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To: All Members

Dear Brother/Sister

BREATHING APPARATUS SAFETY CAMPAIGN HSE

FBU members face one of the biggest threats to our safety in decades.

We have previously explained that the National Fire Chiefs Council (NFCC) has issued dangerous new policy guidance on fighting high-rise fires. Unless challenged, this policy would commit firefighters to being deployed beyond a bridgehead whilst not under air.

The FBU was successful in challenging the London Fire Brigade who had planned to introduce this new policy. In London, the policy was ruled to deliberately breach health and safety laws following FBU evidence at an expert panel independently chaired by a former senior inspector with the Health and Safety Executive (HSE).

Although the FBU was able to protect members in the LFB, other fire and rescue services are still intent on imposing this dangerous policy.

Due to other FRSs proceeding with this dangerous practice, on 27 May 2022, the FBU submitted a complaint and evidence to the HSE challenging them to use their statutory powers to halt this unsafe practice. This action was taken following the ruling of a Judge, who in February 2022 refused to act on an FBU application for Judicial Review. He ruled that the concerns raised fell within the remit of the HSE.

The HSE, a government agency, subsequently ignored our complaint and professional concerns for months, and did not respond to our complaint in over a year despite numerous requests from the FBU for action and updates.

The FBU further wrote to the HSE on four separate occasions– but received no outcome. The FBU later learned that following ‘behind closed doors’ discussions with FRS managers, the HSE had written to the offending fire services with an outcome.

The letters contained a few simple paragraphs ripping away decades of BA safety measures. These are safety measures that had been put in place following the death and injury of our members at incidents.

The HSE letter does not provide a response or challenge to a single operational concern, safety concern or breach of Health & Safety Regulations raised by the union and evidenced in the FBU complaint.

A subsequent letter to the FBU, only provided to the union following our further requests for a response, has confirmed that the HSE have refused to act on, or investigate, the '*operational/firefighting practices*' as they do not regard them to be within their remit.

To be clear, the HSE has not investigated any of the specific and evidenced safety concerns raised by the FBU, they have only investigated matters regarding the risk assessment process.

So, in February 2022, a judge determined that this matter was one for the HSE to address but the HSE has now also refused to act claiming it is outside of their remit. Firefighters, risking their health and lives wearing BA, are still left without answers.

The FBU position is clear –as a professional firefighter & BA wearer you should not put yourself in a position of danger above the bridgehead with non-activated breathing apparatus.

Dead or injured firefighters cannot save anyone. Fire and rescue services must abandon this dangerous practice, now. No employer should deliberately breach health and safety law; no employer should deliberately lower existing safety standards when safer alternatives are available. This is not just a danger to firefighters' health and safety – it is also a threat to public safety. We intend to hold to account any individual or organisation responsible for such dangerous decisions. The union is now exploring all options available to us to challenge this unsafe practice, including legal and industrial options.

All documents relating to the FBU BA safety challenge can be found on the FBU website at: www.fbu.org.uk/news/2021/05/13/fbu-defends-vital-breathing-apparatus-safety-procedures

Please raise this matter at branch meetings, Brigade Committee meetings and Health & Safety meetings. Further information on the union's next steps in this fight will follow.

Yours in unity



Matt Wrack
General Secretary

MW/sa