



Hereford & Worcester
Fire Authority

Consultation

Options to replace the Day Crewing Plus duty system



HEREFORD & WORCESTER
HWFR
FIRE AND RESCUE SERVICE

INTRODUCTION

Introduction - Why do we need to change?



Roger Phillips
Chairman of the
Fire Authority



Hereford & Worcester
Fire Authority

We are seeking views on a number of options to replace one of our current station-based duty systems, known as Day Crewing Plus (DCP), because of a recent court ruling that has the potential to make it open to legal challenge.

DCP is an innovative duty system that has operated successfully in Hereford & Worcester Fire and Rescue Service ('the Service') since 2014 and has been used to staff three full-time fire engines that have a lower frequency of response activity, particularly during the night. It is a more cost-effective way of providing a 24/7, immediately available fire engine than the more traditional full-time shift system, as it only requires about half the number of firefighters to provide the same level of response.

To make it work, however, the system requires staff to volunteer to stay in accommodation attached to the station on close standby at night, after working during the day, but this extra commitment is compensated for with a salary enhancement for those firefighters and other improvements in terms of more flexible working to support their work/life balance.

A DCP crewed fire engine costs about £600k a year to run, providing a 24/7 immediate response, compared to £1.1m per fire engine per year for one crewed by the full-time shift system.

Using DCP has allowed the Service to maintain 24/7 immediate response capability for the first fire engine based

at Bromsgrove station and the second fire engines based at Worcester and Hereford stations.

However, a recent High Court ruling, brought about by the Fire Brigades Union (FBU), found a similar duty system operating elsewhere in the country to be unlawful – but this was specifically because of the absence of a local collective agreement with the relevant trade unions. In contrast, if such an agreement had been in place, it would have meant the system would have been lawful, as it would not have breached certain aspects of the Working Time Regulations.

To remedy this locally, the Service has made concerted efforts over a number of months to try and reach agreement with all of the relevant trade unions. Unfortunately, the FBU has made it clear that it is not willing to enter into such an agreement.

Therefore, in order to avoid a legal challenge, the Service has no option other than to cease operation of the duty system for the three DCP fire engines, and replace it with an alternative system(s) that is legally compliant, affordable and proportionate to manage the local community risks.

The alternative options are presented in this consultation document, which also explains the background to the current position.



Nathan Travis
Chief Fire Officer/
Chief Executive



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BACKGROUND





Background

Hereford & Worcester Fire and Rescue Service ('the Service') provides prevention, protection and response services across the two counties of Herefordshire and Worcestershire. The Service currently has 27 fire stations and 41 fire engines strategically located throughout the two counties. The fire stations are staffed by a mix of full-time (known as 'Wholetime') and part-time (known as 'On-Call') firefighters who are able to respond to emergencies 24 hours a day, 365 days a year.

The Service receives nearly 10,000 emergency calls each year requesting assistance at a wide variety of incidents, including property and countryside fires, road traffic collisions, collapsed structures, water rescues, hazardous materials and animal rescues. Of these, the Service needs to attend between 6,500 and 7,000 incidents a year.

The table below shows the current disposition of all frontline fire engines across the two counties:

Fire stations with three fire engines		Fire stations with two fire engines		Fire stations with one fire engine			
Hereford	  	Bromsgrove	 	Bewdley		Leintwardine	
Redditch	  	Bromyard	 	Broadway		Pebworth	
Worcester	  	Droitwich Spa	  *	Eardisley		Pershore	
		Evesham	  *	Ewyas Harold		Peterchurch	
		Kidderminster	 	Fownhope		Stourport	
		Leominster	 	Kingsland		Tenbury Wells	
		Malvern	  *	Kington		Upton	
		Ross-on-Wye	 	Ledbury		Whitchurch	

Key:  = Wholetime Shift  = Day Duty/Day Crewing  = Day Crew Plus  = On-Call

* Droitwich Spa, Evesham and Malvern fire stations are 1 Day Crewed Fire engine and 1 On-Call Fire engine during the day and become 2 On-Call Fire engines at night.





