

Justice 2 Committee Official Report 14 September 2004

Scottish Parliament

Justice 2 Committee

Tuesday 14 September 2004

Fire (Scotland) Bill: Stage 1

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16:53

On resuming—

The Convener: Ladies and gentlemen, I welcome you back to the meeting and apologise for the longer-than-intended interval, which was for reasons outwith our control. I apologise to our three witnesses from the Retained Firefighters Union.

The schedule has been considerably dislocated. The meeting is quorate and I and my colleagues who are present are happy to continue, but what is the witnesses' position?

Derek Chadbon (Retained Firefighters Union): We are happy to continue.

The Convener: Fine.

Derek Chadbon: You have had a fire warning and I gather that you have also had a flood—we just hope that you do not get any pestilence.

The Convener: You speak for us all when you express those sentiments.

I formally welcome to the committee Mr Walter Stewart, Mr Derek Chadbon and Mr Jim Smith from the Retained Firefighters Union. As I have said to previous witnesses, we appreciate your appearing. We are just sorry that unexpected events have distracted us.

We have your submission. If you want to make a brief statement, by all means feel free to do so. You will have detected from the previous witness sessions how we operate. I know that there are areas of questioning that committee members wish to explore, but if you would like to make a brief statement that is fine.

Derek Chadbon: I will make a brief statement. We come to this gathering with a slightly different viewpoint from that of most of the other people from whom the committee will take evidence. My colleagues and I represent a bunch of people who have a foot in a number of different camps. They do not earn their primary living as members of the fire service, but work for the fire service makes up a significant part of their activities.

Walter Stewart was the officer in charge at Larkhall and retired two years ago. Just before he retired, he was awarded a Queen's fire service medal. He is well-respected and is a member of the Scottish Central Fire Brigades Advisory Council. Jim Smith was the station officer at Cumnock, a two-pump retained station. He is also here as an employer of retained personnel. The views of employers of retained personnel ought to receive some prominence.

The RFU is the second-largest trade union in the fire service. As members probably know, we have a no-strike constitution. Two thirds of retained firefighters continued to work during the recent industrial disputes. We did so not because we disagreed with some of the aims of our whole-time colleagues, but principally because our members have a focus on their local communities and find it very difficult to withdraw their labour.

We welcome the bill. We believe that it offers an opportunity to provide an improved service to our local community, something that retained volunteers and auxiliaries have found difficult to do in the past. We have explained some of those issues in our submission and are happy to answer any questions that members have.

The Convener: Thank you. I know that there are a number of areas of interest to committee members. Maureen Macmillan comes from an area where members of the Retained Firefighters Union are very important.

Maureen Macmillan: I represent the Highlands and Islands, where the vast majority of firefighters are retained or volunteer, so I welcome your input. How will the bill improve the position of retained and volunteer firefighters?

Derek Chadbon: It will improve their position under the new institutions by giving them some means of inputting into policy and some advocacy, which in the past has been missing. The institutions that have existed for the past 50 years have tended to focus on the whole-time part of the service. The volunteer element—including retained firefighters, the paid volunteers—has been left out in many areas. Let us not forget that retained firefighters are also volunteers—the only difference is that they are paid. A number of people, including Sir George Bain, have picked up the fact that volunteer firefighters have been

second-class citizens in the fire service. They have been restricted in how they can support their local communities. We believe that under the new institutions proposed in the bill they could take on a wider, more flexible role, especially in the primary responsibility of community safety.

Maureen Macmillan: I am aware that in the area that I represent the retained and volunteer firefighters are often the first responders to fires in rural areas. Will the bill do anything to support that role?

Derek Chadbon: We hope that it will. As we understand it, the bill includes provisions for wider consultation within the new structures that will operate. We hope that, for the first time, retained and volunteer firefighters will have an opportunity to put forward their views. We welcome the opportunity for retained and volunteer firefighters to become more widely involved in protecting their communities and expect that to happen.

Maureen Macmillan: Would you like anything more to be specified in the bill? You mentioned the role of employers. Should the bill give more support to the employers of retained firefighters?

17:00

Derek Chadbon: We have considered that over the years and looked hard at it. One point of view is that it would be helpful to have a legislative basis for employers to release personnel to undertake volunteer fire service duties. The converse opinion is that that might inhibit employers from employing people who might be retained or volunteer firefighters. We believe that rather than placing a legislative responsibility on employers, they should be brought in as part of the process. Under the bill, where we will have new bodies advising ministers, employer groups ought to be part of the process, so that they are encouraged. The public sector should take a lead in that. I was a retained firefighter, and my employer gave me all sorts of grief when I was late coming to work or was in some way delayed—and my employer was a chief fire officer.

