

Criminal Justice Committee

Pre-budget scrutiny 2025-26

Written submission by the Fire Brigades Union, August 2024

The Fire Brigades Union (FBU) is the democratic, professional voice of firefighters and other workers within fire and rescue services across Scotland and the UK. The union represents the vast majority of wholetime (full-time), retained (part-time / on-call), volunteer operational firefighters and operational control firefighters in the UK.

The FBU made previous submissions to the SFRS *Draft Strategic Plan 2019-22* and *Draft Strategic Plan 2022-25*; *SFRS - Fire and Rescue Framework: Consultation* in November 2021; the *SFRS: Consultation on Options for Responding to Automatic Fire Alarms* in October 2021; the *Scottish Finance and Public Administration Committee: Pre-Budget Scrutiny Consultation* in August 2022 and to the *Scottish Criminal Justice Committee: Pre-Budget Scrutiny Consultation* in September 2023.

Additionally, in October 2023 the FBU published our *Firestorm* report. A critical review of the first decade of the single Scottish Fire and Rescue Service (SFRS) that gives effective voice to Scotland's firefighters. The report is an essential contribution to the debate over what is needed for the SFRS to deliver a fit for the future, leading, emergency service that the people of Scotland expect and deserve.

This submission will revisit our response to the Scottish Criminal Justice Committee (SCJC) from September 2023 and consider potential positive and negative outcomes from the ongoing SFRS Strategic Service Review Programme. Our response to the SFRS *Shaping Our Future Service, Your Say* stakeholder consultation is appended and should be read in conjunction with this submission.

The headline figures from the 2024/25 Scottish Government budget, delivered an increase to SFRS resource budget of £13.5 million and capital budget increase of £10.3 million, taking SFRS budgets to £317.3 million and £43 million respectively. The stated £13.5 million uplift to the resource budget obscures that £4.4 million had already been allocated to SFRS as in year funding in 2023 to support SFRS in meeting their obligations under the National Joint Council pay settlement covering 2022/23. SFRS resource budget received a real term £9.1 million increase in the 2024/25 budget, the inclusion of the already allocated £4.4 million in year funding was to allow this money to be recorded against SFRS overall budget.

The 2024 resource and capital budget increases are welcomed, however, the FBU repeat our legitimate and long-standing concerns regarding the chronic underfunding of SFRS. The capital backlog now exceeds £800 million and in September 2023 SFRS decided to cut a further 166 wholetime equivalent posts and remove 10 wholetime fire appliances from across communities in Scotland to deliver a balanced budget. These appliance removals were labelled as temporary however no clear roadmap for returning the 166 firefighter posts or the 10 appliances to their previous locations has been published.

Additionally, SFRS began implementation of the planned removal of 10 of the 26 high reach vehicles across Scotland. The FBU oppose this reduction in specialist resources and has concerns that cuts to high reach firefighting and rescue capability increase the risks faced by firefighters and communities. These risks were evidenced shortly after the initial reductions were implemented at fires in Kirkcaldy at the former Kitty's nightclub, the large fire in the derelict Station Hotel in Ayr and the fire in Breadalbane Street in Edinburgh where further concerns have been raised regarding flammable cladding remaining on the facade of the building.

Following more than a decade of pay restraint and erosion of firefighters' terms and conditions SFRS continue to experience significant recruitment and retention issues across the Retained Duty System (RDS) and, increasingly within their three operational control rooms. Improved pay, terms and conditions is an absolute requirement if SFRS are to be an employer of choice and begin to address the growing recruitment and retention issues they face.

Pay awards and improved terms and conditions must be supported by additional funding and not paid for by making deeper cuts to an already lean emergency service. Scotland's firefighters should not have to choose between providing a professional well trained and equipped emergency service to the people of Scotland or having fair pay and conditions.

2022/23 and 2024 pay settlements and NJC working groups

Collectively agreed improvements to the pay, terms and conditions of all UK firefighters are negotiated by the FBU within the UK National Joint Council for Fire and Rescue Services (NJC). This negotiating body comprises 14 representatives from the FBU and 14 representatives from UK fire and rescue employers, with the Chair of the SFRS board and the Scottish FBU Executive Council member being permanent lead members.

Firefighters have suffered more than a decade of pay restraint that has seen their pay reduced by around 12% when measured against inflation over the same period. As highlighted in the FBU September 2023 consultation response to the Criminal Justice Committee, firefighters agreed to settle their 2022 pay dispute with a two-year settlement that provided a 7% uplift for 2022 followed by a 5% uplift for 2023 alongside agreeing a number of working groups to review other contractual conditions.

