

Impact Assessment, The Home Office

Title: Minimum Service Levels (MSL)
Secondary Legislation for Fire and Rescue Services

Date: 08 February 2024

Stage: FINAL

IA No: 0458

RPC Reference No:

Intervention: Final

Other departments or agencies:

Measure: Secondary legislation

Enquiries:

frsminimumservicelevels@homeoffice.gov.uk

RPC Opinion: Not Applicable

Business Impact Target: Non-qualifying regulatory provision

Cost of Preferred (or more likely) Option (in 2023/24 prices)

Net Present Social Value NPSV (£m)	100.13	Business Net Present Value BNPV (£m)	-0.14	Net cost to business per year EANDCB (£m)	0.01
------------------------------------	--------	--------------------------------------	-------	---	------

What is the problem under consideration? Why is government intervention necessary?

Currently, fire and rescue services (FRS) activity during strike action relies on cover from employees not undertaking strike action or from external parties (military personnel or contracted support). All FRS have business continuity plans in place, and sometimes also have voluntary return to work agreements to draw on the event that a major incident occurs. However, these do not provide sufficient assurances to adequately mitigate the risk posed by strike action. Minimum Service Levels (MSL) are needed to mitigate as much risk to public safety as possible and to ensure an appropriate level of staffing is upheld during strike action. Currently, there is no legislation that introduces statutory MSL during periods of strike action, therefore government intervention is necessary.

What is the strategic objective? What are the main policy objectives and intended effects?

Strategic objective: Improve public safety by limiting the impacts of firefighter strike action whilst balancing this with the ability for FRS employees to strike.

Policy objective: The legislation aims to ensure a minimum service level is provided by FRS to the public during strike action, while maintaining the ability for strike action to take place. It also aims to mitigate the risk that FRS could be overwhelmed by demand during strike periods, reduce the potential impact of major incidents during strike action, improve public safety and the safety of firefighters, and reduce the costs associated with developing business continuity plans.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 0: 'Do nothing' Take no action and make no legislative changes.

Option 1: Set an MSL requiring FRS to staff 73 per cent of pumping appliances in a business as usual context during a period of strike action. **This is the government's preferred option as it meets the strategic and policy objectives.**

Main assumptions/sensitivities and economic/analytical risks

Discount rate (%)

3.5%

The best available data is used in the analysis, informed by experience and expertise. Several high impact assumptions are made which are significant determinants of the NPSV of these policies. These include the amount of strike action that this legislation would prevent, actual and potential strike turnout, and the monetised value of a firefighter's work. However, relevant analysis and data is put forward to help understand the uncertainties involved.

Will the policy be reviewed? It will be reviewed. **If applicable, set review date:** Feb 2029

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits, and impact of the leading options.

Signed by the responsible Minister

Date: _____

Summary: Analysis & Evidence

Policy Option 1

Description: Set an MSL requiring FRS to staff 73 per cent of pumping appliances in a business as usual context during a period of strike action.

FULL ECONOMIC ASSESSMENT

Year(s):	Price Base	2023/24	PV Base	2023/24	Appraisal	10	Transition	X
Estimate of Net Present Social Value NPSV (£m)							Estimate of BNPV (£m)	
Low:	28.3	High:	269.5	Best:	100.1	Best BNPV	-0.14	

COSTS, £m	Transition Constant Price	Ongoing Present Value	Total Present Value	Average/year Constant Price	To Business Present Value
Low	0.57	1.8	2.3	0.23	-0.05
High	2.3	20.6	22.9	2.3	-0.35
Best Estimate	1.1	6.5	7.6	0.76	-0.14

Description and scale of key monetised costs by 'main affected groups'

Total setup costs include familiarisation and legal costs for Trade Unions, FRS staff and leadership, They are estimated to be in a range of £0.57 to £2.29 million, with a central estimate of £1.14 million. Total ongoing costs are the issuing of work notices and are estimated to be in a range of £1.75 to £20.61 million, with a central estimate of £6.47 million (PV over 10 years).

Other key non-monetised costs by 'main affected groups'

Several potential costs have not been monetised, including enforcement costs, costs to Trade Union members, and costs resulting from changes to the nature of strike action taken by Unions.

BENEFITS, £m	Transition Constant Price	Ongoing Present Value	Total Present Value	Average/year Constant Price	To Business Present Value
Low	0.00	30.7	30.7	3.1	0.00
High	0.00	292.4	292.4	29.2	0.00
Best Estimate	0.00	107.7	107.7	10.8	0.00

Description and scale of key monetised benefits by 'main affected groups'

Ongoing benefits are based on cost savings from not implementing contingency plans, and added value from more firefighters working as opposed to striking. They are estimated to be in a range of £30.67 to £292.41 million, with a central estimate of £107.74 million (PV terms over 10 years). These are equal to total benefits.

Other key non-monetised benefits by 'main affected groups'

An MSL will likely result in greater operational certainty to FRSs and may lead to a positive impact through reduced fear of fire, improved firefighter safety during strike action (as more of their colleagues are available to support) and reduced costs from fire damage due to better responses during strike periods.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:									
Cost, £m	0.01	Benefit, £m	0.00	Net, £m	-0.01				
Score for Business Impact Target (qualifying provisions only) £m:					N/A				
Is this measure likely to impact on trade and investment?					N				
Are any of these organisations in scope?		Micro	Y	Small	Y	Medium	N	Large	N
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)				Traded:	N/A	Non-Traded:	N/A		

PEOPLE AND SPECIFIC IMPACTS ASSESSMENT (Option 1)

Are all relevant Specific Impacts included?	Y	Are there any impacts on particular groups?	Y
---	---	---	---

Evidence Base

A. Strategic objective and overview

A.1 Strategic objective

1. Currently, FRS activity during strike action relies on cover from individuals not undertaking strike action or from external parties (military personnel or contracted support). All FRS have business continuity plans (BCP) in place, and sometimes also have voluntary return to work agreements to draw on if a major incident occurs. However, these do not provide sufficient assurances to adequately mitigate against the risk posed by strike action. MSL need to be able to mitigate as much risk to public safety as possible and ensure an appropriate level of staffing during strike action. Currently, there is no legislation that introduces statutory MSL during periods of strike action, so government intervention is necessary. This will improve public safety by limiting the impact on the emergency response of firefighter strike action, whilst balancing this with the ability for FRS employees to strike.