The Convener: Mr Smith, as an employer, do you have a view?

Jim Smith (Retained Firefighters Union): I have been in the fire service for nearly 30 years. I am self-employed, and employ two firefighters in my station and another two firefighters attached to other stations. My ambition is to retain retained firefighters and drive forward the standards of fire cover that we provide. An important part of that is communication with the employer. At the initial stages of employment of a retained firefighter the authorities have little contact with the employer, but contact should be encouraged, because it would help to retain the retained firefighters. A lot

of pressure is placed on employers when there are many fire calls. It would be appreciated if the authority contacted employers after such periods to acknowledge the release of employees to attend incidents.

The Convener: That is interesting.

Derek Chadbon: The public recognition of employers is important. At the moment it is sporadic. An employer can sponsor a local football team, which will wear football jerseys with "Acme Window Company" emblazoned across them, but there is nothing similar for the fire service. I am sure that if the firemasters were still here they would be mightily upset at such a prospect, but we see the opportunity to acknowledge outside fire stations the support of local employers. That could even be done on the side of fire tenders, and maybe even on some equipment. It needs to be recognised that there is a partnership between the community, the fire service and the volunteers, including paid volunteers. At the moment, the employers tend to get left out.

The Convener: As you know, we pursued with the other witnesses the issue of balance between local operational flexibility and potential ministerial intervention under the bill. What do you feel about that balance?

Derek Chadbon: There is a need to modernise the fire service, but left to its own devices we do not think that that will happen. There needs to be a balance between a legislative framework that provides new structures and reserved powers for ministers, which they can use if the fire service and the constituent parts of the service do not provide the modernisation that the fire service needs. The balance is about right—the bill takes a carrot-and-stick approach. We assume that the ministerial powers will not be used unless there is a real need for them and that, in many cases, they will be used as a last resort. The fact that the powers exist will be sufficient to push people in a direction in which they might not otherwise go of their own accord.

Colin Fox: As you will have heard, earlier this afternoon we explored the national framework. I realise that the details have yet to be produced, but what is your view of the approach of a national framework document?

Derek Chadbon: The national framework will be a good thing because it will allow the Government to lay down its priorities. The details of the framework should not be included in the bill otherwise it will not be a dynamic document. The framework will have to be updated periodically, although there must be proper consultation with all the stakeholders. One feature of the fire service for the past 50 years—and one of the reasons why we have got in the mess that we are in—has been

the lack of any central direction or Government announcements about how it would like the fire service to evolve. Again, a balance must be struck. A national framework with legislative backing, based on proper consultation, is the right way to drive the evolving situation, rather than have the details of the framework in primary legislation.

Colin Fox: Do you welcome the move towards risk assessment and more local flexibility?

Derek Chadbon: We welcome the process of risk assessment. The old standards of fire cover were too prescriptive and did not really meet needs because, in effect, they were based on protecting us from the Luftwaffe, which I hope is not a threat at present. The standards have led to all sorts of anomalies, which is why the risk assessment approach is the right way forward.

The Convener: I was struck by the FBU's evidence on the new dimension image. The FBU mentioned a need for more specific roles to be recognised in the bill, such as—from memory—retrieval from water and dealing with acts of terrorism, flooding and landslides. An incident in a silo was also mentioned. My colleague who asked questions on the issue made the fair point that we know that emergencies can happen and we want people to be as well prepared and trained as possible. How do you see the new dimension image, given what your members do? Do your members operate on the basis that they will try to deal with anything that comes up?

Derek Chadbon: That probably encapsulates our members' feeling. They feel that they are there to protect our communities from whatever comes along. In many parts of the United Kingdom that are away from the main centres of population, particularly in Scotland, any new dimension threat will be dealt with by retained and volunteer firefighters. Even in the major conurbations, it is likely that such firefighters will also be involved. We do not see a problem because we do not think that it is necessary to prescribe a firefighter's role in legislation. In fact, one could argue that we should not even be called firefighters anymore because firefighting is only 10 per cent of our work load. We have always dealt with anything that comes along and we believe that we can continue to do that under the bill.