Fire and emergency cover

Fire and rescue services regularly review everything they do to ensure their services remain appropriate to the needs of communities and are clearly focussed on reducing risk. The reviews include looking at the provision of fire and emergency cover. This refers to the provision of resources (fire engines, specialist vehicles and equipment and firefighting crews) so they are able to attend incidents that involve fire or other emergency situations promptly and safely.

The analysis of fire and emergency cover helps to determine where fire engines and specialist vehicles should be located for best effect within the available budget, the appropriate arrangements for tackling incidents on or over the border with neighbouring fire and rescue services, and how to make provision for managing resources in times of high demand, such as widespread flooding incidents.

The review includes looking at the speed of response, the types of resources sent to incidents and how fire engines and specialist vehicles are crewed. For example, in areas where most people live, such as the larger towns, the likelihood of incidents occurring tends to be higher, so we have immediately available crews providing 24/7 cover or we have crews working at the fire station during the day (Day Crewed), with On-Call crews responding at night. In more rural areas where risks are generally lower (and there are usually fewer incidents) most of our fire stations are mainly crewed solely by On-Call firefighters.

The Community Risk Management Plan 2014-2020

In 2014, Hereford & Worcester Fire Authority ('the FRA') approved the Community Risk Management Plan 2014-2020 ('the CRMP'). The CRMP sets out how the Service intends to make the counties safer with the funding and resources it expects to have available to it over the six-year period, as well as its plans to reduce the number of emergency incidents, and how it will work in communities to keep people safe.

The CRMP explains what the Service does to manage risk across the two counties, keep communities and firefighters safe, as well as ensuring effective and efficient services. It also follows national government guidance, which sets out what is expected of fire and rescue authorities in making their communities safer.

The CRMP included a Fire and Emergency Cover Review. The Review was carried out against a backdrop of financial pressures and funding uncertainties, with a potential need to find £2.7 million of savings, of which up to £1.7 million would be needed through the Review.

The focus of the Review was on activity and risk: where to place and how to crew fire engines in order to maximise the effectiveness and efficiency of response services, keeping within the funds and resources available.

Before the CRMP was approved, Hereford and Worcester fire stations each had three fire engines, two of which were crewed on the full-time Shift system and one by On-Call staff. However, the CRMP analysis identified that due to the very low operational activity levels at night in the two



cities, the second fire engines at both fire stations should be changed to the Day Duty system so that they would be immediately available during the day and crewed by On-Call staff at night.

In fact, the latest night-time incident analysis (covering the last four years) shows that, on average, the second fire engines at both Worcester and Hereford stations are only being mobilised to incidents twice a week.

The picture is slightly different for Bromsgrove, however, where the night-time incident analysis over the same period shows the first fire engine being mobilised to incidents between 5-7 incidents per week – although this is on par with the activity levels at existing our Day Crewed stations at Droitwich, Malvern and Evesham, which range between 3-4 incidents per week over the same night-time periods.

However, in 2014, following further discussion with staff and trade unions, the FRA agreed to implement the DCP system for the second fire engines at both Hereford and Worcester, as well as at Bromsgrove fire station. While this kept two extra fire engines immediately available 24/7, it was considered an overprovision in terms of fire and emergency cover.

As highlighted above, this overprovision is borne out by analysis of fire engine workload in the years since 2014, which shows extremely low operational activity levels for these two fire engines during the night-time period. Effectively this reduces the argument to maintain immediate availability of the two fire engines, especially when compared to operational activity levels of the Service's existing Day Crewed fire stations.

Implications of the High Court ruling against South Yorkshire FRA

In 2018, the FBU brought a successful High Court case against South Yorkshire Fire and Rescue Authority challenging the 'Close Proximity Crewing' (CPC) shift system, which had been in operation at four fire stations since 2012. The judge in the case ruled that CPC was unlawful in relation to the Working Time Regulations, as the system required firefighters to work longer hours without legally compliant daily break periods. However, the judge also acknowledged that the system could be made lawful through a local collective agreement with a recognised representative body (trade union).