In May 2024, firefighters agreed a pay settlement of 4% for 2024. Measured against inflation rates at the time, this is the first in year real terms pay increase firefighters have received since before the creation of the single Scottish Fire and Rescue Service. Alongside this pay uplift, implementation of a number of recommendations from the joint working groups, and a commitment to continue the constructive dialogue of these groups, established following the FBU 2022 pay claim, was also agreed. Both sides of the NJC recognise that much work is still required to address long term erosion of pay and conditions experienced over the last two decades. The 2024 settlement has resulted in some improvements to pay and maternity provision for all firefighters, and the banding and remuneration for retained

firefighters. All of which will support the SFRS in being a genuine fair work employer. These negotiated improvements are set out in more detail below.

RDS/On Call issues and NJC working group

Last year our written response to the SCJC highlighted the significant gaps within the RDS which provides the primary cover for around 80% of Scotland's land mass. The FBU Firestorm report detailed that SFRS face significant recruitment and retention issues within the RDS duty system with a vacancy rate of 30% and an annual turnover of 10% of RDS firefighters. This is a significant financial drain upon SFRS with a long-standing cycle of investment and loss as SFRS trains and equip new recruits only to see them leave the Service within their first few years. These well publicised recruitment and retention issues, coupled with availability issues due to RDS firefighters' external primary employment and personal and family responsibilities, result in Scotland regularly seeing up to 150, and at times as many as 200 of the 345 retained appliances unavailable for emergency response at any one time.

In response to Parliamentary and media scrutiny regarding firefighter numbers, SFRS and the Scottish Government have previously stated that a higher number of firefighters are being maintained in Scotland than in other parts of the UK. This response fails to take account of the geography or population density of Scotland and does not state whether this assertion is based on the nominal 'on paper figure' or physical head count, or whether this is based on full time equivalent roles, or a combination of wholetime and RDS firefighters who provide varied hours of availability with a contractual maximum of 120hrs per week. Or indeed if this assertion includes a double count of firefighters who hold a dual contract with SFRS where they are employed as wholetime firefighters in their primary employment and RDS firefighters in their local community on a secondary contract. Ultimately, the response is a flawed analysis of the situation on the ground and fails to recognise many specific geographical, socioeconomic and infrastructure challenges faced across many parts of Scotland.

It is important to stress that there is no criticism of any of the dedicated RDS firefighters who give up significant amounts of time and sacrifice many important family and social events to ensure that their communities are protected with fire and emergency rescue cover. In large part they are working a duty system that no longer fits the society we live in, and the issues faced by SFRS in relation to recruitment and retention within the RDS are mirrored across much of the UK fire and rescue service. The FBU reserves any criticism to fire and rescue services and politicians for historically failing to recognise societal shifts and respond accordingly.

One of the joint working groups established as part of the 2022 pay settlement committed to review the remuneration package for RDS firefighters. The outcomes from this work were encompassed in the 2024 NJC pay settlement and will introduce new bandwidths for hours of availability given and increased retaining fees across these bandwidths.

It is anticipated that this NJC agreement will facilitate SFRS and the FBU to finally be able to reach agreement to standardise RDS employee terms and conditions. The

standardisation of terms and conditions and the improvements to retaining fees will likely have a positive impact on recruitment and retention. However, they are unlikely to fully resolve the recruitment and retention crisis within the RDS and will undoubtedly increase financial pressure on SFRS, as increased numbers of employees on RDS contracts will increase the SFRS wage budget but also increase less obvious costs such as training, PPE, national insurance and pension payments.

Improved maternity provision

The FBU *Fight for 52* campaign calls on fire and rescue employers to provide 12 months full pay maternity leave in the fire and rescue service. In response, the NJC has agreed an increase to maternity provision for all Grey Book employees to provide 26 weeks full pay for new mothers. This is an improvement for members in Scotland but remains short of what the FBU demands given the significant concerns for new mothers to pass carcinogenic contaminants onto their children following their exposure at operational incidents.

Improved maternity rights are not just the responsible thing to do, they are essential in addressing the gender balance and cultural issues faced by SFRS.

This increase to maternity provision will have a minimal but corresponding impact on SFRS budgets but will assist SFRS in their work to address the significant gender imbalance within operational roles. SFRS workforce data from October 2023 shows that women employees make up just 14.3% of the entire workforce, this is an increase of just 0.9% in the 10 years from 2013-4. Whilst some staff groups show improvement in gender balance, wholtime operational has increased women employees by 2.5% over the 10-year recording period. It should be noted that these increased percentages are against an overall reduction in SFRS headcount within all staff groups so may not represent an actual increase in women joining SFRS. Even discounting this observation, the improvements are minimal and demonstrate that for women, SFRS is not seen as an attractive or viable employer.