Maureen Macmillan: I will explore one or two issues that are contentious in the Highlands and Islands, where there has been a perception that there are too many retained and voluntary units and there is going to have to be a rationalisation—driven partly by financial and partly by health and safety considerations—so not all the volunteer and retained units will have the necessary equipment or training to deal with fires or road accidents. That has caused a lot of ill feeling. People are waiting

for the transitional funding announcement to find out how many of the retained and voluntary firefighters can be kept on. The rest see themselves being demoted from firefighter to something else. What is your position on that?

Derek Chadbon: This is a difficult area and we understand the problems. As you say, the matter is financially driven, which brings in a big question about how the fire service is funded.

The effect of modernisation will be felt differently in different areas. We take the view that risk assessment should be the basis of whatever is done, but if that means that in some areas where there is a high dependence on retained firefighters and volunteers there is insufficient funding to provide for the risk that they deal with, we believe that the funding must come from somewhere else, not necessarily from that area. That funding may be something that can come from the Government or from savings in other areas. It is very difficult for us to pin down exactly where that funding should come from, but the same thing applies south of the border. Some of the smaller rural brigades that are predominantly retained are suffering the effect of the recent pay increase and the changes, but have very little scope for making efficiency savings. We think that there must be a reconciliation of finances to account for that sort of position.

Maureen Macmillan: Where the risk assessment says that a retained brigade ought to be kept, would your position be that that has to happen and that the funding has to come from somewhere?

Derek Chadbon: Yes.

Jackie Baillie: I will ask about negotiation arrangements—I have also asked others about this. I gather that the RFU's position is to support the abolition of the SCFBAC. Do you see the need for a replacement?

Derek Chadbon: We see the need for a replacement and we believe that this is an opportunity for whatever body comes out of this—which involves the stakeholders—to take more cognisance of the opportunities that exist for making better use of retained firefighters, volunteers and auxiliaries. I do not think that anyone could argue but that retained firefighters have been underused, second-class citizens in the past. Any advances for retained firefighters that have been made in recent years have come from European legislation, not because of the consultation and negotiation arrangements within the United Kingdom or Scotland. For example, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (SI 2000/1551) have at long last put retained firefighters on the same footing—not quite, but mainly—as their whole-time colleagues. If it were not for the fact that the

working time regulations five years ago brought in paid annual leave for all so-called part-time workers, retained firefighters would not have had paid annual leave, which they now get. Those omissions are all due to the lack of advocacy within the current arrangements.

Jackie Baillie: Do you have a particular form in mind, or are you waiting for that to emerge following consultation?

Derek Chadbon: There are two issues. One is consultation and the other is negotiation. We feel that good industrial relations have been lacking in the fire service in the past two or three years. The evidence shows that the industrial relations environment does not work: it is adversarial and combative and is not designed to settle disputes.

We are in an appalling situation of a lack of trust and understanding. The recent dispute has been settled, but we do not believe that that is the end of the matter. We argue for a complete overhaul of industrial relations in the British fire service. That is long overdue. Just changing the name of a committee and shuffling a few chairs around will not provide the industrial relations environment that we need to develop modernisation of the fire service. That environment will be difficult to achieve voluntarily, so we feel that that unfinished business ought to be picked up by a quick means of establishing what the industrial relations environment in the fire service should be.

17:15

Jackie Baillie: Would a statutory duty on ministers preclude such an approach?

Derek Chadbon: That depends on whether reserved powers are involved or whether ministers will implement something immediately. The minds of all stakeholders will be concentrated by the fact that they know that if they do not get their act together voluntarily, ministers may well intervene and impose measures.

Karen Whitefield: We have asked previous witnesses about the prohibition on serving police officers becoming volunteer or retained firefighters. Your submission to the committee says that section 47 of the bill is unnecessary and that you would like it to be removed. Why do you take a different view from the other witnesses from whom we have heard?

Derek Chadbon: There are two aspects to that. One is the number of serving police officers who have asked us over the years why they cannot be retained, volunteer or auxiliary firefighters. We explain that that is because of the 1947 act. We ask them whether they think that they could perform the role and they say yes. The second aspect is that that is especially true of remoter

areas, where a small pool of people can undertake lifeboat, coastguard, retained firefighter and auxiliary ambulance duties. In many of those areas, the pivotal person is often available at the police station. I guess that such people probably do more than their contracted hours in the police, but they have other time available in which they could easily participate in other duties. We and the people whom we have talked to in the police force who want to undertake the role see no clash of responsibility or any reason for the prohibition by statute.

