Justice Committee

Post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012

Written submission from the Fire Officers’ Association

In response to the Justice Committee’s above call for evidence, the following comment is offered by the Fire Officers’ Association in relation to key policy objectives.

General Comment

For many years prior to the combination of Scottish fire and rescue services, it was clear that having eight separate and largely autonomous service was inefficient leading to duplication of effort and inconsistency.

Misplaced competition between services may have been a contributory factor in the failure of meaningful collaboration between Scottish services which seemed to fail in so many areas.

In 2000 a centrally commissioned report recommended the creation of a single Scottish service but that recommendation was not acted upon. It, therefore, came as no surprise that the proposal re-emerged several years later.

Regardless of wider benefits, the removal of inter-service rivalries and duplicated management structures has been beneficial and improved efficiency in terms of moving towards a consistent approach across Scotland and delivering economies of scale.

It is very difficult to categorise our comments as ‘beneficial’ or ‘negative’ since we consider that the overall direction and intentions set out by SFRS is positive but progress towards long-term goals has been much slower than anticipated and could be regarded as negative. The following comments are made in relation to policy objectives from a balanced perspective that supports the Service’s overall direction whilst attempting to highlight some of the difficulties experienced along the way.

Delays in dealing with the harmonisation of conditions across Scotland have severely hampered the Service’s ability to review and adjust the disposition of operational resources. It is disappointing that, despite being deemed a priority, it took until 2018 to reach an agreed position. More positively, the Service is now in a position to move forward.

Question 3:
In your view, what have been the consequences of the 2012 Act for the fire and rescue service?
(a) **Policy objective: To improve local services**

We consider that the Scottish Fire and Rescue Service’s agenda for change will deliver improved service delivery outcomes for the people of Scotland but progress has been much slower than anticipated.

One particular element of proposed service delivery is likely to be extremely beneficial to Scottish communities and that is the provision of an Emergency Medical Response. Given that the incidence of fires and consequential fire deaths has decreased considerably over the last 20 years, it has been a great disappointment that the people of Scotland have not benefited from fire and rescue assistance with medical emergencies whereas, in some UK communities, considerable numbers of lives have been saved by firefighters assisting an over-stretched ambulance service.

Although, acts of terrorism in Scotland have been few, we have similar feelings about the lack of formal FRS involvement in arrangements for Marauding Terrorist Firearms Attacks (MTFA). The FOA, very much welcomes the SFRS intent to contractually incorporate such additional duties into the firefighter role map as part of the Service Transformation proposal.

Whilst benefits are still to be realised and the SFRS role formally extended, we are sure that significant benefits will be seen in due course; not least, the ability to use the wide distribution of SFRS fire crews across rural areas to saves lives using skills not traditionally associated with the fire and rescue service.

(b) **Policy objective: To create more equal access to specialist support and national capacity**

Progress towards delivering the benefit of distributing resources more evenly across the country has been much slower than expected. There can be little doubt that the removal of service boundaries has remove any barriers created by the need to seek permission before deploying resources across service boundaries.

We have some reservations about the ability of some middle managers to cope with the increasing workload following a reduction in the number of managerial posts. In terms of job sizing, the Middle Manager roles stands out as being very uneven since, in some parts of Scotland a middle manager may be responsible for overseeing 9 fire stations spread over a very wide area whilst others may have none whilst providing incident command cover over a relatively small area.

It is accepted that geography and risk profile varies around the country and that these factors will influence what is required in terms of any provision for supervision and incident command. It is also accepted that comparing workloads might not be straightforward, for example, when comparing the stress of driving long-distances against a higher number of calls.

A job evaluation and job sizing exercise for uniformed staff has not been carried out since the single service came into being or since reducing the middle manager establishment to 240 might need to be revisited. At the time of this reduction to 240 took place, SFRS recognised that, although the right number officers were available,
they were not necessarily in the right location - that was four years ago. It might, therefore, be timely to review the situation and relative job sizes at this time of embarking on a programme of Service Transformation.