A.2 Background

Policy background

2. The Strikes (Minimum Service Levels) Act (SMSL 2023), which received Royal Assent on 20 July 2023, amended the Trade Union and Labour Relations (Consolidation) Act 1992 to:
 - Provide a power for the Secretary of State (for FRS, it would be the Secretary of State for the Home Department (Home Secretary)) to make regulations providing for minimum levels of service where there is strike action in relevant services – referred to as minimum service regulations.
 - The power to make regulations specifying relevant services is limited to health services, fire and rescue services, education services, transport services, decommissioning of nuclear installations and management of radioactive waste and spent fuel, and border security.
 - Enable employers to issue work notices to Unions and those persons required to maintain those minimum service levels.
 - Restrict the protection that is provided to Trade Unions and employees in respect of strikes where provision has been made in regulations for minimum levels of service.
3. The SMSL 2023 provides that work notices are the mechanism that puts MSL into practice for particular strikes in those services listed in paragraph 2. Under the SMSL 2023, work notices may be given by the employer to Trade Unions and must identify the persons required to work during the strike to maintain MSL and specify the work to be carried out by them during the strike to achieve the MSL. A work notice must not identify more persons than are reasonably necessary for the purpose of providing the levels of service set out in the MSL regulations, and the employer must not have regard for whether the person is or is not a member of a Trade Union (or a particular Trade Union), whether a person has taken part in the activities of a Trade Union or used trade services, or whether a Union has raised a matter with an employer on behalf of particular staff members.
4. There is a requirement for the employer to consult with the Union over the number of persons to be identified and the work to be specified in the work notice, and the employer must have regard for any views of the Union in response to this consultation. Work notices must be issued at least seven days in advance on the strike date, or later if agreed by the Union. Work notices can also be varied up until the fourth day prior to the strike date, or later if agreed by the Union.
5. The Home Secretary is required to consult before making regulations setting MSL and specifying the relevant services to which they will apply. The Home Office's public consultation¹ on MSL for FRSs was launched on 9 February 2023 and ran for 13 weeks. It sought views on the essential

¹ <https://www.gov.uk/government/consultations/minimum-service-levels-for-fire-and-rescue-services>

services provided by FRSs that MSL should apply to, the staff groups that should be included and possible delivery models for MSL.

6. The Home Office has used the evidence gathered from the consultation to shape and assess options for delivering MSL and to help determine which delivery model will best meet the strategic objective set out in paragraph 1 of this Impact Assessment (IA). The department now intends to introduce the necessary regulations to implement an MSL for FRS.

Fire and rescue background

7. The role of emergency services is to keep the public safe. Fires pose a significant public safety risk, and the destruction they can cause has disproportionate effects on the most vulnerable in society. There are still significant concerns around a number of multi-occupied residential properties with dangerous cladding. The government is taking action to make these buildings safer, as highlighted by its commitment to provide funding for remediation of cladding². In addition, the government has committed to reforming the FRS following recent challenges. The proposed reforms were set out in the Fire Reform White Paper in May 2022³ and the Government response to that consultation was published on 12 December 2023.
8. Against this background and given the risk that fires can spread rapidly, it is vital that FRS maintain a minimum level of emergency response and service during periods of strike action, protecting the public and the places they live and work.
9. The ability for FRS employees to strike is an important part of industrial relations in the UK, protected by law. Any strike action will inevitably cause some form of disruption. It is important to strike a reasonable balance between the need to protect the public from disproportionate negative impacts and the rights of workers to take strike action and ensure that the Home Office's approach to delivering MSL in FRSs is proportionate.
10. The International Labour Organisation, which is an agency of the United Nations, has stated that minimum service levels are justifiable for the following services⁴:
 - Services the interruption of which would endanger the life, personal safety or health of the whole or part of the population (essential services in the strict sense of the term).
 - Services which are not essential in the strict sense of the term but where the extent and duration of a strike might be such as to result in an acute national crisis endangering the normal living conditions of the population, and in public services of fundamental importance.
11. FRS would likely be in scope of these definitions as strikes within these services would cause interruption which would endanger public safety, and FRS are of fundamental importance.
12. The consultation sought to understand the implications and challenges of setting and delivering FRS MSL in England, Scotland, and Wales. However, the regulations apply to England only. For this reason, the scope of this IA is England. To support all life-saving activity conducted by FRS, the proposed legislation will not be limited to firefighting. It will include all reasonable rescue and other activities covered by FRS in a proportionate way with the majority of focus on first responders.

² Government sets out new plan to protect leaseholders and make industry pay for the cladding crisis: <https://www.gov.uk/government/news/government-sets-out-new-plan-to-protect-leaseholders-and-make-industry-pay-for-the-cladding-crisis>

³ <https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

⁴ Compilation of decisions of the Committee on Freedom of Association content (ilo.org): https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:70002:0::NO::P70002_HIER_ELEMENT_ID,P70002_HIER_LEVEL:3945998,2#:~:text=The%20establishment%20of%20minimum%20services%20in%20the%20case.and%20%283%29%20in%20public%20services%20of%20fundamental%20importance.

A.3 Groups affected

13. The proposed legislation would affect the following groups:
- **Fire and rescue authorities (FRAs):** a fire authority or fire and rescue authority is a statutory body made up of a committee of local councillors, which oversees the policy and service delivery of a fire and rescue service. There are also other elected authorities who have responsibilities for fire and rescue services, including Police, Fire and Crime Commissioners and mayors. They will have responsibility for issuing work notices under MSL proposals.
 - **Fire and rescue services (FRSs):** responsible for delivery of fire and rescue services, reporting to fire and rescue authorities, and will have a role in drafting work notices.
 - **FRS employees:** the main focus of the MSL proposals will be on firefighters and control room staff. It is assumed that the MSL is applied to wholetime and on-call firefighters.
 - **General public:** they will be impacted in terms of changes to public safety and FRS response during strike action.
 - **Unions and other membership organisations:** Unions and similar organisations will have varying negotiation and consultation duties.

A.4 Consultation

Within UK government

14. The Home Office engaged with other government departments and devolved governments since the development of the consultation, including:
- Department for Business and Trade (DBT)
 - Department for Transport (DfT)
 - Department of Health and Social Care (DHSC)
 - Department for Levelling Up, Housing and Communities (DLUHC)
 - Cabinet Office (CO)
 - Border Force leads within Home Office (HO)
 - HM Treasury
 - Department for Education
 - Department for Environment, Food and Rural Affairs
 - Wales Office
 - Scotland Office
15. The Home Office are also consulting with the Welsh and Scottish Governments.
16. Trade Union legislation is applicable to Great Britain only. The Home Office will maintain an open dialogue with the Northern Ireland Office and the Northern Ireland Executive.