Pay Progression and CPD

Work continues via the NJC to consider improved mechanisms for pay progression. Both sides recognise that the current flat pay structure and continuing professional development system are problematic and have committed to continue work to improve both elements. Unlike other industries such as the NHS where there are multiple pay points within salary bands, fire and rescue services operate a flat pay structure meaning a competent firefighter has no option for salary progression other than to seek promotion. Counterintuitively, the current CPD model acts as a disincentive, to some, from seeking promotion. It is likely that improvements to salary structure and CPD will impact FRS budgets and SFRS will not be immune to this.

Developing the role of firefighters

Perhaps most significantly in relation to this year's SCJC pre-budget scrutiny is the question of developing work on new roles for firefighters. Both sides of the NJC maintain a commitment to develop this work and to do so by agreement, not imposition. As stated in last year's submission, the employer's side of the NJC has

recognised that any new roles will require investment and appropriate employee reward.

In response to the shared belief between the SFRS and the FBU, and the direct asks contained within the Scottish Government 2022 Fire and Rescue Framework, a business case between the FBU and SFRS to develop the role of Scottish firefighters, was delivered to the Scottish Government in October 2022, this was predicated on funding from the Scottish Government. However, despite the clear socioeconomic benefits this work could deliver for communities across Scotland no funding has been delivered to support its implementation. This is a significant area of concern and the lack of political direction and leadership on this issue creates substantial risk as SFRS undertake their Strategic Service Review Programme (SSRP).

Failure to adopt and fund reform in this year's budget will mark three years of missed opportunity and would signal to Scotland's firefighters a clear lack of intent in doing so in the future.

Part of the scope for SSRP may identify a number of stations for closure and result in further fire appliances removed due to an assessment of perceived low activity levels, long term unavailability of fire crews, and changes to risk within communities. This assessment will be based on the current roles and current activity levels of firefighters. The FBU argue that agreement and funding for a developed role for Scottish firefighters should be implemented first to allow an accurate assessment of the impact of new and developed roles prior to considerations on closing stations or removing fire appliances.

As set out in our 2023 submission, it remains the case that historical assurances that the creation of a single Scottish Fire and Rescue Service would protect frontline services have not been met. Since 2012/13 and the creation of Scotland's single fire and rescue service, there has now been a combined reduction to SFRS uniformed operational headcount of more than 1,200 firefighter posts across all duty systems. These cuts have been accompanied by reductions to station establishment levels, control room closures and diminishing crewing levels.

While headcount has reduced by 1,200 in the last decade, at the same time data released by SFRS in their September 2023 Operational Changes information pack detailed that SFRS were relying on overtime from remaining staff, costing an average of £12,000 per day.

Across Scotland, the situation continues that fire appliances are routinely unavailable, routinely crewed below agreed safe crewing levels, and control rooms continue to regularly operate with unsafe critical staffing levels.

Corresponding with the managed reduction of operation firefighters' response times to emergency incidents have steadily increased. Data shows that between 2015/16 and 2020/21 response times increased by a full minute.

The temporary removal of 10 wholetime appliances and corresponding reduction to SFRS head count implemented on 4 September 2023, were assessed by SFRS as

the least bad option to balance their budget. In each scenario SFRS own data demonstrated further increases to response times, and by default increased risk to the public and firefighters.

Data obtained from the Scottish Parliament Information Centre (SPICe) in 2023 confirmed that SFRS has seen funding levels cut by around £57 million in real terms since 2013.

Underfunding remains the key issue for SFRS

As was highlighted in our 2023 submission to the Criminal Justice Committee, long term underfunding of the Scottish Fire and Rescue Service remains the key issue preventing SFRS from progressing work on firefighters' exposure to fire contaminants, providing dignified facilities and developing the role of Scottish firefighters. The increase to both resource and capital budgets for SFRS in the 2024/5 Scottish Government budget allowed SFRS to avoid making further cuts this year but was inadequate to allow SFRS to implement the required programme of large-scale and long overdue replacement and upgrading of Scotland's fire stations. Firefighters continue to attend workplaces that the SFRS and the FBU agree are unfit for purpose, do not allow dignified facilities for all staff and continue to exacerbate the proven risks from toxic contaminants firefighters are exposed to through the course of their work.

Proposed reform

The FBU concerns regarding the continuation of single year budgets and long-term underfunding of SFRS by the Scottish Government were set out in detail in last year's submission to the committee. It is our view that the combined impact results in an inability for SFRS to make long term planning decisions in relation to capital budget projects whilst faced with the annual prospect of significant downward pressure on capital and resource budgets.

