. There is also a question as to whether retained firefighters would be prepared to cross picket lines. The outcome of the ongoing employment tribunal case with regard to retained firefighters and their status as part time employees may reduce the effective resilience of the retained service in the longer term. Currently 33% of retained firefighters are members of the FBU, and there is significant potential that more 'part time' firefighters may wish to be represented by the FBU and not the Retained Firefighters Union. Experience of past disputes suggests that retained firefighters working through periods of industrial action limit their activities to incidents within the station 'ground' and affecting the local community.
- 7.7 The Peterborough Volunteer Fire Brigade (PVFB) has in the past remained active during periods of industrial action. However, as a volunteer organisation they are unable to provide the necessary levels of availability and resilience to discharge the duties placed upon the Authority. The PVFB could potentially provide additional support and local expertise to Fireguard crews within the city.
- 7.8 The key areas of risk within Cambridgeshire are Peterborough, Cambridge, Huntingdon and Wisbech. Geographically they are some distance apart and thus moving fire cover from one location to another has the effect of denuding fire cover. This is significantly different from, for example, a metropolitan authority where the close proximity of stations reduces the impact. Similarly, placing an available appliance between two centres of risk can have the affect of rendering fire cover in both locations ineffective.

8. Level of Cover Provided By Fireguard

- 8.1 Members will be aware that the Authority has invested in its Emergency Response Model over several years and as a result we are able to determine the level of cover that would be delivered by Fireguard with a high degree of confidence.
- 8.2 Clearly one of the major factors affecting fire cover is the availability of the retained duty system (RDS) and it is not possible to accurately determine what that would be in any given set of circumstances. However the table below

details the level of cover provided by Fireguard in the event of 0%, 50% and 100% of the retained being available alongside four Fireguard appliances.

Deployment Option	Modelled Range Cover		Impact on Range Cover	
	1st in 8	1st in 10	1st in 8	1st in 10
Current Deployment	56.0%	74.4%	-	-
0% RDS Crews Available	N/A	N/A	N/A	N/A
50% RDS Crews Available	42.5%	57.9%	-13.5%	-16.5%
100% RDS Crews Available	51.2%	69.4%	-4.7%	-4.9%

8.3 At 0% retained availability the model becomes statistically unreliable so results have not been included. What is clear is that Fireguard offers an effective short term solution if combined with 50%-100% retained availability.

8.4 Disposition of appliances also changes with retained availability and the preferred sites for Fireguard crews are detailed below.

0% RDS Crews Available	50% RDS Crews Available	100% RDS Crews Available
Cambridge Huntingdon March PVFB	Cambridge Ely PVFB St Neots	Cambridge Huntingdon PVFB Stanground

8.5 In the event of a national strike and only one Fireguard appliance being made available the Service would use its Emergency Response Model to determine the best location for its available assets.

9. Project Costs

9.1 The initial cost of establishing the contract will be £10 million nationally, with CFRS having to contribute £151,610 towards the total amount. This can be paid in a lump sum or spread over the life of the contract at £19,890 per annum.

9.2 Subsequently, annual premiums will be £142k per annum, with the exception of Year 1, where it will be £79,860. The on-going contract costs equate to an additional 1% on a Band D Council Tax bill per annum.

9.3 The contract will act as an insurance policy and if we call it off, additional costs will be incurred. For example, if CFRS requested 4 crews for 24 hours, an additional fee of £20k would be payable. If crews were called to cover for industrial action, then savings would offset the additional fee, through reclaimed salaries.

9.4 The project pricing model only holds together if all participating FRSs remain committed to it. If the numbers reduce significantly, the contract pricing model will potentially become unaffordable.

10. Conclusion and Way Forward

10.1 Members are requested to consider Project Fireguard and its associated costs as it relates to Cambridgeshire Fire and Rescue Service and to decide whether to enter into contractual arrangements.

10.2 The deadline for FRAs to commit in principle is required by 21 October 2008.

10.3 The contract will be awarded from 3 November 2008.

BIBLIOGRAPHY

Source Documents	Location	Contact Officer
Fire and Rescue Services Act 2004	Hinchingbrooke Cottage Brampton Road Huntingdon	Matthew Warren 01480 444619 matthew.warren@cambsfire.gov.uk
Civil Contingencies Act 2004	Hinchingbrooke Cottage Brampton Road Huntingdon	Matthew Warren 01480 444619 matthew.warren@cambsfire.gov.uk
Fireguard Project Management and Specification Documentation	Hinchingbrooke Cottage Brampton Road Huntingdon	Dave Robertson 01480 444557 dave.robertson@cambsfire.gov.uk