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A Firefighter is a Firefighter
is a Firefighter ?
- Is it time to re-think the retained?

David Johnson LLB(Hons), BSc., MA, MSc., MCMI
Chief Fire Officer. Essex County Fire and Rescue Service.

Introduction

Since I joined the fire service nearly twenty years ago I cannot remember a time when a subject has been as taboo as the difference between wholetime firefighters and their retained firefighter colleagues.

Indeed it has been such a taboo that to consider a difference at all has been viewed as wrong, unfair, disrespectful, unacceptable and downright unjust. It strikes me as odd therefore that some twenty years after joining the service the debate is still unresolved and if anything, over recent years and months has become less clear in the eyes of many.

I must start by setting out that I have nothing but admiration for the commitment and dedication of retained firefighters who provide an invaluable, irreplaceable and on occasions selfless role within their communities - for their communities.

The difficulty that I have is that, since attaining higher level roles within the Service, and as such getting closer to the position of accountability that is vicariously liable in the event of an organisations' failure to reasonably protect its employees, I have become increasingly uncomfortable.

My intention in raising this issue is not to cast a slight over the character and contribution of retained firefighters; I value their contribution no less than that of any other employee who aids in making our communities safer. Moreover my intention is to raise debate on a very important issue and one which I feel through unexpected means has now become one which must be resolved for good - for the sake of employers and employees.

Now I would never claim to be a lawyer, indeed I would no more do so in the esteemed company of Mr Scoggins than he would claim to be a fire officer in mine. But I do have a responsibility to ensure that we fulfil our duties under the law, in particular that legislation which directly relates to the organisations' and my obligations to provide adequate protection to our employees from harm that may be suffered in the course of their employment.

For a number of years, particularly since the 2003 dispute in the UK, the phrase 'A firefighter is a firefighter is a firefighter' has been routinely rolled off the tongue of both professional fire officers and civil servants in a way which to some has seemed more designed to convince and justify than to resolve any uncertainty. Indeed it has been used in a way that has made it almost politically incorrect to suggest anything different with those who dare challenge or seek debate on this issue being labelled with any type of 'ism' that can suitably be applied.

I would suggest that the opportunity is right and driven by necessity to ask the question 'Is it time to re-think the retained?'

Essex Today

It is unavoidable at events such as this, when presenting on an issue which is so close to the presenter's heart, not to refer necessarily to my own circumstances. Whilst the detail may not be of direct relevance to some present, the principles are and in taking the opportunity to paint a quick picture of my own environment I am sure that many of you will be able to draw similarities to your own.

Estimates predict the population of Essex to be around 1.65m, ranking it the 6th largest region in the country. The current profile of Essex represents a diverse range of community risk. To the East and South, the County is bordered by the longest coastline in the UK populated by bustling seaside resorts such as Clacton and Southend. To the West and North it borders the counties of Suffolk, Cambridgeshire, Hertfordshire and the metropolitan area of London.

Essex currently has in excess of 564K dwellings. The county's road networks include a number of major arterial routes such as the M25, M11, the busiest A road in the UK, the A12, the A13 and A127. In total, there are nearly 8000 km of roadway.

The infrastructure supporting the county's transport networks incorporates a number of major rail links, including a section of the new Channel tunnel rail link. The high number of daily rail passenger movements in the county is illustrated by passenger figures for the two largest rail networks, which now exceed 73 million passengers annually.

A major focus for development is Stansted Airport, the third busiest passenger airport in the country and the fastest growing airport in Europe. The airport serves 38 airlines flying to over 145 destinations. The current passenger numbers for the airport are in the region of 22.5 million per year with a licence to rise to 35 million pa

Essex supports a complex range of industries. The North of the county is predominantly rural with a large agricultural community. This provides a contrast to the industrial South of the county, which supports a large oil refinery at Corringham and the retail shopping centre at Lakeside, Thurrock.

The county's coastline supports the busy shipping terminals of Tilbury and Harwich. Over 400 million tonnes of shipping movements each year pass through Harwich alone, as well as 1.5 million passenger movements.

There are currently 30 COMAH sites within the county.

As I am sure you will recognise such a diverse range of risk requires a significant degree of pre-planning, high levels of training, detailed technical competences and hours of operational risk information gathering and operational training.

