

## **Consultation Questions:**

**Q1. In which capacity are you responding to this consultation?**

- A firefighter
- A member of control room staff working in a fire and rescue service
- A manager working in a fire and rescue service
- Another member of staff working within a fire and rescue service
- A member of the public
- A fire and rescue authority
- A trade union
- Another fire organisation (please specify)
- A non-fire organisation (please specify)
- Another fire professional (please specify)
- Other (please specify)

**Q2. Do your comments relate to the fire and rescue services in:**

- England
- Wales
- Scotland
- All of the above

**Q3. How many employees does your business or organisation have? [If response is from an organisation (Q1 response options 6-9 and 'other')]**

- 1-10
- 11-50
- 51-250
- Over 250
- I don't know
- Not applicable

**Q4. Please give the name of the organisation you represent (if applicable):**

**Q5. We may wish to mention specific feedback from named organisations that are content to be included in the consultation response.**

**Would you be content for your organisation to be identified in the published Government response to this consultation?**

- Yes
- No
- Don't know

**Q6. About you [if responding as a member of workforce or public (Q1=1,2,3,4,5, 10 or 'other')]**

The following questions are optional.

These questions will help us monitor equality between different groups, including protected characteristics. The information you provide is kept anonymous and will not be used to identify any individual.

Equality monitoring helps make sure that everyone is treated fairly.

**Q7. How do you think of your gender?**

Female

Male

I think of myself in another way

Prefer not to say

**Q8. How old are you?**

Under 16

16 to 17

18 to 24

25 to 34

35 to 44

45 to 54

55 to 64

65 to 74

75 to 84

85 to 94

95 and over

Prefer not to say

**Q9. What is your ethnic group?**

Please choose one option that best describes your ethnic group or background

*White*

a. English/Welsh/Scottish/Northern Irish/British

b. Irish

c. Gypsy or Irish Traveller

d. Any other White background, please describe

*Mixed/Multiple ethnic groups*

e. White and Black Caribbean

f. White and Black African

g. White and Asian

h. Any other Mixed/Multiple ethnic background, please describe

*Asian/Asian British*

i. Indian

j. Pakistani

- k. Bangladeshi
- l. Chinese
- m. Any other Asian background, please describe  
*Black/ African/Caribbean/Black British*
- n. African
- o. Caribbean
- p. Any other Black/African/Caribbean background, please describe  
*Other ethnic group*
- q. Arab
- r. Other - please specify
- s. Prefer not to say

**Q10. Are your day-to-day activities limited because of a physical or mental health condition or illness that has lasted, or is expected to last, 12 months or more?**

- Yes
- No
- Prefer not to say

**Q11. The 'essential services' to which we intend to apply MSL can be simply understood as covering:**

- Firefighting
- Rescues, including actions to avoid further harm
- Dangerous substance clean-up
- Crewing of national resilience assets
- Services necessary to carry out the above, e.g. control room activities.

To what extent do you agree or disagree that the essential services outlined should be applied to any MSL?

RESPONSE OPTIONS: Strongly Agree; Tend to Agree; Neither Agree nor Disagree; Tend to Disagree; Strongly Disagree; Not sure/Don't know

**Q12. However, MSL (especially during prolonged action) may need to take into account requirements for some additional activities.**

For each activity below, please indicate the extent to which you agree or disagree that MSL should apply to during prolonged periods of strike action.

RESPONSE OPTIONS: Strongly Agree; Tend to Agree; Neither Agree nor Disagree; Tend to Disagree; Strongly Disagree; Not sure/Don't know

Responding to major incidents including marauding terrorist attack  
Fire protection activities such as enforcement actions  
Fire prevention activities

**Q13. If you have any further comments about the range of activities to be covered by MSL, please outline these in the space below.**

## **Minimum Service Level Options**

The options for a potential MSL will be expanded upon in more detail below. We will be looking at:

- a) Staffing percentage levels including
  - Staff must never go below a certain level of attendance, based on a percentage of business-as-usual levels or around appliance availability.
  - Staffing levels must be geared to respond to specific risks, including a minimum standard to respond to a major incident.
  - Staffing numbers must maintain cover on high-risk days/hours (which could be combined with another MSL option).
  -
- b) Risk based staffing with local flexibility
  - Local leaders input into what the MSL is for the local FRS, i.e. not a national level but based on local priorities and pressures.
  - Chief Fire Officers decide specifics, but a MSL is in place.

Note, we consider that it may be appropriate to use elements from different options in combination, for example to use a staff percentage approach (option 1) combined with maintaining a higher level of cover on certain days or periods (option 5).