Karen Whitefield: It is obvious that you see no conflict of interest, but the FBU's evidence to us today was that it saw a conflict. What is your understanding of the FBU's view? Why would it think that there was an impediment to prevent a serving police officer from being a retained firefighter, unlike the many people around the country who are retained firefighters and do not work for the police service?

Derek Chadbon: I am not sure whether I have ever heard what the FBU believes the conflict of interest is. For us, there is no conflict. The FBU has said that a conflict of interest exists, but I am not aware that it has articulated what the conflict is. The public would recognise a clear dividing line—they might recognise somebody as a member of the police force, but that man or woman would be wearing the fire service uniform and would fall under the bill's provisions. A clear duty and responsibility to comply with fire service legislation would exist. We see no conflict at all. We fail to understand where there would be a problem.

Jim Smith: Among the recent proposals for modernisation of the fire brigade is one to allow whole-time firefighters also to have a retained or auxiliary fire service role. I see no difference, in a controlled environment, between that and a police officer performing the role of an auxiliary or retained firefighter.

Maureen Macmillan: It occurs to me that quite a lot of policemen in our area are also members of the mountain rescue team. Although members of mountain rescue are not subject to regulations like retained firefighters are, there is a parallel.

Derek Chadbon: We agree entirely. In the end, people cannot be forced, but fortunately there are people out there who have a strong community spirit and who want to serve their community in whatever capacity they can. We feel that it is unnecessary to preclude certain people, such as the police, from doing that. As you said, the police can do mountain rescue work and I believe that some police officers get involved in lifeboat and auxiliary coastguard work. It seems sensible that they should be able to serve their communities in a fire and rescue capacity, too.

Jim Smith: I have a point of clarification: police officers would not be expected to provide fire cover while they were on duty as policemen.

Karen Whitefield: Will you explain how the retained service operates? Is there a restriction on how close you must work to the fire station at which you are retained? That information would help committee members to understand the situation. Perhaps it is the reason why the FBU and others are saying that police officers could not do the job, because if they are patrolling their beat or are on police duties they could not just drop everything to respond to a fire.

Jim Smith: Thank you for raising that point. I had made a note that there is a distinct lack of awareness in the community. Although those of us in this room today understand how the fire service operates in the UK, there is a distinct lack of awareness in the public domain of how it operates. The retained fire service in my area—as, in the main, throughout the UK—operates on the basis that all personnel have a full-time job of some description, or perhaps more than one. They each carry a modern pager.

When a fire call is received at the command and control centre, the station is alerted. All the personnel in that station respond to the station to discover what the fire call is. Usually, the first five respondents to the station will ride the appliance to attend the fire. There is always a good safety margin. In a one-pump station, as a rule of thumb, there are 10 personnel. In a two-pump station, such as mine, there are 20 personnel. That is not standard throughout the UK. The complement can be increased to 12 and 24, sometimes more, depending on availability. All personnel are paged and they provide 24/7 cover. There is a safety factor, because there are 50 per cent more people.

Usually the station manager—in my case, that is me—controls local arrangements that determine who is allowed time off and when they are allowed time off. How much time off is allowed and how it is controlled is determined by how busy the station is. As was mentioned earlier, awkward situations arise with dormitory towns—on islands, for example—where there is no work during the day. It can be difficult to provide cover for one-pump stations and, to a lesser extent, for two-pump stations.

In very rural areas, such as that represented by Maureen Macmillan, volunteer and retained firefighters come from all walks of life. The amount of information and skill that is contained in a retained station is high, because it usually includes an electrician, a plumber and a motor mechanic. All those different skills are provided free of charge, because the firefighters have already been trained in the private sector. Why should the

same opportunity not be extended to ambulancemen and policemen?

Walter Stewart (Retained Firefighters Union): Karen Whitefield asked a precise question. In Strathclyde, retained firefighters used to be required to work within a mile of the station. In Abington, which is a small village on the way up to Moffat, the time was extended and people from villages further away, such as Crawfordjohn, were employed, purely because of the lack of response in the Abington area. There was a mean distance of a mile within station areas, because fire pumps generally leave within three or four minutes. If someone is staying more than a mile away, it is difficult for them to make it to the pumps before they leave. Some brigades have relaxed the limit and set it at 1.5 to 2 miles, because they could not get crew members who were able to respond within the previous timescale.

Firefighters were employed in two ways. They were either employed 24/7, as Jim Smith said, providing permanent cover and working in the village, or they were taken on board on a 75 per cent retainer, which meant that they worked outside the village for part of the day. Shift workers were bona fide members of the unit because of their shift patterns. They provided cover either during the day or at night, in order to get the balance right and to ensure that the pump was kept manned.

