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20240311 – Fire service employer - Strikes (Minimum Service Levels) Act – commitment not to issue work notices
By email only

11/03/2024

Dear Fire Service Employer,

Strikes (Minimum Service Levels) Act – commitment not to issue work notices

I seek your public agreement not to issue work notices under the Strikes (Minimum Service Levels) Act 2023.

The Strikes (Minimum Service Levels) Act 2023 is now law, and the regulations applying to the fire and rescue service in England have now been published. The minimum level of service on a strike day for emergency response is set at:

- a. the relevant percentage [73%] of FRA appliances and vehicles, together with the personnel needed to crew those appliances and vehicles, is capable of being deployed
- b. national resilience assets, together with the personnel needed to crew those assets, are capable of being deployed as they would be were the strike not taking place on that day
- c. FRA appliances and vehicles and national resilience assets are deployed to provide emergency incident responses to the incidents mentioned in regulation 4(2)(b) as they would be were the strike not taking place on that day
- d. management, control and direction of the services mentioned in sub-paragraphs (a) to (c) are provided as they would be were the strike not taking place on that day

There are also regulations applying to minimum levels of service for fire safety services.

These regulations amount to an attempt to ban strike action by firefighters, control staff and other fire service employees, who could face dismissal if they fail to comply with a work notice.

This is an assault on the basic rights and freedoms of all those affected by the legislation and threatens to undermine longstanding relationships of mutual respect in the sector.

Any attempt to implement the new law will irreparably damage industrial relations within the fire and rescue service at a local and national level. It may also create serious hazards to public safety, with employers attempting to keep 73% of appliances on the run without a minimum level of staff.

It is clear, both from the legislation and from conversations between the FBU and the Home Office, that it is up to employers – not the Westminster government – to decide whether work notices are issued against named employees.

The governments of Scotland and Wales have already said that they will not issue work notices and/or that they have no intention of introducing their own regulations to make the legislation operative.

We now look to you to state clearly that you will not issue work notices against named employees.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Wrack', with a stylized flourish at the end.

Matt Wrack
General Secretary
Fire Brigades Union

MW/rs