Public consultation

17. This IA follows a public consultation⁵. The consultation ran from 9 February to 11 May 2023, and the findings from the consultation inform the policy option 2 set out in this IA.
18. The key findings of the consultation are:
- The most popular approach to MSL was option 4, a national MSL is set by the Home Office and Chief Fire Officers (CFOs) decide specifics for their local area. The main benefits of this approach raised in the consultation were national consistency, combined with some local flexibility, accountability, and proportionality. On the other hand, a drawback mentioned by 14

⁵ <https://www.gov.uk/government/consultations/minimum-service-levels-for-fire-and-rescue-services>

responses was the fact that CFOs would be unable to set the MSL below the national percentage if deemed appropriate according to their local knowledge and expertise.

- When asked which percentage of appliances would be appropriate as an MSL, the preferred option amongst most responses was 50 per cent.
- The MSL consultation did not include any questions that specifically asked about on call firefighters. Approximately a quarter of consultation responses noted that it would be practically difficult to include on call staff in an MSL. On-call firefighters comprise around 50 per cent of the workforce in England, Scotland, and Wales, and are relied upon to provide cover on both strike days and non-strike days.
- Responses raised the fact that the ability to maintain an effective provision for call handling and mobilisation of the right resources at the right times is critical. One response pointed out that all calls need to be answered to enable filtering out of non-essential calls. For some FRSs, this may mean that 100 per cent of control room staff will need to be on shift, but for others 50 per cent may be sufficient.
- Return to Work (RTW) agreements, by which striking staff would return to duty if a major incident was declared, were raised in 17 responses, 13 of which expressed that these agreements should be included in legislation regardless of strike length.
- Most comments that mentioned major incidents (including marauding terrorist attacks) or National Resilience suggested that responding to major incidents should be classed as essential services and covered by MSL (9 of 11 comments).

B. Rationale for intervention

19. Strike action in public services such as ambulance and fire can put lives and welfare at risk as well as generating wider adverse social, economic and environmental impacts on the UK and its economy. Whilst a substantial number of users and economic agents bear the impact of strike action, they are neither party to any dispute nor have any avenue to have their interests formally represented. The impact of strike action on these parties represents a negative externality which is not reflected in the interests of employers and Trade Unions.
20. Currently, all FRSs have BCPs in place, and sometimes return to work agreements. These do not provide sufficient assurances to fully mitigate against the risk posed by strike action. MSLs need to be able to mitigate against risk to life, limb and property by formalising an appropriate level of staffing during strike action to respond to these fire incidents. MSLs could also be set to further improve public safety by including all reasonable rescue activity covered by FRSs in a proportionate way with the majority of focus on first responders. This will have benefits for the public, whether that be through increased public safety, reduced public costs, or reduced economic costs from fire (for example, from property damage or environmental damage).
21. Currently, there is no legislation that introduces statutory MSLs for FRSs during periods of strike action, so government intervention is necessary.

C. Policy objective

22. There are a number of policy objectives:
 - Limit the impacts of strike action on the lives and livelihoods of the public and to reach a balance between the right of unions and their members to strike with the need for the wider public to be able to access FRSs during strikes.

- Mitigate the risk that fire and rescue services could be overwhelmed by demand during strike periods, which would adversely affect the emergency response. BCPs prepared by FRSs are rigorously assessed and stress tested before any period of strike action, but there remains a risk that these will not be sufficient to mitigate the risk to life, limb and property.
- Reduce the potential impact of major incidents during strike action. Unions and FRAs may choose to negotiate a return-to-work protocol for major incidents, but this is on a strike-by-strike basis and is not a formalised or statutory level of service.
- Ensure public safety: MSLs aim to improve public safety during strike action. A secured MSL which ensures faster response times and improved weight of response (number of appliances) could improve public safety.
- Reduce the public cost of FRAs arranging contracts with private contractors in order to bolster their BCPs. To ensure appropriate resources are in place, external support may be required to support BCPs which can come at a significant cost. MSLs provide the ability to help reduce this cost.
- Remove or reduce the need for military assistance during strike action. Ahead of strike action, contingency plans are developed in England in case FRSs are overwhelmed on strike days. These plans can include the option of drawing on military aid to support the civil authorities. This is not a long-term or sustainable solution as military support may not provide the same depth of expertise and experience as professional civilian firefighters.
- Provide certainty and allow local leaders to plan for periods of strike action by giving a clear indication of how many staff they will have available on strike days.
- Ensure responsible crewing levels to maintain firefighter safety during strike action.

D. Options considered and implementation

Live Options

23. Two options have been considered:

- **Option 0: 'Do-nothing'. Take no action and make no legislative changes.** Under **option 0** there would be no legislative changes to formalise MSLs and current local arrangements during strike action, including BCPs and potential contractor and armed forces support, would remain.
- **Option 1:** Set an MSL requiring FRSs to staff 73 per cent of pumping appliances in a business as usual context during a period of strike action.

Option 1 is the Government's preferred option as it meets the strategic and policy objectives.

24. To derive 73 per cent, the Home Office has conducted internal modelling based on pumping appliance (fire engine) utilisation data over five years (April 2018 to March 2023), and information on daily, business-as-usual appliance availability gathered directly from fire and rescue services in England as of January 2023. Internal modelling RAG-rates FRSs by their risk of exceeding a hypothetical MSL level on a given day, based on these data. 73 per cent is the MSL level at which all but one FRS is categorised as GREEN, which means that FRSs would exceed their MSL capacity on less than 1 per cent of days.
25. Annex 7 shows sensitivity analysis on this MSL and how many FRSs are rated RED, AMBER and GREEN at different MSL levels. Internal sensitivity analysis has also been conducted based on more recent but higher-level data, which shows that with a 10 per cent variation in the number of BAU appliances reported by FRSs, the MSL would roughly lie in a range of 70 and 80 per cent.

Options previously considered

26. Three further options were considered and discounted at the longlist stage, and as such have not been appraised in this Impact Assessment. These options, and their reason for exclusion, are outlined below:

- **Option 2:** Set an MSL requiring FRS to staff 54 per cent of pumping appliances in a business as usual context during a period of strike action.

Option 2 was discounted as it was judged to not sufficiently mitigate the risk of demand exceeding MSL appliance availability.

- **Option 3:** Describe in regulations what MSLs must cover, but otherwise rely on individual FRAs to determine service levels.

Option 3 was discounted because it would involve a long and administratively burdensome process where FRSs would each be required to submit evidence as to where the MSL should be set for their area, which would require individual ministerial decisions for all FRSs. There would be significant concerns about future proofing such as an approach, if one or more FRS wished to change their MSL approach.

- **Option 5 - Maintain cover on high-risk days/hours**

Option 5 was excluded on the basis that FRSs do not usually provide extra cover for days where there are increased risks, such as Bonfire Night.

