



NFCC Workforce Guidance and options to support on-call staff facing financial hardship

11 April 2020 – Version 1.4

Introduction

On-call staff (also known as Retained Duty) staff, are a critical resource for the majority of Fire and Rescue Services across the UK. The Covid-19 pandemic along with the Government's arrangements to limit the spread of the virus provides unique challenges to society as a whole with many on-call staff potentially facing financial hardship.

Due to the current unprecedented circumstances many on-call firefighters across the country are finding themselves willing and able to provide availability over and above what they are contractually obligated. This appears to have increased appliance availability generally well above the normal averages for most services. However, the Government's 'lockdown' has led to a reduction in call levels which, while welcome in terms of public safety, does cause a reduction in income for on-call staff due to the method of how on-call firefighters are paid. This, along with a greater number of firefighters being available, a temporary limit on the maximum number of firefighters crewing appliances and a potential impact on their primary employment is a formula that has the potential to cause financial hardship on these firefighters.

The current COVID-19 pandemic has fundamentally changed the way we live. It's an upsetting and unsettling time and while the primary concern is health, our financial wellbeing is important.

Many FRSs operate a Retained Duty System which directly links incident numbers to monthly salaries.

On-call staff will predominantly fall into one of the following categories:

- Primary employment with a company
- Self-employed
- Whole-time with an additional on-call contract
- On-call with no other employment

On-call staff who have faced changes to their circumstances will fall into one of the following categories, in terms of loss of earning potential:

- Furloughed workers (losing 20%)
- Reduced hours workers (possibly losing more than 20%)
- Self-employed workers (likely to be losing more than those on reduced hours)
- Dismissed workers (losing 100%)

NFCC Guidance: On-call Firefighters

Loss of Earnings from Primary Employer – Clarification (27 March 2020)

This guidance has been endorsed by the FRSA*

HMRC Advice

HMRC advised that they had just published new guidance on the scheme for both employees, and employers which makes the position regarding second contracts of employment/second jobs much clearer.

The employee guidance says:

“If your contract allows, you may undertake other employment while your current employer has placed you on furlough, and this will not affect the grant that they can claim under the scheme. You will need to be able to return to work for the employer that has placed you on furlough if they decide to stop furloughing you, and you must be able to undertake any training they require while on furlough” (gov.uk)

If you currently have more than one employer

You can be put on furlough by one employer and continue to work for another. If you're put on furlough by more than one employer, you'll receive separate payments from each employer. The 80% of your regular wage up to a £2,500 monthly cap applies to each job.

While you're on furlough

Your employer will need to notify you before putting you on furlough. Once you are on furlough you will not be able to work for your employer, but you can undertake training or volunteer subject to public health guidance, as long as you're not: making money for your employer or providing services to your employer

HMRC were confident that this guidance should provide reassurance to On-call firefighters. They went on to explicitly state –

“If someone is put on furlough by their primary employer, there is nothing to prevent them from being a secondary On-call firefighter.”

Retention

Opportunity

We have seen an unprecedented level of applications to volunteer to help the NHS. FRSs have this same opportunity over forthcoming weeks to embrace this tide of goodwill. On-call staff are firmly embedded in their local communities, therefore by assessing options on how to help On-call staff and their families in times of financial difficulties, FRS are supporting/reassuring and valuing this dedicated section of the workforce. This will have a direct impact on communities, positively increasing corporate reputation.

Risk

Slow reaction in providing alternative working/assistance options, could result in on-call staff moving to one of the many opportunities currently available with the numerous supply chain/food sale vacancies on offer. If this results in On-call staff moving into these roles and not returning as we move back to business-as-usual, FRSs could find staffing levels and therefore availability fall.

Guidance

This guidance's aim is to assist FRSs implement additional balanced and proportionate measures to help On-call staff who face financial hardship over coming weeks/months. The aim is to ultimately retain a dedicated, enthusiastic and competent workforce, along with considering affordability for the FRS. The guidance and options are generic to allow for differences in FRSs.

Before commencing any additional work, FRSs should assess the following regarding contracts of employment:

- Each FRS should satisfy itself that any additional activities are part of the contracts of employment for the On-call firefighters concerned and that firefighters can be required to undertake them as part of their duties.
- Each FRS should explain to the employees who are to be carrying out the work, what the additional duties are, what will be involved and if required, what additional training will be offered.
- The employer should also set out the timeframe for over which the new duties are to be carried out and/or the period at the end of which the continuation of the duties will be reviewed.
- If some or all of the duties are not part of the contractual role of a firefighter, then these will need to be agreed.
- If the employee is currently being furloughed and they are offered full time hours with a FRS, any guidance in relation to furlough payments rests with the primary employee/employer through their contractual relationship. However, FRS's are encouraged to advise employees that, should they earn more than their normal combined salaries whilst undertaking work for a FRS whilst on furlough, they have a moral obligation to consider whether or not they should claim the furlough payment from their primary employer.
- FRSs employing furloughed individuals will need to be aware that these employees remain under contract of employment from the primary employer and may be recalled undertaking their primary employment duties at any time.