All of this has to be provided by a total of 52 fire stations 18 of which are Whole-time and more importantly 34 of which are retained. We have 965 wholtime firefighters and 539 retained responding to over 28,000 incidents a year.

This is the Essex of today served by a well equipped and highly responsive fire service, efficiently and effectively meeting the needs of its community, in many instances being delivered by retained fire fighters on limited training each week. Is this adequate – well if you think so let me move forward in time a little.

Essex of Tomorrow

This range of risk will be familiar to many of you and in the fine city that we find ourselves today will be virtually identical, if not necessarily in size and volume than certainly in nature.

But what of the Essex or Dublin of tomorrow? What of climate change? What of Economic growth? What of the global terrorist threat?

Well I can tell you about our tomorrow?

Essex is a county under construction. Around 630 hectares or 1000 football pitches worth of land are developed in Essex every year. The pace of development in Essex is already twice as fast as in neighbouring areas and over the next 25 years, our total population is predicted to increase by 13%.

Out of the four major national growth areas selected by the Government two will have a direct bearing on Essex – the Thames Gateway and the London to Peterborough M11 corridor. It is envisaged that these areas, along with others will increase housing stock in the county by over 125,000 new homes.

The county will have to absorb some 200,000 additional residents, twice the population of one of our largest towns. Some districts are forecast to become as densely populated as Manchester is today and it is estimated that this housing development will generate an additional 500,000 transport movements a day within the county.

The expansion of the rail network, after the development of the channel tunnel, has resulted in Channel Tunnel Rail Link high speed trains passing under and over parts of Purfleet and Thurrock.

Cross Rail, is a £16bn rail scheme which will link Maidenhead, to the west of London, with Shenfield in Essex, passing directly under the City of London. It is expected to be complete by 2017 and is set to carry 200m passengers a year. Twenty trains an hour, travelling at 100mph, will carry 160,000 passengers during the morning peak periods.

Beyond road and rail, Essex will be a major gateway to sea and sky.

The Government looks set to endorse plans to build a second Stansted runway which would triple its current capacity to 70 mppa by 2030. The in itself will see an additional 195,000 car, and 40,000 train journeys daily.

Developments at Bathside Bay in Harwich and Shell Haven on the Thames Gateway are set to establish Essex as one of the most significant deep-sea container terminals in the world.

A new deep sea container terminal at Bathside Bay will make Harwich international Port the second largest container port in the UK, almost doubling the total quay length to 3000 metres, enabling up to four deep-sea container vessels to be handled simultaneously.

A recent announcement by Dubai World also sets out plans to build a major terminal in the Thames Gateway on the Shell Haven site. The 1,500 acre site will be the largest logistics park in the world and will include a 3000 m long quay providing berths for up to 10 massive container vessels

Moving to the climate, whilst accurate prediction is difficult, what is certain is that the climate is changing and this has, and will continue to have an impact on the country as a whole and therefore by virtue the fire and rescue service.

Summers will become hotter and drier; in fact nine of the ten warmest years on record have occurred since 1990, with five of these being since the millennium.

During summer months rainfall will reduce on average with more very hot days experienced. Winters will become milder and wetter with shorter, intense downpours of rain. In both the summer and winter more individual 'extreme' weather events can be expected. Sea levels will continue to rise with more extreme sea levels being experienced more frequently.

The report into the exceptionally hot summer of 1995 identified that

For a 1° C increase in summer temperatures...the number of outdoor fires [can increase] between 24,000 and 40,000.

As Essex is 70% rural¹, hotter drier summers are likely to lead to an increase in crop and grass fires.

The impact of substantial increases in rainfall, especially if it does not fall evenly, but instead falls very heavily in short periods are wide-ranging¹. There is an increased likelihood of severe localised flooding not confined solely to areas surrounding waterways but also urban areas where storm drain capacity may not be capable of sustained intense periods of rainfall.

If sea levels rise in line with expert predictions, Essex's coast line may face serious threat being some 6 to 10 times more likely to flood than any other coast line in the UK.

