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Circular: 2023HOC0389MW

Date: 11 August 2023

To: All Members

Dear Brother / Sister

BA Safety Campaign – Health & Safety Executive Complaint

Members have been informed previously that the union has successfully challenged attempts in various fire and rescue services to implement operational policies that would have deployed firefighters beyond the Bridgehead and Breathing Apparatus (BA) Entry Control Point whilst not under air. We have explained that this was a seriously misguided response to the building safety crisis.

This occurred most prominently in London Fire Brigade where the union argued at a safety panel that the procedure deliberately lowered the safety of firefighters below that which could practicably be achieved. The Chair, an independent safety expert, agreed and ruled that the procedure be withdrawn as it did not represent appropriate and best practice at fires in high-rise buildings.

A small number of Chief Fire Officers, and the National Fire Chiefs Council, chose to ignore this ruling and proceed with the unsafe system of work. The union applied for judicial review of these perverse decisions but were informed by the Judge on 14 Feb 2022 that the application was denied on the grounds that the Health & Safety Executive (HSE) are the appropriate agency to act on the matter.

On 27 May 2022 the union submitted a detailed complaint on the matter to the HSE. It took the HSE over a year to respond to the complaint, in which they chose to simply look at the risk assessment process in two Fire & Rescue Services, arguing that the other safety concerns raised were not within their remit. This resulted in the fire & rescue services in question communicating to their staff that the procedure had been considered acceptable by the HSE and that they would proceed with its implementation. This was an error by both the HSE and the fire & rescue services concerned. The union wrote to the HSE setting out our concerns with their response and investigation of the matter.

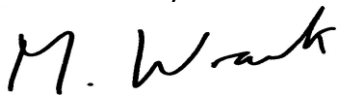
The HSE has now met with the union, at HSE's request, and conceded the fact that their investigation, engagement and outcome were unacceptable. They have apologised to the union both at the meeting and in writing and have now committed to a full and proper investigation into the matter. We welcome this approach and decision by the HSE. The letter is provided with this circular.

To be clear, the union's complaint remains unresolved and the procedure has not been deemed acceptable or safe by the HSE. Any Chief Fire Officer or Employer who has communicated differently must immediately retract the communication and issue a correction. The union's advice to members remains the same:

As a professional firefighter & BA wearer you should not put yourself in a position of danger above the bridgehead with non-activated breathing apparatus.

Please read all circulars and attend branch meetings for further updates.

Yours in Unity.

A handwritten signature in black ink, appearing to read 'M. Wrack', with a stylized, cursive script.

Matt Wrack
General Secretary

MW/RLT/sa

Att.