## **Staffing levels**

**Option 1 – Staff who provide essential services listed above must never go below a certain level of attendance in line with business-as-usual levels**

This could be based on:

- i. A percentage based on how many people are required to cover essential services in a 'business as usual' situation; or
- ii. An appliance (fire engine) availability based MSL – i.e. set the number of fire appliances (or a percentage of normal appliance capacity) required to deliver essential services, which would then require a minimum level of firefighters to crew those as well as necessary control room staff.

In relation to option i above, the percentage, as a minimum, should be high enough to provide an adequate level of cover to deliver the [essential services](#) outlined in the earlier section. Currently, fire and rescue services will provide a level of continuity during periods of strike action based on estimates of non-striking resources available, which may include external support that has been brought in. The planning assumptions generally start from the point of ensuring capacity that is at least 25% of business-as-usual staffing.

However, moving forward, in urban areas a higher percentage of staff or appliances may be required to take account of the greater volume of buildings that present a higher risk to life and limb in the event of a significant fire, such as high-rise residential buildings. In rural areas the set level could potentially be lower than urban areas but may need to account for seasonal risks arising from weather related

events, such as wildfires and flooding. Setting the percentage at a higher level will also help reduce the need to cover the costs of bringing in external support, which also includes relevant training. The Government envisages that some degree of flexibility may be required with both option i. and ii. above and would also be interested to hear views on an appropriate percentage level and how it could be applied flexibly.

**Questions for Option 1** – Staff who provide essential services listed above must never go below a certain level of attendance in line with business-as-usual levels

**Please consider the information in the MSL Option 1 before formulating your responses to the following questions.**

**Q14. To what extent do you agree or disagree that Option 1 would be an adequate approach to setting a minimum service level to mitigate fire and rescue risks during times of strike action?**

RESPONSE SCALE: Strongly Agree; Tend to Agree; Neither Agree nor Disagree; Tend to Disagree; Strongly Disagree

**Q15. To what extent do you agree or disagree that the approach to setting an MSL described in Option 1 would be a proportionate requirement to cover essential services?**

RESPONSE SCALE: Strongly Agree; Tend to Agree; Neither Agree nor Disagree; Tend to Disagree; Strongly Disagree

**Q16. Which of the following percentage of staff do you feel would be appropriate as a MSL if Option 1 was used?**

Please select all percentages that you think would be appropriate.

RESPONSE OPTIONS: Less than 25% 25%, 30%, 35%, 45%, 50% more than 50%, Don't know

**Q17. Which of the following percentage of appliances do you feel would be appropriate as a MSL if Option 1 was used?**

Please select all percentages that you think would be appropriate.

RESPONSE OPTIONS: Less than 25% 25%, 30%, 35%, 45%, 50% more than 50%, Don't know

**Q18. Please use this space to outline any benefits you perceive may arise from implementing the minimum service level outlined in Option 1.**

**Q19. Please use this space to outline any drawbacks or difficulties that may arise from Option 1.**

We would value any alternative suggestions or improvements to this option to ensure the creation of a viable, adequate and proportionate minimum service level during strike action.

**Option 2 - Staffing levels must be geared to respond to specific risks, including a minimum standard to respond to a major incident.**

Under this option an MSL, or higher MSL, would be set for incidents that pose a serious threat to life risk, ranging from a significant or large incident all the way to a Major Incident. As to what is included in a 'major incident' one definition that could be

drawn on is through [JESIP](#) which defines this as ‘an event or situation with a range of serious consequences which requires special arrangements to be implemented by one or more emergency responder agency’ (see also Annex C). An alternative reference point is the [major incident agreements](#) between the National Employer and the Fire Brigades Union published on 23 December 2022).

Under this option, employers would be able to issue work notices to staff stating that they will be required to work in certain circumstances, e.g. where there is a significant risk arising from wildfires or an ongoing serious fire that is taking a prolonged period to extinguish.

Where a major incident occurs, the MSL could be set to cover up to 100% of business-as-usual staffing (depending on the severity and likelihood of that Major Incident). Local degradation and community risk management plans could assist with indicating what resource is necessary based on the local staffing picture in the FRS. Note that responses to major incident can include additional resource from bordering fire and rescue services.

It should also be noted that, with option 1, an MSL based on employees or appliances also offers the ability to provide a level of cover that would ensure there is cover for both essential services and major incidents. Option 1 could also be used in conjunction with option 2.

**Questions for Option 2** - Staffing levels must be geared to respond to specific risks, including a minimum standard to respond to a Major Incident.

