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Convener, Justice Committee  
Justice Committee Clerks  
Room T2.60  
The Scottish Parliament  
Edinburgh  
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28 August 2020

Dear Convener,

Thank you for your letter of 5 August concerning Fire Brigades Union facility time at the Scottish Fire and Rescue Service (SFRS). Operational decisions on how best to provide and deploy vital front-line fire and rescue services in communities across Scotland during the circumstances of a worldwide pandemic are clearly a matter for the SFRS Board and Senior Leadership Team. Whilst it would not be appropriate for Scottish Ministers to intervene in operations decisions, I have discussed the matter of trade union facility time with the SFRS Chair and Chief Officer as part of my regular liaison meetings with them.

Covid-19 has the potential to significantly reduce the number of staff available to SFRS to keep our communities safe. In March there were fears that over 20% of the SFRS workforce could be impacted. SFRS therefore introduced a variety of business continuity measures to ensure the availability of the maximum number of front-line firefighters. One such measure which SFRS used was to recall officers to front-line duties. This included a number of officers who were on secondment or carrying out support duties and it also included a small number of FBU officials.

The current Fire Framework for Scotland sets out Ministerial expectations of SFRS and explains that SFRS should ensure that it takes a collaborative approach on matters of staff safety, health and well-being, and that participation and involvement of employees and their representatives is undertaken when identifying, resolving and improving policy and related practice.

SFRS have assured me that as an organisation they are committed to the health, safety and well-being of all SFRS staff and value the important work done by union officials as well as being fully committed to their Working Together Framework. However, at a time of potential national crisis the desire to accommodate FBU wishes has had to be balanced with community safety and the need to keep firefighting appliances on the run with suitably trained firefighters so that essential fire and rescue cover can be maintained.

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SFRS have informed me they pay for 8 Full Time Equivalent (FTE) officials from the FBU. 5 of these are full time national posts and the remaining 3 are part-time positions in regional posts. I understand from speaking to SFRS that the full time national posts have remained in place throughout the Covid-19 period. In addition, although the regional part-time officers have been recalled to front-line duties, they have been permitted to carry out union business whilst in fire stations.

The Joint Scottish Government, STUC and COSLA statement places an emphasis on fair work as we transition out of lockdown. We are committed to facilitating effective employee engagement and giving workers a clear voice in workplace decisions through meaningful consultation and communication. We believe workers should have effective channels, including through their trade unions, for maintaining constructive dialogue with their employers and having their voices heard.

The SFRS Deputy Chief Officer met with the FBU twice weekly at the height of the Covid-19 crisis and this was in addition to the regular meetings with the FBU by other members of the SFRS management team such as the Head of HR. I understand this to be in line with the SFRS Working Together Framework and the general principles of Fair Work.

I have also been informed that members of the SFRS Senior Leadership Team consulted with FBU officials before taking a decision to remove the facility time for the regional officers. I can appreciate that the FBU would have preferred to maintain its full complement of facilitated posts in place and it made this point to SFRS. I therefore understand that SFRS and FBU did not agree on this particular issue.

In these circumstances, it appears that a decision has been taken by SFRS that seeks to reach a balance between the concerns of the trade union and the needs of the employer to deliver a vital front-line service, with health, safety and wellbeing remaining the priority.

Given the circumstances where SFRS are maintaining five of the eight FTE FBU facility time posts and are allowing the remaining 3 posts to continue fulfilling union duties whilst at fire stations, I do not consider it necessary to intervene on this matter.

The number of SFRS staff absent with Covid-19 or self-isolating is currently around 1% of the workforce however the virus still poses a significant public health risk. I will continue to liaise regularly with SFRS and seek assurances they continue to take decisions to ensure that public safety is maintained whilst engaging constructively with its trade unions in the spirit of Fair Work principles.



**ASH DENHAM**

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