

**Divisions Affected - ALL**

**DELEGATED DECISION BY CABINET MEMBER FOR PUBLIC HEALTH, INEQUALITIES & COMMUNITY SAFETY**

**12 NOVEMBER 2024**

**OXFORDSHIRE FIRE AND RESCUE SERVICE; INDUSTRIAL ACTION CONTINGENCY ARRANGEMENTS**

**Report by Rob MacDougall, Chief Fire Officer and Director of Community Safety**

**RECOMMENDATION**

1. The Cabinet Member is **RECOMMENDED** to:
  - a) **Approve the financial allocation to progress with the joint-tender process which needs authorisation (due to cost) before the award process can be concluded and, the Contract signed in January 2025.**
  - b) **Delegate authority to finalise the terms and condition to the Chief Fire Officer and Director of Community Safety in consultation with the Head of Legal and Deputy Monitoring Officer and Head of Procurement.**

**Executive Summary**

2. The key decision requested is whether or not additional funding can be provided to Oxfordshire Fire and Rescue Service in order to enter into the collaborative tender process. This is necessary in order to meet the business continuity arrangements necessary under the Civil Contingencies Act and Fire and Rescue National Framework in the event of Industrial Action, extreme weather occurrence or, other significant event that prevents that standard deployment of existing staff for emergency incidents.  
Executive Summary.

Fire and Rescue authorities must have effective business continuity arrangements in place in accordance with their duties the Civil Contingencies Act 20024. Within these arrangements, fire and rescue authorities must make

every endeavour to meet the full range of service delivery risk and national resilience duties and commitments that they face.

Business Continuity plans should not be developed on the basis of armed forces assistance being available (National Framework 2.11) and following the last (near) period of industrial action it became clear that Oxfordshire Fire and Rescue Service (OFRS) can no longer rely on the 'goodwill' of on-call fire crews to provide operational fire cover in the event of a strike. Additionally, in periods of extreme weather, high absence (e.g. pandemic) or other unforeseen major event, the service is, in need of a reliable contingency arrangement which can be provided from outside the service.

## **Background**

3. During preparations for industrial action in 2022/23, Buckinghamshire, Berkshire and Oxfordshire Fire and Rescue services worked together to maximise the effectiveness of the limited resilience arrangements available.

While the resilience arrangements were ultimately not required to be deployed, a number of opportunities were identified to improve this collective approach in the future. These recognised that previous resilience arrangements were less reliable than had historically been the case i.e. significantly fewer staff available and not thought to be taking strike action. There were also difficulties identified with the interoperability of 3rd party resilience providers, cost and logistical challenges of support offered by the military.

Whilst the risk of industrial action remains significant but stable, there is now an opportunity to explore seeking assistance from a 3rd party resilience arrangement. As such all three services wish to benefit from lessons identified during previous preparations and see this as a strong commercial opportunity by having all three services tender for a provider.

Work on this is already underway: as part of the Thames Valley alignment approach, Oxfordshire have been offered the chance to enter into an "IA contingency arrangements project" currently being run by Royal Berkshire, with Buckinghamshire already as a partner. Joining the tender process itself has been agreed by the OCC Commercial Board, however as partner Oxfordshire now needs to agree to the funding for an agreed level of IA cover required: namely we need to find the finances to secure the services of 20 firefighters to provide a minimum fire cover level of 4 fire appliances across the county in the event of strike action or the other event triggers listed in the Project Implementation Document. In order to enter into a competitive tender process, the additional funding currently being estimated is £150,000 per year for a 4-year contract.

## Corporate Policies and Priorities

4. Oxfordshire Fire and Rescue Services Community Risk Management Plan provides details, based on the National Framework, of the Response requirements the organisation must provide to the community of Oxfordshire. In the event of Industrial Action or other trigger-event for this contract, the services of an external provider are required in order to meet the requirements of this CRMP in terms of operational response.

## Financial Implications

5. At present all costs are estimated as the tender process is not underway: it is also anticipated that a degree of discount will be provided if additional partners are present within the contract. As such, indicative costs are based on the current contract held by Royal Berkshire (which runs out in March 2025) and can be found in the table on the following page.

For Oxfordshire the lowest possible amount has been selected, based on the minimum number of contingency appliances required (4) – £150,000 per year is the estimated cost due to price increases since this figure was provided, however this may be reduced through a discount applied if all three services agree on the contract.

This amount – ultimately £600,000 for the lifetime of the contract – is not currently available within the Fire and Rescue service budget and is therefore being requested as an additional funding.

Comments checked by:

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## Legal Implications

6. With RBFRS taking the lead on the procurement process it has clarified and resolved some of the differences between the services. However, the MoA/partnering agreement (for the fire authorities) itself is still to be completed due to delays in the support provided by RBFRS's legal team who have raised concerns about a conflict of interest because they have one external lawyer acting for both parties.

OCC legal services have been engaged in the background to this, as well as inputting on the procurement strategy and reviewing documents as this is

intended to be a joint procurement which all parties will be able to benefit from. The creation of the procurement documents and partnering agreement/MoA are at a formative stage and only basic templates without any specific detail have currently been seen for the contract but not a partnering agreement due to this conflict issue raised by RBFRS's lawyer.

The procurement of the service would enable the Council to obtain a provider in accordance with the Public Contracts Regulations 2015 and internal CPR's, as well as discharging the legal requirement under the Civil Contingencies Act 2004 to have a comprehensive contingency service in place.

Comments checked by:

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(legal)

## Staff Implications

7. Currently the Area Manager for Response is involved as the sole party from OFRS in the tender process. It is anticipated that the additional support required for the actual tender will be minimal, although OCC procurement are also providing an individual to the team. As such there are no new staff needed for the process and therefore no additional cost.

## Equality & Inclusion Implications

8. There are no equality implications recognised in this current process.

## Sustainability Implications

9. There are no sustainability implications – contingency crewing will utilise the existing infrastructure, equipment and appliances currently in-service.

## Risk Management

10. The following risks have been identified:

<b><i>Risk</i></b>	<b><i>Impact</i></b>	<b><i>Likelihood</i></b>	<b><i>Mitigation</i></b>
IA occurs before external provider is secured	Potential loss of life, property damage, reputational impact due to insufficient	Low	External contract to be agreed as soon as possible before April deadline for RBFRS

	personnel being present to attend operational incidents		
External provider is unable to provide personnel for familiarisation events before IA occurs	Potential for IA personnel to be available who are untrained in OFRS equipment	Low	OFRS training teams to engage with IA teams early in the event of an IA event being predicted
External provider is unable to provide sufficient number of personnel for Thames Valley	Potential for unfair division of personnel in the event of IA, especially with OFRS paying least into contract	Low	Terms of contract must ensure total number of IA personnel are available
Single FRS is not willing to engage in contract	Contract cost will increase, potentially making tender process untenable for other services	Moderate	Agreement secured from BFRS and RBFPS with OFRS seeking to gain OCC support as soon as possible,

## Consultations

11. Consultation is not required to introduce a contingency contract.

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