¹ Pastoral or agricultural

¹ Effects of climate change on Fire and Rescue Services in the UK; Communities and Local Government 2006

Terrorism

All this without mentioning terrorism. Not a new threat to the British Fire service, the UK experienced repeated domestic terrorist attacks as a result of the long-running troubles in Northern Ireland and between 1979 and 1999 there were more terrorist attacks in the UK than any other country in the world.

But terrorism has moved to a new level. A global threat that seeks death and destruction on a mass scale, which introduces new threats of chemical, biological and nuclear attack without warning and potentially multiple in their occurrence. We know the question is not if but when and we know that potential targets, some of them may be your sites, lie in and around Essex.

Oh and a decommissioning nuclear power station that is being considered for re-commissioning.

Now whilst I fully accept that I may find this image of Essex a tad more sexy than many of you, I am sure that many of you will also have that warm feeling inside when you think of your own services' or organisations development opportunities. But why is this all relevant?

Well, aside the massive economic, population and infrastructure growth I have set out, what will be the world's busiest single runway airport, the worlds second and third largest deep sea container ports, substantial stretches of major arterial routes, numerous recognised terrorist targets, significant industrialised areas, COMAH sites and the nuclear power station, are all to be protected or responded to by retained firefighters in the first instance.

Essex Fire Service of tomorrow

Of course, many of you will recognise this image of the future as developing within your own regions, services and organisations and on an equally grand scale.

Faced, as many of us are, with unprecedented levels of population and housing growth alongside rapid economic expansion, global climate change, global terrorism and globalisation, the fire service and sections of industry must decide how it will respond operationally to these future challenges. Moreover it must decide who responds and in what capacity?

Some 5 or 6 weeks ago an Employment Appeals Tribunal in the UK held that the work of the retained element of the service is sufficiently, broadly the same as that of their wholetime counterparts as to allow them part-time worker status under the Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000.

Moreover in doing so the EAT, which had the case referred back to it from the House of Lords on appeal stated that *'we find that there was indeed a substantial body of work which was exactly the same, namely the fire ground work and the whole process of call out attendance at the fire ground and all that kind of activity'*

Now the case in hand focussed on the retained firefighters rights to the same access to pensions and sickness benefits rights and in this the claimants were successful, other areas to be decided at a later date. Regulation 5 states that

(1) A part time worker has the right not to be treated by his employer less favourably than the employer treats a comparable full time worker –

Now in terms of the case that was brought, the implications for an employer that has both wholetime and retained employees is significant in the extreme from a financial perspective and in that regard I am more than comfortable that we should provide the same benefits to those who are in law part time as those who are in law full time, on that I am resolute.

For an employer that only has retained employees I am unsure of the position where the neighbouring service has wholetime who are treated more favourably, particularly where the employer is a local government organisation and where transferability of benefits between employers is acceptable, that I shall most certainly leave to those more qualified,

My interest however is not in the area that the EAT decided upon but moreover in the unforeseen consequences of that decision on me as the employer.

If the work of the two elements of the service is sufficiently, broadly similar to confer rights under the part time workers regulations, as set out in the Tribunal's decision, particularly in the operational arena, then are our personnel not subject to the same risks?

And I would go further and suggest that if they are operating in broadly similar roles operationally and thus exposed to the same risks operationally, what of the control measures that we employ as employers to mitigate that risk?

Now I am not sure of your own position, but how many hours training do you provide to your wholetime firefighters? If like us it is on average 8 hours a week. How much do you provide to your retained or part time firefighters? Again if like us it will be 2 hours a week.

Now this is the area where I have a significant concern.

If you suggest that 'a firefighter is a firefighter is a firefighter' then you accept that all firefighters may adequately and safely be asked to face the same risk and the expectation as an employer is that they will respond to that risk in a broadly similar fashion.

In truth however, retained firefighters are by their very nature retained because they operate in geographic areas that are predominantly low risk, have low levels of operational activity, with low incident frequency, that cannot support the case in most instances for a wholetime station. There are exceptions, my retained personnel cover a busy international airport, two container ports, major COMAH sites, a nuclear power station and more.

The question is on two hours training a week can the competences for offensive operations at sites such as this be supported when there is already a view, and one which I tend to support, that 2 hours training may not even allow maintenance of basic skills. And if wholetime personnel receive 8 hours training a week, either they are receiving 6 hours too much or the retained are receiving 6 hours too little.