**Please consider the information in the MSL Option 2 before formulating your responses to the following questions.**

**Q20. To what extent do you agree or disagree that Option 2 would be an adequate approach to setting a minimum service level to mitigate fire and rescue risks during times of strike action?**

RESPONSE SCALE: Strongly Agree; Tend to Agree; Neither Agree nor Disagree; Tend to Disagree; Strongly Disagree

**Q21. To what extent do you agree or disagree that the approach to setting an MSL described in Option 2 would be a proportionate requirement to cover essential services?**

RESPONSE SCALE: Strongly Agree; Tend to Agree; Neither Agree nor Disagree; Tend to Disagree; Strongly Disagree

**Q22. Please use this space to outline any benefits you perceive may arise from implementing the minimum service level outlined in Option 2.**

**Q23. Please use this space to outline any drawbacks or difficulties that may arise from Option 2.**

We would value any alternative suggestions or improvements to this option to ensure the creation of a viable, adequate and proportionate minimum service level during strike action.

## **Risk based staffing with local flexibility**

### **Option 3 – Local leaders and organisational input into what the MSL is for the FRS in collaboration with Home Office/ Secretary of State, i.e. not a national level but based on local priorities and pressures**

This would include a more detailed process where Chief Fire Officers and the organisation would be asked to input and provide evidence to determine what a local level informed MSL should look like. This evidence will be considered by the Home Office and consulted on and decisions on the local MSL will be taken by the Secretary of State and set out in regulations.

This may have some attractions in that it allows for local flexibilities, which would promote the different needs of urban and rural FRSs. It could, for example, mean that a metropolitan area would be able to provide a higher staffing level to respond quickly to any fire where dangerous cladding/high-rise building risks are a concern. For rural areas it would allow more seasonal cover for wildfires.

However, as the power to set MSL will rest with the Secretary of State, this is likely to cause operational and administrative issues in respect of how this would work in practice. It is worth noting that there are 44 FRS in England alone and compiling this information at speed could be challenging and limit a fully incorporated approach to a safe and effective MSL option. A further concern is that it could lead to much greater variation between areas and there is an argument to say that local pressures and risks should already be factored into staffing levels.

For this to be viable the Government may need to set some parameters with further consultation on specific MSL, and the final approval having to be made by the Secretary of State through regulations.

**Questions for Option 3 – Local leaders and organisational input into what the MSL is for the FRS in collaboration with Home Office/ Secretary of State, i.e. not a national level but based on local priorities and pressures**

**Please consider the information in the MSL Option 3 before formulating your responses to the following questions.**

**Q24. To what extent do you agree or disagree that Option 3 would be an adequate approach to setting a minimum service level to mitigate fire and rescue risks during times of strike action?**

RESPONSE SCALE: Strongly Agree; Tend to Agree; Neither Agree nor Disagree; Tend to Disagree; Strongly Disagree

**Q25. To what extent do you agree or disagree that the approach to setting an MSL described in Option 3 would be a proportionate requirement to cover essential services?**

RESPONSE SCALE: Strongly Agree; Tend to Agree; Neither Agree nor Disagree; Tend to Disagree; Strongly Disagree

**Q26. Please use this space to outline any benefits you perceive may arise from implementing the minimum service level outlined in Option 3.**

**Q27. Please use this space to outline any drawbacks or difficulties that may arise from Option 3.**

We would value any alternative suggestions or improvements to this option to ensure the creation of a viable, adequate and proportionate minimum service level during strike action.

**Option 4 – MSL is in place and set by Secretary of State / Home Office and Chief Fire Officers and their organisation decide specifics for local area**

This could potentially be combined with elements from other options, such as a minimum percentage staffing level. It would mean there would be a national standard in place but with flexibility for individual areas to adapt to their needs, which could provide cover for specific risks.

For example:

- London could have a higher percentage level, above the national standard, set to cover the risks arising from a serious fire in a high-rise residential building.
- An urban FRS could be provided with flexibility, in addition to the national standard, to account for seasonal risks, such as severe flooding and wildfires.

**Questions for Option 4 – MSL is in place and set by Secretary of State / Home Office and Chief Fire Officers and their organisation decide specifics for local area**

**Please consider the information in the MSL Option 4 before formulating your responses to the following questions.**

**Q28. To what extent do you agree or disagree that Option 4 would be an adequate approach to setting a minimum service level to mitigate fire and rescue risks during times of strike action?**

RESPONSE SCALE: Strongly Agree; Tend to Agree; Neither Agree nor Disagree; Tend to Disagree; Strongly Disagree

**Q29. To what extent do you agree or disagree that the approach to setting an MSL described in Option 4 would be a proportionate requirement to cover essential services?**

RESPONSE SCALE: Strongly Agree; Tend to Agree; Neither Agree nor Disagree; Tend to Disagree; Strongly Disagree

**Q30. Please use this space to outline any benefits you perceive may arise from implementing the minimum service level outlined in Option 4.**

**Q31. Please use this space to outline any drawbacks or difficulties that may arise from Option 4.**

We would value any alternative suggestions or improvements to this option to ensure the creation of a viable, adequate and proportionate minimum service level during strike action.