E. Appraisal

27. The following sections present analysis of the costs and benefits of option 1 compared to option 0, 'do-nothing'.

General assumptions and data

28. The best available data has been used for this IA. Costings for the appraisal section are based on data primarily from the Home Office, Department for Business and Trade and National Fire Chiefs Council (NFCC).
29. The appraisal period for measuring the impact of the MSL proposals is 10 years in line with HM Treasury Green Book (2022) guidance⁶. A social discount rate of 3.5 per cent is used to discount future values to present values. All costs and benefits are in 2023/24 price base year (PBY), with a 2023/24 present value base year (PVBV).
30. Transition/set-up costs are assumed to occur in year one only, and ongoing costs and benefits are expected to occur from year one of the policy onwards. It is hoped that the consultation may provide further data and information to refine the estimates of costs and benefits presented here.
31. The main assumptions used in this IA are listed in Table 1 below:

Table 1: General Assumptions

ID	Assumption Description
1.1	It is assumed that the total staff numbers for wholetime firefighters, on-call firefighters and control room staff remain constant over the 10-year appraisal period. Total FTE and headcount staff numbers are given in annexes 2 and 3.
1.2	For the purposes of monetising benefits in this IA, it is assumed that wholetime and on-call firefighters (herein equated together and referred to as 'firefighters') of rank Group Manager and below would receive work notices and be impacted by MSL. The

⁶ The Green Book (2022): <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020>

	<p>reasoning behind not including firefighters of higher ranks is that these higher ranks are predicted to be considerably less likely to take industrial action.</p> <p>Control room staff are currently excluded from the benefit analysis due to uncertainty around how many of these individuals would undertake strike action or be included in BCP. Furthermore, control room staff levels will be a matter for FRA determination in light of the percentage MSL that is set, which makes it even more challenging to estimate benefits within this IA.</p> <p>Given that all firefighters and control room staff, regardless of rank would be expected to familiarise themselves with the MSL legislation and the MSL that is set, wholetime and on-call firefighters of all job ranks, as well as control room staff of all job ranks, are included in the estimation of these familiarisation costs.</p>
1.3	<p>Assuming that the average shift pattern of wholetime firefighters and control room staff is 2-2-4 (two day shifts, two night shifts, four days off) it is assumed that, on average, a full-time firefighter/control room staff member will work 42 hours a week (48 hours per every 8 days). On average, each firefighter will work 25 per cent of the time over an average week.</p>
1.4	<p>For each of the four unions (the Fire Brigade Union (FBU), the Fire and Rescue Services Association (FRSA), the Fire Officers Association (FOA) and the Fire Leaders Association), it is assumed that there is one General Secretary and four Senior Directors per union who will be are required to familiarise themselves with the legislation. This assumption is used in the consultation IA, and other data were not provided in consultation responses⁷.</p>
1.5	<p>The turnout for strike action (the proportion of the FTE workforce in scope that would strike) is assumed to be 76.1 per cent, with a low estimate of 64.2 per cent and a high estimate of 88.0 per cent. These estimates are based on the results, received in January 2023, of the Fire Brigade Union (FBU) ballot to strike: there was a 73 per cent turnout and 88 per cent of those who voted, voted to reject the offer⁸. Therefore, the high estimate for strike turnout is the proportion of voters who voted for strike action, the low estimate is the proportion of eligible FBU members that voted for strike action⁹, with the central estimate being the midpoint of these two figures.</p>
1.6	<p>One single industrial dispute period is estimated to equate to 295.5 hours of national strike action. This estimate is derived from internal analysis into the amount of action during the 2013 to 2015 firefighter industrial dispute (17 months), which is the last occurrence of national strike action. While an industrial dispute could consist of one case of strike action that lasts 295.5 hours, it could consist of several cases of strike action that amount to 295.5 hours over the course of an industrial dispute. In either case, this assumption will still hold.</p> <p>For the purposes of appraisal in this IA, in the low estimate scenario, it is assumed that one period of national strike action occurs in the 10 year appraisal period. In the high estimate scenario, it is assumed that four periods of national strike action occur in the 10 year appraisal period, and in the central scenario, it is assumed that two periods of national strike action occur in the appraisal period. Therefore, it is assumed that 29.6 hours per year of national strike action occur in the low estimate scenario, compared to 118.2 hours of national strike action per year in the high estimate scenario, and 59.1 hours of national strike action per year in the central estimate</p>

⁷ Fire and Rescue Services, minimum service levels consultation Impact Assessment (publishing.service.gov.uk): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1137636/21022023_-_MSL_Impact_Assessment_FINAL.pdf

⁸ 'Firefighters deliver decisive mandate for industrial action', Fire Brigades Union: <https://www.fbu.org.uk/news/2023/01/30/firefighters-deliver-decisive-mandate-industrial-action>

⁹ 73% * 88% = 64.2%

	scenario ¹⁰ . Across the 10 year appraisal period, there are assumed to be, on average, 0.2 periods of strike action per year, low estimate 0.1 and high estimate 0.4. ¹¹
1.7	The labour costs used in the appraisal are shown in Annex table 1. The wage costs for non-London firefighters and control room staff ranked Area Manager and below are the wage costs taken from the Fire Brigades Union pay settlement 2023 ¹² . Wage costs for London staff and Brigade Managers are taken from the MSL Consultation IA ¹³ , and uprated by the FBU agreed pay rise for 22/23 and 23/24 (7% and 5%) to bring them to 2023/24 levels. A 30 per cent uplift is applied to FRS wages to account for non-wage labour costs ¹⁴ , and the union official labour costs are uplifted by 17.9 per cent ¹⁵ . The wages for union officials are assumed to be the same for London and non-London based officials.

Table 2: Cost assumptions

ID	Assumption Description
2.1	The time taken to consider MSL planning in annual Continuity Risk Management Planning (CRMP) meetings is assumed to be 8 hours, low estimate 4 hours, high estimate 12 hours. It is assumed that all those ranked Area Manager or Brigade Manager will attend the MSL planning part of CRMP for the planning's full duration, so each Area Manager and Brigade Manager will spend 8 hours (low estimate 4 hours, high estimate 12 hours) on CRMP per year.
2.2	<p>It is assumed that between 50% and 90% of fire stations, with a central estimate of 70%, will require station managers to travel and deliver work notices. The low estimate is based on the fact that 47% of fire stations are wholtime or mixed, and it is assumed that these stations would tend to be prioritised for work notice delivery (as they are generally located in areas of high risk/demand) but would likely be insufficient to meet the MSL without the inclusion of on-call stations. The high estimate is not 100% as it is highly unlikely that every fire station would have work notices delivered during a strike (for example, small and remote stations).</p> <p>For every 24-hour strike period, it is assumed that each Station Manager in charge of an in-scope station will be required to travel to their station twice to deliver work notices. This is because it is assumed that two Watches will cover each 24-hour period on a whole time fire station¹⁶. In addition, it is assumed that whilst a single visit would be made on a training night for an on-call fire station, it may be necessary to follow this up with a further visit to provide guidance and support to those on-call staff required to work.</p> <p>The time taken for a Station Manager to deliver a set of work notices is assumed to be two hours, low estimate one hour and high estimate three hours.</p>