***Please note: The FRSA does not endorse these two bullet points.**

Options for each FRS to consider

FRSs should look at organisational and individual options:

Organisational

a. Pay Protection – average pay based on previous earnings

This equates to linking any pay protection to an average of previous earnings, which could be from the previous 12 weeks (prior to the government's 'lockdown' arrangements being put in place). This would ensure On-call staff have a regular guaranteed income during the pandemic.

b. Wholetime Contract (as opposed to the use of a fixed term contract)

On-call staff could be employed under a wholetime contractual arrangement to cover shortfalls in crewing. Legal advice received indicates that using fixed term contracts could be viewed as a temporary contract and therefore FPS wouldn't apply. Therefore, fixed term contracts should be avoided. It is recommended that FRSs:

This guidance has been endorsed by the FRSA*

- Create a new contract which puts of them into a specific team. Therefore, when FRSs wish to terminate the contracts they can state that they are removing the “team” or reducing the numbers of the “team” for business reasons. Members of these teams can be deployed to any station and whilst on that deployment, any additional allowances will apply.
- Employ them in on an open contract with no fixed time or end date. This eliminates the fixed/temporary contract issue.

There will be other options that may overcome the FPS situation and FRSs are encouraged to contact NFCC should any they need further support or guidance in relation to a particular option they may be considering.

c. Wholetime Shift cover (Shift by shift)

On-call staff could be used on a day by day (ad hock) basis to support shortfalls in wholetime crewing levels

d. Other On-call station cover

On-call staff could be used on a day by day (ad hock) basis to support short falls at other On-call stations to support crewing levels

e. Minimum crews turning into station – pay crew not to attend

Stations rostering crews may have crew available but not required due to reduced crewing levels. Those crew not attending could still receive the normal attendance fee to discourage crews turning in. The advantage of this is minimising interaction between crew, whilst recognising those declaring availability but not required at that time.

f. Cleaning the station and appliance

One of the remaining crew at the station could wipe down all hard surfaces and make the station secure. This could attract one hour pay.

When the appliance returns or following training one crew member from each appliance could wipe down all appliance internal hard surfaces, followed by the station. This could attract one hour’s pay.

g. Partner agency working

Many NHS Foundation Trusts have requested assistance from FRS’s to drive ambulances and assist ambulance staff. If each FRS engages in collaborative working with the NHS Foundation Trust and other partner agencies it could be beneficial for all involved. Each FRS could compile a list of individuals willing to undertake this work. This work may be in full or part shifts.

h. Partner/Volunteer Agency

Deliveries of items such as medication, prescriptions and PPE could be paid work for time critical intervention or voluntary (see below).

i. Re-allocation of hours

FRS could assess work streams which are currently ‘on hold’ such as Community Safety visits. Budgets could be utilised to support the additional activities being undertaken by On-call staff, such as delivering prescriptions to high risk and vulnerable people.

If additional work is not required, then valuable time spent on development activities achievable remotely at home via e-learning and completion of development logs could be assessed.

Individual

FRSs should categorise On-call firefighters in their frequency of use depending on the financial impact they are experiencing.

People Resourcing Cell/Flexible Resourcing Pool

FRSs could consider the creation of a dedicated team such as a People Resourcing Cell or Flexible Resourcing Pool. This team would have an overview of all those On-call staff who have submitted an interest in additional duties.

RAG rating of individuals

The main remit of the above Cell/Pool would be to carry out an appropriate RAG rating (or similar) of on-call staff (who have submitted an interest for additional duties) in relation to their individual circumstances (see page one – loss of earning potential list 1–4). Those facing the most difficult situations around a complete loss of primary employment could be considered in the first instance for any available additional duties.

It's not an easy task, but something for managers to consider when organising their station workforce, is that a RAG rating system may require local knowledge. A set of principles to provide justification and a rationale behind the decision as to individuals given priority could allow a transparent decision-making process.

| | |
|----------------------------------|--------------------------------|
| Complete loss of earnings | 1st Priority |
| Partial loss of earnings | 2nd Priority |
| Minimal loss of earnings | 3rd Priority |

Although evidence is suggesting on-call station availability has increased, FRSs should consider the home station availability and the impact on this, if staff are to be re-allocated to different work streams.

Voluntary

There will be some On-call staff who are not facing a detrimental financial impact but are willing to help in their local communities. As mentioned above this is a hugely beneficial opportunity to highlight the outstanding work, recognising the invaluable conduit between the local community and many partner agencies who require local knowledge. On-call firefighters are at the heart of these community's each and every day.

Partner/Volunteer Agency

Deliveries of items such as medication, prescriptions and PPE.

At all times FRSs should assess the value of any additional work activities against the spread of the COVID-19 virus.

Welfare

Each FRS should ensure suitable Welfare support is in place for all staff facing financial hardship.

The Firefighters Charity

The Firefighters Charity has created a Coronavirus Support Hub, link via their home page. It provides information around services the charity is currently able to offer, a resource library of information and other useful information along with advice on financial difficulties.

Note

All staff, irrespective of role/service have a part to play in assisting those facing financial hardship throughout the forthcoming months and beyond, with a responsibility to supporting the welfare of all staff.

The success of adhering to this document will be a workforce that feels valued and supported. FRSs should consider the guidance and options and produce local briefing notes for Watch/Crew Managers.

Document

Document version v1.4.

This document will evolve as the situation changes pace and will remain 'live'.

<https://www.gov.uk/guidance/check-if-you-could-be-covered-by-the-coronavirus-job-retention-scheme#while-youre-on-furlough> [Accessed: 10 April 2020]