Karen Whitefield: A conflict may arise for serving police officers. There may be occasions when they are on duty and unable to respond. However, as long as the station is not staffed entirely by retained officers who are serving police officers, there should not be a problem. It should be possible to manage numbers to ensure that there are always sufficient firefighters to respond.

Derek Chadbon: It is no different from whole-time firefighters undertaking retained duties when they are off duty from full-time employment. The majority of full-time firefighters in larger towns and cities tend to live outside those towns, often in an area that is covered by a retained fire appliance. They come home, often at 9 o'clock in the morning, having done a shift in the city. Some of them undertake retained duties and they are ideal for that purpose, as they are trained firefighters. There were restrictions in the past, but we believe that those are being removed. Many prison officers are retained firefighters. They, too, work a shift system and are useful members of retained teams. However, one would not expect all 10 retained personnel at a fire station to be police officers, just as one would not expect them all to be postmen or prison officers.

The Convener: I heard a whisper from my right of "10 MSPs". However, we will spare the Retained Firefighters Union the prospect of that.

Derek Chadbon: We would really like to see that happen. We are willing to help anyone who wishes to serve as a retained firefighter.

Karen Whitefield: I would not stand a chance of getting into Shotts. They are too fast.

The Convener: It is an interesting prospect, and one with which we shall jockey in the future.

In your submission, you indicate that you are content with the proposals in the bill regarding fire safety. Having listened to some of the technical evidence from the FBU, do you have further comments or thoughts on that issue?

17:30

Derek Chadbon: No. We try to confine ourselves to the issues that we believe are relevant to retained, volunteer and auxiliary firefighters. This is a specialist area. Leaving aside technical issues, all I will say is that there is a great opportunity for retained and volunteer firefighters to undertake more community safety work than they do now. Some of them have been doing such work voluntarily for donkey's years, but fire brigades in Scotland have not picked up on that work as being part of those people's main duties.

A particular conflict of interest causes our members a great deal of concern, which is that, if they are paid volunteers, they are largely paid according to the number of fires that they go to. That is a perverse incentive for getting involved in community safety work. That is not to say that people do not get involved and that the money side prevents them from doing so. Many of them do community safety work regularly—people at Jim Smith's station have been doing it for many years. There is a great deal of opportunity for—and a great willingness among—those people to do a lot more. I do not know whether Jim Smith wants to explain what they do now.

Jim Smith: The retained stations' community fire safety work—the member from the Highlands and Islands will relate to this—mainly involves them in going to schools. The local school looks for the fire appliance to come along and it is great for the kids to get scooting the hose. That is a huge opportunity to get the fire safety message across and we take that opportunity. Our kids go to those schools and we go to them. We live in the community and we love to go along to the local school in our own time. It is easy to arrange that, because people in the station work different shifts. We take fire safety leaflets along with us and distribute them.

Two years ago, my station entered into a community fire safety smoke-alarm project in which we raised money voluntarily through car

washes in the station and provided a smoke alarm for all primary 1 and 2 children in our local school. We have continued to do that and to give the children personal smoke alarms for their bedrooms. That has worked well and it has got the local station well recognised. Three retained stations surround my station and they are my immediate support stations, so it is all very much retained personnel in the area. I know that they also get involved in community safety work. For example, they go to gala days regularly and to any sort of community event.

We invite people along to the fire station to show them around, show them the engine and get them involved. The work is very much community driven and we would like there to be more of it. We want to work with our colleagues in the full-time operation much more on that aspect. If the funds were available, we would like some remuneration for the work. However, that is something for long-term discussion.

The Convener: Thank you for that. Have members any other questions or have the witnesses any concluding points that they would like to make?

Derek Chadbon: No, but thank you for giving us the opportunity to talk to you. We have relished coming along to give you a bit more insight into this strange group of people who are essential for the fire service in Scotland. Given all the problems that we have, the big question that you should probably ask is, "Why the heck do they do it?" The simple answer is that they love doing it and they want to support their communities. They are a bunch of men and women who have great potential for further use in the future.

The Convener: On behalf of the committee, I thank you very much indeed. I am sorry that the afternoon has been longer than any of us anticipated. However, I think that we have all found your evidence extremely helpful. It has brought yet another insight to what we are considering. Thank you for attending this afternoon.

Derek Chadbon: Thank you very much.

Meeting closed at 17:34.