(c) Policy Objective: Strengthening the connection between services and communities

We are fully supportive of the SFRS ambition to place the Service at the heart of communities by either using premises as a centre for community support or by extending the range of services provided to communities. We are particularly supportive of enhancing the profile of the Service in remote areas where most other public services find it difficult to parity of service with more populated areas.

We see retained (RDS) firefighters as playing an essential role in successfully achieving the above objective and we understand that consideration is being given to creating more opportunities for services to be provided by the community for the community. Where it has previously been claimed that it is difficult to recruit RDS or “on call” firefighters, creating opportunities for career progression to Station Manager (or even Group Manager level) could empower local communities and overcome difficulties experience in attracting and retaining whole-time firefighters to managerial posts in remote parts of Scotland.

The creation of some 60, 42-hour location specific posts for RDS is a good start, but we believe the service could go much further and create a transfer policy to move RDS staff to whole-time posts in areas like Inverness or Aberdeen, where the press recently reported staffing issues. It is fact that operational pumps were ‘off the run’ (unavailable) for long periods but it was not reported that trained RDS staff (Fully qualified Firefighters, Drivers, Incident commanders) were available locally to backfill posts.

Many Fire and rescue services throughout the UK have now created a pathway to allow part-time staff to move to full time posts. This could also help recruit retained staff as it would then be seem as a stepping stone to getting into a full time post.

If FRS staff members are deemed to be part of the community for the purposes of this policy objective then SFRS performance has been woeful!

As a trade union that was recognised for negotiating purposes after contesting the Service’s original proposal to only recognise the Fire Brigades Union (FBU), the Service failed to enter into dialogue, let alone formal negotiating for four years. It was only when commencing long overdue negotiations on the harmonisation of pay and conditions in June 2017 that our recognition become more meaningful and, even, then, separate negotiation meetings took place with the FBU.

Despite several attempts to remind SFRS of our status in relation to matters affecting middle managers’, on several occasions we found it necessary to complain when we discovered that an agreement with the FBU had been made. Even when offering to endorse agreements by signing a joint statement, the Service refused to allow this, stating that the FBU would not accept that.
It had been hoped that, the formation of a new Scottish Fire and Rescue Service with new management and new governance arrangements, presented an ideal opportunity to introduce a new, inclusive approach to industrial relations by creating new arrangements for collective bargaining. Sadly, SFRS did little to generate change.

We have seen such arrangements introduced elsewhere with strong management standing firm when one trade union refused to sit with other unions and, rather than appeasing that union by holding separate meetings, seats remained empty until it was realised that participation was necessary if they were to represent members and influence the Service’s decisions.

It is also notable that the FOA had no formal contact with Fire Board members until the 2017 commencement of discussions about Terms and Conditions. Similarly, having enjoyed regular engagement with Scottish Ministers and civil servants until 2012, this stopped after reorganisation. It is, however, worth stating that we did not press for such engagement as we considered it appropriate to allow SFRS an opportunity to organise its affairs before making comments to the Scottish Government or complaining to the Justice Committee when approached for comment/

It is worth noting that the FOA was more effectively engaged in relation to matters affecting support staff when we had very few members who would be affected. Nevertheless, no issues were raised by the Unison and Unite trade unions when dealing with difficult matters such as job evaluation.

**Question 4**

*Have the policy intentions of the 2012 Act in relation to the fire and rescue service been met?*

This question is answered as a summary of the above comment which, in our view, suggests that the Scottish Fire and Rescue Service is moving in the right direction but there is still a way to go.

It is considered that the proposed Service Transformation process, if delivered as intended, will achieve the 2012 Act policy objectives and the FOA is certainly keen to work with the Service and stakeholders to help with their achievement. We look forward to having the opportunity to contribute.

**Question 5**

*Are there any other issues you would like to raise in connection with the operation of the 2012 Act?*

Nothing, not already covered in the foregoing paragraphs stands out,

Whilst this is not a lengthy or particularly comprehensive response to the Justice Committee consultation, it is hoped that the comments made provide the Committee with an understanding of the FOA’s perspective.