¹⁰ $\frac{(295.5 \times 1)}{10} = 29.6$, $\frac{(295.5 \times 4)}{10} = 118.2$, $\frac{(295.5 \times 2)}{10} = 59.1$

¹¹ $\frac{2}{10} = 0.2$, $\frac{1}{10} = 0.1$, $\frac{4}{10} = 0.4$

¹² Pay Settlement | Fire Brigades Union (fbu.org.uk): <https://www.fbu.org.uk/pay-rates>

¹³ Fire and Rescue Services, minimum service levels consultation Impact Assessment (publishing.service.gov.uk): <https://www.gov.uk/government/consultations/minimum-service-levels-for-fire-and-rescue-services/impact-assessment-accessible>.

¹⁴ A 30 per cent uplift of wages to account for non-wage labour costs was used in the consultation IA (page 18): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1137636/21022023_-_MSL_Impact_Assessment_FINAL.pdf

¹⁵ Sourced from DBT MSL IA – <https://www.gov.uk/government/publications/strikes-minimum-services-levels-bill-2023>.

¹⁶ Based on internal Home Office estimates.

2.3	<p>Ahead of a strike incident in option 0, all those ranked Brigade Manager and Area Manager are assumed to take part in business continuity planning to minimise the impact of the strikes.</p> <p>It is assumed that there are 3 monthly BCP meetings ahead of a period of strike action, with each of these meetings lasting 8 hours, low estimate 4 hours and high estimate 12 hours.</p> <p>During a period of strike action, it is assumed that there are 12 BCP meetings, each lasting 4 hours, low estimate 2 hours, high estimate 6 hours.</p>
2.4	<p>There are four Trade Unions for firefighters and control room staff (see assumption 1.4). It is assumed that one General Secretary and four Senior Directors from each Trade Union will need to familiarise themselves with the legislation.</p>

Table 3: Benefits assumptions

ID	Assumption Description
3.1	<p>The benefit to society of firefighter/control room staff member's work is derived from an NFCC report¹⁷ and Home Office's economic and social cost of fire report¹⁸. These values are assumed to remain constant over the appraisal period.</p> <p>In the do-nothing scenario, it is assumed that fire and essential non-fire incidents will be responded to during strike action because of the presence of BCPs, but that the value of these responses will be lower than when there is no strike action. This is because, under BCPs, FRSs will be operating with fewer resources available to them so responses to operational incidents in some areas may be slower, with a corresponding increase in risk to people and property.</p> <p>While business as usual levels of service will maximise the quality of FRS response, for the purposes of the appraisal in this IA, it is assumed that the MSL is set such that FRSs can provide the same quality of fire and non-fire response to essential incident types during a strike period as they can during a non-strike period. This is because MSL legislation aims to ensure that all essential services are responded to in the same way as normal.</p> <p>Therefore, it is assumed that in option 0 – where BCP are employed during strike action – the value per incident responded to during strike action will be lower than the value per incident responded to during strike action in option 1 where the MSL is employed.</p>
3.2	<p>The benefits of the policy are assumed to be spread evenly amongst each of the 10 years of the appraisal period, because it is not possible to predict exactly when and what scale of strike action could occur.</p>

Appraisal

COSTS

Option 0: Take no action and make no legislative changes ('Do-nothing')

32. This is the do-nothing option and so no costs have been monetised. For **option 0**, no legislation is undertaken and so there is no impact of the proposals. This is the baseline against which option 1 is measured.

¹⁷ 'The Economic and Social Value of UK Fire and Rescue Services': <https://www.ukfrs.com/media/2136>

¹⁸ 'Economic and social cost of fire': <https://www.gov.uk/government/publications/economic-and-social-cost-of-fire>

33. There are costs associated from **option 0** if looking at it in isolation, because in this option there would a higher level of strike participation than in option 1. These costs are instead accounted for in the benefits of option 1, and **option 0** is assumed to be the counterfactual option with no costs or benefits beyond it.

Option 1

Set-up costs for option 1

34. There will be set-up costs in year one of the appraisal period from trade unions, FRS staff and employers familiarising themselves with the policy. Much of the data used here can be found in annexes 1, 2 and 3.

Familiarisation

It is expected that multiple groups will have to familiarise themselves with the legislation and any relevant guidance produced to support the policy. There are varying time assumptions behind this, which are multiplied against respective wage costs in order to calculate total familiarisation costs-see Table 4.

Table 4: Familiarisation costs for different groups, 2023/24 prices

	Number to familiarise	Assumed Hours			Labour cost (£m)
		Low	Central	High	
Trade union senior officials	20	8	16	32	37.27 ¹⁹
FRS senior leadership	310	8	16	32	See paragraph 37
FRS staff	35,693	0.5	1	2	See paragraph 36

Source: Home Office internal assumptions. Labour costs taken from FRS pay settlement data and consultation IA (see footnotes 12 and 18).

Trade Unions

35. Time estimates are based on the Union General Secretary and four other Senior Directors for each union (and there are four unions in total), based on estimates provided in the consultation IA²⁰ plus an extra 8 hours (low estimate 4 hours, high estimate 16 hours) to familiarise with the work notice content in the legislation.

FRS staff

36. Control room staff are not included in the benefits analysis but are included in the familiarisation cost, as it is assumed that they will need to be aware of the legislation and what it means for their place of work. There are varying firefighter labour costs for different ranks and location (London or non-London), ranging from £46.15 for a London Group Manager to £21.50 for a non-London, non-managerial firefighter (see annex 1).

FRS senior leadership teams

37. It is expected that senior FRS staff (Brigade and Area Managers) will have to do the same level of familiarisation as trade union officials because there are similar responsibilities placed on employers and unions by this policy. Number to familiarise includes Brigade and Area Managers. The hourly labour cost of a Brigade Manager is assumed to be £84.90, and the hourly labour cost of an Area Manager is assumed to be £60.70 (London) and £38.62 (non-London) see annex 1.

¹⁹ This labour cost is taken from the consultation IA (<https://www.gov.uk/government/consultations/minimum-service-levels-for-fire-and-rescue-services/impact-assessment-accessible>) and then uprated to 2023/24 price levels using the HM Treasury GDP deflator, 30 June 2023 update (<https://www.gov.uk/government/collections/gdp-deflators-at-market-prices-and-money-gdp>).