### **Option 5 – Maintain cover on high-risk days/hours**

This option would see MSL set for peak demand periods for essential fire and rescue services when these fall during strike action. This would allow for some pre-planning where high levels of demand were anticipated in advance or to manage continuing high demand. Depending on the level of demand, it could enable work notices to be issued to ensure a full, business as usual, level of service for the essential services during such periods.

It is expected that this option would be used in conjunction with one of the other options to cover [essential services](#).

For example:

- i. MSL apply to days with increased demands on the service such as Bonfire Night (and its nearest weekends).
- ii. MSL apply in times of severe weather, i.e., extreme flooding or wildfires.
- iii. Potential consideration to MSL during other blue light service strikes.

### **Questions for Option 5 – Maintain cover on high-risk days/hours**

**Please consider the information in the MSL Option 5 before formulating your responses to the following questions.**

**Q32. To what extent do you agree or disagree that Option 5, applied in addition to each of the other options outlined in this consultation, would be an adequate minimum service level to mitigate fire and rescue risks during times of strike action?**

RESPONSE SCALE: Strongly Agree; Tend to Agree; Neither Agree nor Disagree; Tend to Disagree; Strongly Disagree

Option 1

Option 2

Option 3

Option 4

**Q33. To what extent do you agree or disagree that the approach to setting an MSL described in Option 5 would be a proportionate requirement to cover essential services?**

RESPONSE SCALE: Strongly Agree; Tend to Agree; Neither Agree nor Disagree; Tend to Disagree; Strongly Disagree

**Q34. Please use this space to outline any benefits you perceive may arise from implementing the minimum service level outlined in Option 5.**

**Q35. Please use this space to outline any drawbacks or difficulties that may arise from Option 5.**

We would value any alternative suggestions or improvements to this option to ensure the creation of a viable, adequate and proportionate minimum service level during strike action.

## Impact on public and professionals

### Public Sector Equality Duty

The Government is undertaking a Public Sector Equality Duty assessment of the potential for this legislation to have an adverse impact on individuals with protected characteristics as defined under the Equality Act 2010. This considers the impact on those with protected characteristics from the perspective of those who choose to strike, those who do not and members of the public who may be affected.

### Impact on fire and rescue workforce

In respect of people with protected characteristics we are working on the assumption that a minimum service level would be more likely to apply to firefighters and control room staff. We have identified some impacts relating to the varying demographic characteristics of these staff groups.

For example, firefighters are more likely to be male and/or aged 25-45, while control room staff are more likely to be female, and so staff with these characteristics may be less able to take strike action as a result of the roles they more commonly fill. However, we consider that any such difference in treatment could be justified as a proportionate means of achieving a legitimate aim, on the basis that MSL will seek to protect public safety. In particular, the impact on firefighters and control room staff with protected characteristics is justified because the duties of their roles are essential to public safety and therefore any strikes by these groups pose higher immediate risk.

Whilst it is possible that these measures could impact good relations between those groups with protected characteristics who are most affected (as listed above), and those who do not share those characteristics, we consider that any such impact would be justified for the reasons set out above. The affected groups may consider that they do not have equality of opportunity as compared with groups who will not be subject to the MSL and who do not share their protected characteristics (because their right to strike will be restricted), however, again, we consider this approach is justified for the reasons set out above.

### Impact on the wider public

Positive impacts of the legislation could include offering groups that are more likely to be seriously harmed in a fire greater reassurance that the fire and rescue service will be available if they need it. These groups include older people and people with disabilities. This will help to reduce any discrimination suffered by these groups, and also advance equality of opportunity (i.e., to be protected from fire and other risks) between those groups and others who do not share these protected characteristics. Similarly, these measures may foster good relations between firefighters (mostly male as set out above), and these groups.

### ***Q36. Do you believe that our proposals to introduce minimum service levels for fire and rescue services will have an impact (either positive or negative) on individuals with a protected characteristic under the Equality Act 2010?***

Protected characteristics under the Act are disability, gender reassignment, age, pregnancy and maternity, race, marriage and civil partnership, sex, sexual orientation and religion or belief.

RESPONSE SCALE: Yes (please describe the potential impact)/ No/ Don't know  
If yes, please describe the potential impact.

***Q37. Where you have identified potential negative impacts, can you propose ways to mitigate these?***

RESPONSE SCALE: Yes (please suggest mitigations)/ No/ Don't know/ not applicable (no impacts identified)

***Q38. Is there anything further you wish to make comment on that this Consultation has not explicitly laid out?***