As an employer this is a question that must be answered and answered quickly because if our retained are under-trained then they are not adequately prepared to deal with the risks with which they are presented, and if that is the case we as employers are not meeting our statutory duties to protect their health, safety and well-being.

Consequences

In addressing this issue, our own Integrated Risk Management Plan this year will raise the issue of the difference between wholetime and retained personnel. The difference not being how they see themselves, instead the difference being what we expect of them.

I do not believe we can expect our retained personnel to deal with any eventuality with which they are faced offensively, on two hours training a week.

In terms of command and control, as with all other skills, there are two key phases, acquisition and application. As I have said, retained stations are such because in general the overall incident rates are usually lower and therefore we have a combined scenario of reduced acquisition rates due to lower training time and reduced application rates due to reduced emergency calls.

I believe this is the fundamental difference and one that services and organisations that employ retained fire fighters must address. The key question of course is how to address it?

As ever there are a number of options, option 1 is;

- to do nothing

I really think this one is for the very brave or the very foolish!

Option 2 is;

- Increase our human and operational resources by opening more fire stations and further increasing wholetime firefighter numbers?
- Commit to training the entire workforce, retained and whole-time, in a wide range and increasing number of specialist rescue roles, all the time ensuring they maintain the required standards of competency?

In contrast to the unprecedented levels of population growth and rapid economic expansion within Essex, Essex fire service will not be undergoing dramatic increases in finances or other resources. What fire service or private organisation is?

The service, along with many others across the country faces increased financial pressure set against a demand to respond to a growing range of incidents, in short we find ourselves asked to do more, much more, with less - such as working at height, confined space, swift water rescue, flooding on unprecedented scales, delivering the Civil Contingencies Act, large animal rescue, bariatric support, CBRN, USAR and more.

Therefore from this position the second option, increasing firefighter numbers and training all in everything is not, I believe, a viable option.

This leaves a 3rd option;

- Do things differently with what we have

And it is this option which I believe dictates re-thinking the retained.

The Way Forward

I would suggest that the preferred approach is to fundamentally review the use of the retained service and introduce offensive fire fighting limitations based on skill, knowledge and experience.

As a base line, retained personnel in Essex will almost certainly only be allowed to respond offensively at domestic dwelling fires, road traffic collisions and other incidents where there is immediate risk to life and that life is believed saveable and incidents of a minor or small nature such as rubbish and grass fires, persons shut in a lift etc.

At all other incidents of a large or complex nature a defensive tactical mode should be adopted until competent command support arrives.

This could obviously have serious implications in itself, the first being that we manage to offend the vast majority of our retained workforce! Interestingly on routine visits to retained stations there is a view that the actions we propose are a move in the right direction. Whilst some have spoken passionately and occasionally aggressively that we are wrong, I believe that our obligation to do the right thing outweighs the desire to the easy thing and I have this knowing feeling that the 'easy thing' has been done for too long.

It also raises the possibility that should a significant or complex incident occur at a high risk site such as a petro-chemical plant or refinery, the delay in offensive tactics may in itself lead to a deterioration at the scene. This is a risk that must be balanced against committing potentially inadequately trained and inexperienced personnel into a high life risk environment.

The key of course is how to get incident command support and other skills to the scene of a complex incident quickly in order to address this risk. In Essex we are investigating the use of airborne support to deliver highly trained teams to a range of

incidents in retained areas, this will include dedicated command and control across a range of incident scenarios, swift water rescue, working at height, confined space and other areas where recent legislation has introduced an additional burden on the services safe systems of work, in the absence of an equitable increase in funding to meet the training demands.

I realise that such a move is not available to all, it's not cheap even if it does work in many countries around the world.

For colleagues in industry such an approach may well have an immediate impact on COMAH and emergency planning scenarios where significant emphasis is placed on local authority fire services, or where the local service is a key aspect of supporting an on-site response.

I also recognise that this is an unorthodox approach to a controversial issue.

However a colleague Chief Fire Officer said to me a year or so ago, "don't rock the retained boat; they're a service on the cheap!"

I think that is an attitude that has prevailed for too long and for the benefit of our retained fire fighters who do a fantastic job in their communities, it is time that we started treating this as a 21st century issue, not one rooted in the 1970's.

Thank you.