²⁰https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1078701/Impact_Assessment.pdf

Legal advice – trade unions

38. It is expected that trade unions will seek legal advice on their obligations regarding reasonable steps and updating of their privacy notices, to account for the data they need to handle to issue work notices. It is estimated that one hour of legal advice would cost £312²¹, and each of the four firefighter trade unions would require between 4 and 16 hours of legal advice, central estimate 8 hours.

Total set-up costs for option 1

39. Total set-up costs are presented in table 5. The costs are estimated to be between £0.65 million and £2.9 million, with a central estimate of £1.4 million.

Table 5: Total set-up costs Option 1, £ million (2023/24 prices)

Cost Area	Low	Central	High
Familiarisation – trade unions	0.01	0.01	0.02
Familiarisation – FRS staff	0.42	0.83	1.66
Familiarisation – FRS senior leadership	0.15	0.29	0.58
Legal advice – Trade Unions	0.00	0.01	0.02
Total	0.57	1.14	2.29

Source: Home Office internal analysis. Note: figures may not appear to add exactly, due to rounding.

Ongoing Costs for Option 1

40. There will be ongoing costs for each year of the appraisal period for option 1. These costs are associated with the planning and issuing of the work notices associated with the MSL, as well as the reasonable steps taken when issuing these work notices.
41. FRS senior leaders will spend time each year planning how MSLs will be used in the event of a strike incident. This planning is expected to take place at annual CRMP meetings.
42. In option 1, FRSs will issue work notices to ensure the minimum level of service is provided during a period of strike action. As per assumption 1.6, there are assumed to be between 0.1 and 0.4 (central estimate 0.2) strike incidents per year. Whenever there is a strike incident, there will be time costs from identifying those employees who need to be included on a work notice, as well as time costs associated with issuing the work notices. These are outlined below.
43. These assumptions on time taken and number of strike incidents per year are multiplied by labour costs (annex 1) and FTE data (annex 2), unless stated otherwise, to calculate total annual costs. Annual costs are assumed to run for each year of the 10 year appraisal period, and are then discounted to present values.

²¹ The Trade Union Act 2016:

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583579/trade_Union_act_enactment_IA_BEIS_clean.pdf) gives the hourly cost of legal advice to Trade Unions as £250. This is then inflated to 2023/24 prices using the HMT GDP deflator, 30 June 2023 update (<https://www.gov.uk/government/collections/gdp-deflators-at-market-prices-and-money-gdp>) to give an hourly legal cost of £312.28.

Table 6: Time assumptions used for ongoing costs

	Time assumptions (hours)		
	Low	Central	High
MSL Planning			
MSL considerations in CRMP	4	8	16
Fire Chiefs informing ministers on agreed CRMP MSL provisions	1	2	3
Issuing Work Notices			
Identifying employees who need to work	2	4	6
Consulting on work notices - FRS leadership	8	16	24
Consulting on work notices - Unions	8	16	24
Unions informing employees of requirement to work on strike days	2	4	6
Station Managers delivering work notices	1	2	3
Employees receiving and acknowledging work notice	1	1.5	2
Picket supervisor familiarisation	1	1	1

Source: Home Office internal estimates.

Ongoing costs – MSL planning costs

a) MSL considerations in Community Risk Management Planning

44. FRS senior leadership take part in CRMP on an annual basis to identify and manage fire risks to the public. In option 1, time will need to be taken to consider how MSL will be applied to the meet the Risk Management Plan that has been set. It is expected that all senior FRS staff (Brigade and Area Manager) will spend the same amount of time on MSL considerations in CRMP. The cost of this time is calculated by multiplying time assumptions by the hourly labour cost of a senior leader and FTE staff numbers for these ranks.

b) Fire chiefs informing minister of the MSL provisions agreed in CRMP

45. Once FRS senior leadership have completed their plans for how they would carry out MSL in the annual CRMP, it is expected that the Chief Fire Officer for each FRS will inform the minister of these plans. The cost is calculated by multiplying time assumptions by the labour cost of chief fire officers (ranked Brigade Manager, see annex 1) and the number of chief fire officers²².

Ongoing costs – costs of Issuing work notices

a) Identifying employees who need to attend work

46. Once strike action is called, FRS will have to spend time calculating which employees will be identified on the work notice so that CRMP commitments can be met during the strike period. Much of the work for this will already have been done during annual CRMP meeting.

b) Consultation on the work notice between Trade Unions and FRS – FRS costs

47. It is expected that, once FRS leaders have identified the firefighters that will be named on the work notices, they will inform trade union leaders and consult them on the measures they have put in place to meet the MSL.

c) Consultation on the work notice between Trade Unions and FRS – Trade Union costs

48. The five union officials for each of the four unions are assumed to spend the same time on work notice consultations as FRS senior leaders.

²² The number of Chief Fire Officers is the same as the number of FRS in England, 44.

d) Unions informing firefighters on work notice of their requirement to work on strike days

49. Once FRSs have consulted with trade unions on the work notice, it is expected that unions will then process the work notice and inform those of their members that are identified on the work notice of their requirement to work during the upcoming strike period.
50. While it is expected that some of this process will be automated using unions' online member databases, there is likely to be time spent by union officials checking that the names on the work notice are matched correctly to those on their membership database, and to send out emails to those identified on the work notice.

e) Station managers informing firefighters of their requirement to work on strike days

51. As well as unions informing relevant members of their requirement to work on strike days, it is also expected that station managers will travel to their fire station ahead of a strike incident to inform those workers identified on the work notice of their requirement to work. See assumption 2.2.
52. As well as informing these staff in person, it is assumed that station managers will support this with the use of email to ensure there is a clear audit trail of who has been identified on a work notice and when. For the purposes of this IA, the cost of sending these emails is assumed to be negligible.

f) Employees acknowledging and understanding their requirement to work

53. Employees who are identified on the work notice will also take time to acknowledge and understand their requirement to work during a strike period. This is assumed to be primarily a year one cost, with an ongoing cost equating to the number of new FRS staff per year (as new staff will need to acknowledge and understand their requirement to work during strike periods). This ongoing cost is assumed to roughly equate to between 6 per cent and 20 per cent of the initial year one cost in the low and high scenarios, with a central estimate of 14 per cent.²³

g) Picket supervisor familiarisation cost

54. With option 1, when there is strike action taking place, picket supervisors will need to familiarise themselves with the parts of the legislation that apply to their role and their obligations in helping to encourage compliance with the legislation from those workers that are on strike.
55. It is assumed that this is an ongoing cost because, each time there is strike action taking place, it is assumed that there will be a new set of picket supervisors who will have to familiarise themselves with the guidance relating to their obligations on the picket line.
56. For each case of strike action, there are assumed to be between 1,390 and 2,502 picket supervisors, with a central estimate of 1,946²⁴. It is assumed that the hourly labour costs of picket supervisors is £26.16²⁵.