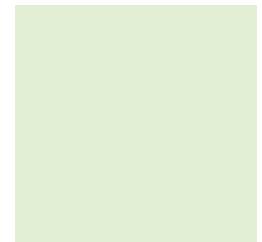
DCP is a similar duty system – and, as with CPC, this system is voluntary and requires firefighters to opt out of normal working hours as specified in the Working Time Regulations. To make it successful, DCP also uses self-rostering and measures to manage any potential firefighter fatigue, both of which help to ensure crewing levels are maintained, but at the same time, enabling an appropriate work/life balance.



Funding issues

It is important to understand the financial context in which the change of duty system needs to be made.

DCP is an affordable way of providing 24/7 immediate cover on three lower activity full-time fire engines at Bromsgrove, Hereford and Worcester fire stations. It currently costs around £600,000 per fire engine per year. For the additional stand-by commitment required, firefighters receive



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an additional 25 per cent pensionable pay enhancement (which is included within the overall cost).

In comparison, the traditional Shift system (the only other system to provide immediately available cover 24/7) costs circa £1.1 million per fire engine per year to run, as it requires almost twice as many firefighters to operate than DCP.

If the three DCP crewed fire engines were changed to the Shift system, around £1.5 million would need to be taken from elsewhere in the Service.

Putting this sum into context, £1.5 million per year funds the Service's entire Prevention and Protection function and associated teams. Reducing or removing this function to pay for the change in duty system would seriously increase the risk of fires and other emergencies happening across the two counties. In addition, both the FRA and Her Majesty's Inspectorate of Constabulary & Fire and Rescue Services (HMICFRS) have indicated that they would want to see more of the Service's resources invested into the Prevention and Protection function.

In addition, the Service's support functions and teams (such as finance, payroll, pensions, fleet, property, ICT and administration) cost less than £1.5m per year to run and, despite that, provide essential services to maintain the effective delivery of frontline operational services. These services are already very lean, so any reduction would have a detrimental impact on the level of support it currently gives to frontline teams.

Another consideration could be to remove a number of other fire engines that are staffed solely by On-Call firefighters in order to pay for the changes to DCP staffed fire engines. However, these On-Call fire engines provide essential emergency cover for the majority of the two counties at a very low cost (circa £50k - £100k per fire engine per year).

To put this into context, changing one DCP crewed fire engine to full-time Shift would cost circa £500k per year – the equivalent of running 5-10 On-Call fire engines over the same period.

And even though some of On-Call fire engines are required to respond to emergencies on an infrequent basis – because of the long travel distances between the rural communities where most of them are stationed and the wider resilience they provide to the Service when large scale or protracted incidents occur – their overall value to their local communities and the Service outweighs the reallocation of their funding elsewhere for this purpose.

Finally, using one-off reserves to fund the additional ongoing revenue requirements that would be needed would also be unsustainable. It would only be a temporary measure that would also eventually require the Service to make redundancies when the reserves run out (at an additional cost) – as it could no longer afford to pay for the extra full-time firefighters need to move from DCP to full-time Shift.

Therefore, with no additional revenue resources available, the change of duty system will need to be funded from the existing resources allocated to the DCP system.

Options

The proposals are designed to ensure the changes in emergency cover delivered by the three fire engines currently crewed under the DCP duty system should align to either the 2014 CRMP or the updated risk analysis referred to earlier in this document.

The final choice of the most appropriate changes will follow a proportionate public consultation period to ensure continuing confidence in future fire and emergency cover arrangements and to enable further consultation with staff.

Two Options

In examining the options available to replace the DCP duty system, two options have been identified for consideration. The table below shows the current DCP crewing arrangement. This is followed by both options along with a short assessment of pros and cons and an overall view.