The October 2022 agreement in principle between SFRS and the FBU to develop the role of Scotland's firefighters has been reported to the SCJC previously. As outlined, a business case was provided to the Scottish Government setting out the proposals covered by this agreement at the time.

These areas include utilising and broadening the successful *Home Fire Safety Visit* model to assess a range of other risks and wellbeing considerations to provide advice and signposting to other agencies.

The proposal included an increased role for firefighters to respond to terrorist and mass casualty incidents. A number of terror related incidents, including the horrific attack at Manchester Arena in 2017 exposed a gap in operational understanding and responsibility for fire and rescue services in relation to such events. Unlike some other UK fire and rescue services, SFRS have been unable to progress implementing a Scotland wide programme of training and equipping firefighters to respond to such incidents. The current response model is reliant on a small cadre of ranked officers who are trained and equipped to operate in these environments when on duty being available to respond. This voluntary element has not been negotiated

or collectively agreed upon with the FBU and we have significant concerns regarding safety and contractual elements that impact our members, and concerns regarding equity of service provision across Scotland.

As we have seen over recent weeks the risk of large-scale public disorder where fire has been repeatedly used to attack communities is significant. Thankfully, mass casualty incidents have, at the time of writing, been avoided.

The FBU continue to raise our concerns that Scotland's firefighters remain largely unprepared to respond and assist in such circumstances and SFRS are relying on volunteers to respond to such events due to the failure of Scottish Government to fund the developed role.

The work to develop the role of Scotland's firefighters has stalled with the Scottish Government continuing to voice support for role development but not committing the required financial support to allow realisation. A continuation of this approach will create an intolerable risk to both the SFRS, its workforce and Scotland's communities.

Strategic Service Review Programme

Recognising the increasing risks resulting from the financial constraints SFRS face, ongoing recruitment and retention issues and issues with their ageing estate (all set out previously), SFRS have proposed further reform under their *Strategic Service Review Programme*.

The FBU have given a commitment to engage fully with this review and to do so in an open, honest and transparent manner. The FBU recognise that maintaining the status quo is not an option, through our *Firestorm* report we highlighted the crisis faced by our retained members and that many of the workplaces our members attend are no longer fit for purpose. We have also acknowledged that SFRS will be unable to spend its way out of the £800 million capital backlog it now faces and that many of the stations across Scotland were built to protect against risks that, due to deindustrialisation, have changed. The FBU have highlighted that departments including training are stretched too thinly resulting in the current levels of training across the service being inadequate and putting firefighters at risk.

The need for review is therefore fully supported by the FBU, we welcome the commitment from SFRS that this review is not a cuts agenda, but a means of using their thin financial resources to allow them to improve the workplaces our members work from, to improve emergency cover where gaps exist and to bolster training departments to allow stretched instructional staff to deliver increased and enhanced levels of training to our members, improving both firefighter and community safety. These potential positive outcomes from SSRP are accompanied by a number of significant risks if decisions are rushed, firefighter and community voices are ignored, or financial support is not provided.

SFRS, like all UK fire and rescue services, will have to take detailed consideration of the recommendations from the Grenfell Tower Inquiry, Phase 2 report, due to be published on 4 September 2024. The recommendations from this report will have to

be factored into the SFRS SSRP and may require plans currently being developed to be amended. It should be noted that in response to recommendations contained in the phase 1 report, London Fire Brigade introduced new high reach capabilities for tackling fires and rescues at height, as previously outlined, SFRS have implemented plans to reduce high reach capabilities from 26 specialist vehicles across Scotland down to 16.

The FBU response to the SFRS *Shaping Our Future Service, Your Say* stakeholder consultation is included and should be read as an integral part of this submission to the SCJC.

Meaningful change and ongoing, genuine reform cannot be achieved if SFRS do not receive long term and significant multiyear investment from Scottish Government. Proposals brought forward through SSRP cannot be used to disguise deeper cuts to SFRS and a developed role cannot be delivered from the already stretched SFRS budget. The potential for positive change coming from SSRP, which protects firefighter jobs and enhances their role, health and safety, and the service provided to the people of Scotland is significant. With it will come challenging discussions between the SFRS and the FBU and will require imaginative thinking if we are to protect SFRS from deeper cuts and deliver a genuine fit for the future fire and rescue service to the people of Scotland.

The FBU urge the Scottish Criminal Justice Committee to recognise the need for increased financial support and to make this case when they produce their pre-budget scrutiny report.