²³ Based on internal Home Office estimates around number of new wholetime and on-call FRS staff each year.

²⁴ It is assumed that, for each 24 hour period of strike action, there will be two picket supervisors for every fire station that has work notices delivered. Note, these figures also factor in assumption 1.6 around number of stations who will have work notices delivered during strikes.

²⁵ ASHE (2022) Table 14.6a Hourly pay - Excluding overtime (£) - For all employee jobs: United Kingdom, 2022. Hourly wage for 'Professional occupations' is £22.19 which is then uprated by 17.9 per cent to account for non-wage labour costs to give £26.16.

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

Total ongoing costs of option 1

57. Total ongoing costs are presented in Table 7.

Table 7: Total ongoing costs for option 1, £ million, PV over 10 years (2023/24 prices)

	Low	Central	High
MSL Planning			
MSL considerations in CRMP	0.63	1.25	2.51
Fire chiefs informing minister on the MSL provisions agreed in CRMP	0.03	0.06	0.10
Issuing Work Notices			
Identifying employees who need to attend work	0.03	0.13	0.38
Consultation on the work notice between trade unions and FRS – FRS costs	0.13	0.50	1.50
Consultation on the work notice between trade unions and FRSs – trade union costs	0.01	0.02	0.06
Unions informing firefighters on work notice of their requirement to work on strike days	0.00	0.01	0.02
Station managers informing firefighters of their requirement to work on strike days	0.43	2.43	9.37
Employees acknowledging and understanding their requirement to work	0.47	1.98	6.46
Picket supervisor familiarisation cost	0.03	0.09	0.23
Total ongoing costs	1.75	6.47	20.61

Source: Home Office internal analysis. Note: figures may not appear to add exactly, due to rounding.

Total costs

Table 8: Costs for option 1, £ million (2023/24 prices)

	Low	Central	High
Total setup costs	0.57	1.14	2.29
Total ongoing costs	1.75	6.47	20.61
Total costs	2.32	7.61	22.90

Source: Home Office internal analysis. Note: figures may not appear to add exactly, due to rounding.

Non-monetised costs

58. There are a number of additional non-monetised costs that apply to option 1 and that should be considered:

- **Updating of privacy policies:** FRS and trade unions will need to update their privacy policies to account for the data that needs collecting in order to issue work notices. The changing of these privacy policies will be associated with a time cost for those who update the privacy policies. The time required for this is expected to be very low, and so the costs associated with this are expected to be negligible.
- **Increased data protection costs:** The change in the data that unions collect in order to issue work notices could lead to increased subject access requests as union members seek to understand what personal data their union has about them. The time taken to process these requests would come at a cost to unions.

- **Enforcement related costs:** There may be costs to FRAs of enforcing work notices. This could include administration and litigation costs. There could also be linked costs to trade unions and employees. Employees which have been identified in a valid work notice, and have been notified of this by their FRA, but take strike action and do not attend work to fulfil the requirements of the work notice would lose their protection from automatic unfair dismissal for strike action. The employee would retain their protection from unfair dismissal for other reasons not related to strike action.

FRAs are able to manage instances of non-compliance with a work notice in the same way as they would for unauthorised absence. This could mean that the employee is disciplined as a result or potentially dismissed. It is the discretion of the FRA as to what, if any, disciplinary action is taken in these circumstances. An employee which is identified in a work notice and is required to work for part of the strike day, may take strike action during the period in which they are not required to work without losing their automatic protection from unfair dismissal for strike action. It is assumed that all workers will comply with a work notice, given that failure to do so may incur disciplinary action.

- **Trade union membership:** It is possible that Government setting MSLs in FRSs could have an adverse impact on trade union membership by either raising the barrier to industrial action or increasing the strength of mitigating actions. Alternatively, it is also possible that some individuals may currently be reluctant to join a trade union due to concerns around the impact of disproportionate industrial action on the public in the absence of a statutory MSL. This legislation may therefore mean some individuals feel more empowered to join a union as this concern will no longer apply.
- **Increase in strike action in the short term:** There is a potential for an increase in strike action prior to MSL being introduced, as unions may seek to cause disruption which is not mitigated by an MSL before they are implemented, in order to maximise their leverage. This may be mitigated by the costs to unions and their members, principally loss of pay, of taking industrial action.
- **Changing nature of strike action.** There is the potential for an increase in strike action because of MSL being introduced, due to an increase in tensions between unions and FRAs. Given that strikes themselves are influenced by a range of factors it is not possible to predict this with any certainty.

According to unions, a further consequence of this policy could be an increase in staff taking action short of striking which is not prohibited by legislation. Where services are reliant on staff working additional hours beyond those that they are contracted to work, this could have a significant negative impact on the level of FRS labour provided and therefore have a societal cost.

It is important to note that such action could continue even when MSL are in place (and so it could be that instead of taking strike action, action short of strike becomes a more prevalent form of lawful protest). It is unclear what the net impact of a move from strike action to action short of a strike would be, but it is likely on balance, to be lower than strike action without any form of MSL. This is because the risk could potentially be mitigated through other means, such as changes to working practices and terms and conditions.

- **Reduced benefits of being in a trade union:** There are a number of benefits of being part of a trade union. One of these benefits is that unions help counterbalance the bargaining power that employers have over their staff. Strike action may in some cases lead to improved terms and conditions, including increased pay deals, which can have impacts of staff morale and motivation. If any of the proposed options were to change the balance between unions and employers, this may reduce the value that workers receive by being part of a union. If any of the options reduce the impacts of strikes, this could lead to potential reductions in future pay or working conditions for FRS staff compared with **option 0**. This potential reduction in terms and conditions for workers in unionised sectors over time (if bargaining power is substantially

weakened) could have a downward effect on terms and conditions more generally in the labour market.

BENEFITS

Set-up benefits (all options)

59. There are no set-up benefits associated with either option 0 or option 1. All benefits are assumed to be ongoing.

Option 0: Take no action and make no legislative changes (do-nothing)

60. As this represents the current state of affairs, there are no benefits associated with this option.

Option 1

Ongoing benefits

61. There will be ongoing benefits for each year of the appraisal period for option 1. These are split into three overarching sections: contingency costs saved (both national and local), savings from removing business continuity planning, and the benefit to society from more firefighters working as opposed to striking.