Current Fire and Emergency Cover

Fire Station	Duty System	Description	
Bromsgrove	DCP	24hr per day	One fire engine immediately available
			One fire engine On-Call
Hereford, Worcester	Shift and DCP	24hr per day	Two fire engines immediately available (one 2-2-4 and one DCP)
			One fire engine On-Call



OPTION 1

Option 1: Day Duty System introduced on each Station

Fire Station	Duty System	Description	
Bromsgrove	Day Duty	Daytime	One fire engine immediately available (Day Duty) and one fire engine On-Call
		Nighttime	Two fire engines On-Call
Hereford, Worcester (for each station)	Shift and Day Duty	Daytime	Two fire engines immediately available (2-2-4 and Day Duty) and one fire engine On-Call
		Nighttime	One fire engine immediately available (2-2-4) and two fire engines On-Call

Option 1: Day Duty System introduced on each Station – Pros and Cons

Fire Station	Duty System	Pros	Cons
Bromsgrove	Day Duty	<ul style="list-style-type: none"> Potential for additional shift resilience (depending on system adopted) – more prevention, protection and training 	<ul style="list-style-type: none"> Change in cover arrangements More demand on On-Call (average additional 5-7 calls per week during evenings and night)
Hereford, Worcester	Shift and Day Duty	<ul style="list-style-type: none"> In line with the agreed CRMP 2014 Maintains two fire engines immediate cover resilience during the day at each station Potential for additional shift resilience (depending on system adopted) – more prevention, protection and training 	<ul style="list-style-type: none"> Reduction of 2 immediate fire engines at night
Overall view		<ul style="list-style-type: none"> Opportunity to release some resources to reallocate into Prevention and Protection activities Day Duty system will be compliant with National Conditions of Service and Working Time Regulations 	

OPTION 2

Option 2: Day Duty System and Shift System mix

Fire Station	Duty System	Description	
Bromsgrove	Shift	24hr per day	One fire engine immediately available (2-2-4) and one fire engine On-Call
Hereford, Worcester (for each station)	Shift and Day Duty	Daytime	Two fire engines immediately available (2-2-4 and Day Duty) and one fire engine On-Call
		Nighttime	One fire engine immediately available (2-2-4) and two fire engines On-Call

Option 2: Day Duty System and Shift System mix – Pros and Cons

Fire Station	Duty System	Pros	Cons
Bromsgrove	Shift	<ul style="list-style-type: none"> • Same cover as now by transferring resources from other DCP locations 	
Hereford, Worcester	Shift and Day Duty	<ul style="list-style-type: none"> • In line with the agreed CRMP 2014 • Maintains two fire engines immediate cover resilience during the day at each station • Potential for additional shift resilience (depending on system adopted) – more prevention, protection and training 	<ul style="list-style-type: none"> • Reduction of 2 immediate fire engines at night
Overall view		<ul style="list-style-type: none"> • Opportunity to release some resources to reallocate into Prevention and Protection activities • Day Duty system will be compliant with National Conditions of Service and Working Time Regulations 	

CONSULTATION

Consultation process

What happens next?

The consultation runs for six weeks, from 7 May to 14 June. The process will be facilitated by an independent organisation, which will analyse all responses and feedback. Their report will then be considered by the Fire Authority on 15 October 2019 to inform a decision on the most appropriate alternative duty system.

The independent report will be available on the Service website after the Fire Authority has considered it.

How can I take part?

You can find out more and tell us what you think by completing a questionnaire or by sending us comments or questions in several ways:

- Complete the questionnaire either online at www.opinionresearch.co.uk/hwfrs or request a paper copy
- Call us on: **0345 122 4454**
- Email us at: consultation@hwfire.org.uk
- Write to us at:
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Fire and Rescue Service
Headquarters
Hindlip Park
Worcester
WR3 8SP
- Visit our website: www.hwfire.org.uk
-  @HWFire
-  facebook.com/HWFire

Public Focus Groups

As part of the consultation process, the independent organisation will also randomly select and recruit participants from the general public to attend focus groups in Bromsgrove, Hereford and Worcester. Responses from each focus group will inform the overall findings in the consultation report.

To request a paper copy of the questionnaire or a copy in another language, large print, audio or Braille format, please contact 0345 122 4454

Confidentiality

All completed questionnaires will be processed by Opinion Research Services (ORS), a specialist social research organisation appointed to undertake this work. Your views are confidential and no one except ORS will see your questionnaire. **No individuals will be identified in the ORS report of findings, but organisations may be identified.**

Other written responses (emails, letters and other submissions) will be summarised by ORS and may be quoted in their report and on our website. Again, no individuals will be identified, but organisations may be identified.



Consultation

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