A) Cost savings from not implementing contingency plans

62. In the event of strike action in option 0, it is likely that contingency plans will be implemented by FRSs and central government to ensure necessary coverage during the period of strike action. These costs include labour costs for contingency staff that are brought in to meet local BCPs and national contingency plans, as well as capital costs associated with meeting national contingency plans. For the purposes of this appraisal, it is assumed that there are two costs associated with implementing these contingency plans: a) national contingency costs b) local contingency costs.

63. In option 1, it is assumed for the purposes of appraisal that the MSL eliminates the need for contingency resourcing because it ensures that FRSs have the capacity to respond to essential fire and non-fire incidents. Therefore, the costs associated with implementing contingency plans are saved in option 1, and are appraised as benefits of option 1 in this IA.

National contingency cost savings

64. In option 0, it is assumed that central government will use contingency resourcing during periods of strike action, by deploying additional crewed appliances nationally to assist FRSs with incident responses where required. There is a non-labour cost associated with deploying the appliances for this purpose and keeping the appliance active, and there is a labour cost associated with those staff that operate the appliances deployed as part of the national strategic reserve.

65. For every strike incident in option 0, there is assumed to be set non-labour and labour costs associated with deploying the national strategic reserve, followed by weekly costs associated with keeping the national strategic reserve active and available for use.

Non-labour costs

66. There are two non-labour national contingency costs. The first is driven by the resources necessary to put a national contingency response ahead of a period of strike action. The second is driven by the resources necessary to ensure the national contingency response can continue once a period of strike action has commenced. These could be considered opportunity costs of option 0 and therefore benefits of option 1, as the latter removes the need for these contingencies to be implemented.

Table 9: Non-labour national contingency capital costs, £ million (2023/24 prices)²⁶

	Unit costs (£m)		
	Low	Central	High
Deploying national contingency resource	1	2	3
Running national contingency resource	0.25	0.5	0.75

Source: Home Office internal assumptions.

67. The capital cost of deploying national contingency resource is multiplied by the number of strike incidents per year (see assumption 1.6) to calculate total costs.
68. For running national contingency resource, in the low-cost scenario, it is assumed that the 295.5 hours of national strike action per incident (see assumption 1.6) occur continuously, meaning that the contingency resourcing needs to remain active for approximately two weeks²⁷. In the high-cost scenario, it is assumed that one 24 hour national strike period occurs every week during a strike incident, meaning that the contingency resourcing needs to remain active for approximately 12 weeks²⁸. In the central estimate, the central point of the low-cost and high-cost is taken (seven weeks) for the number of weeks that each national strike incident lasts for.
69. The annual non-labour cost of keeping the national strategic reserve active is then calculated by multiplying the weekly cost estimate by the number of weeks of strike action per incident and the number of strike incidents per year.

Labour costs

70. As well as the non-labour costs associated with national contingency resourcing, there will also be labour costs associated with the operation of appliances deployed as part of this contingency resourcing. The time that these staff spend on operating these appliances is an opportunity cost of option 0 as they could be using their time for alternative productive activities. It is assumed that between 16 and 64 FTE staff, central estimate 32, will need to be deployed for every strike hour to operate the appliances that are deployed as part of the national strategic reserve²⁹. The opportunity cost of deploying each FTE staff member for one hour is £45.59³⁰. The annual cost of deploying these staff is calculated by multiplying the hourly opportunity cost by the number of FTE staff deployed and the expected number of strike hours per year.
71. The cost of training national contingency staff is assumed to be included in the non-labour costs associated with deploying the national contingency resourcing.
72. Combining the non-labour and labour costs associated with national contingency plans gives the total national contingency cost in option 0. Given that this cost is assumed to be eliminated by the MSL, this is a benefit of option 1.

Local contingency cost savings

73. As well as central government deploying a national strategic reserve during periods of strike action in Option 0, FRSs may have to draw upon contingency staff in option 0 in order to meet their BCP. There are costs associated with training and deploying these staff. These costs are removed in option 1 because it is assumed that the MSL ensures that FRS staff (rather than contingency staff) will provide the necessary service level. Each FRS will have their own contingency plans, where they

²⁶ Based on internal Home Office operational estimates

²⁷ There are 168 hours in a week, therefore if there was continuous strike action for 295.5 hours, this would last a total of 1.8 weeks ($295.5 / 168 = 1.8$).

²⁸ If there is one 24 hour strike period per week, it would take 12.3 weeks for the 295.5 hours of national strike action to be completed ($295.5 / 24 = 12.3$).

²⁹ Estimates are based on internal Home Office operational estimates around staffing of pumping appliances.

³⁰ This opportunity cost per hour is the value of the work that these contingency workers could provide in alternative activities, had they not been working to meet the BCP. To estimate this opportunity cost, the output per hour for 'Public administration and defence; compulsory social security' (SIC 84) is taken from ONS data (<https://www.ons.gov.uk/economy/economicoutputandproductivity/productivitymeasures/datasets/labourproductivitybyindustrydivision>) and then uprated to 2023/24 price levels using the HMT GDP deflator (<https://www.gov.uk/government/collections/gdp-deflators-at-market-prices-and-money-gdp>).

draw upon contingency staff from different sources to meet the staffing level set out in their BCP. The local contingency costs estimated in this section are a proxy for all FRSs contingency staff costs.

74. FRSs contingency arrangements vary and are commercially sensitive, and so local contingency costs have not been split out at an FRS level in this IA. Given assumption 1.5 around number of staff expected to strike, it is assumed that between 0 and 988 (central estimate 418) contingency staff are needed to cover striking FRS staff³¹. The low scenario is 0 as it is assumed that the BCP can be met with non-striking staff.

Training costs

75. The cost of training each additional contingency staff member is estimated to be between £2,000 and £3,000, central estimate £2,500³². This training cost is assumed to occur once every strike incident and is applied to all those staff who are deployed during a strike incident. It is assumed that double the numbers of contingency staff will need to be trained per strike incident because any strike incident that lasts more than 12 consecutive hours will need to be covered by two sets of contingency staff (so that no staff member works a shift that is longer than 12 hours).
76. The training cost per strike incident is calculated by multiplying the number of additional contingency staff per strike incident by the estimated cost of training per staff member. This is then multiplied by the number of strike periods per year.

Deployment costs

77. The opportunity cost of deploying each staff member for one hour to cover a striking wholetime firefighter is £45.59³³.
78. The annual cost of deploying these contingency staff on FRS appliances for every hour of strike action in option 0 is calculated by multiplying the number of additional staff required by the hourly deployment cost and the average number of strike hours per year.

Total contingency cost savings

79. Combining the national contingency costs and the local contingency costs of option 0 gives the total benefit of contingency costs saved in option 1. This total benefit is given in Table 10.

Table 10: Total contingency costs saved, £ million, PV over 10 years (2023/24 prices)

	Low	Central	High
National Contingency Cost saved			
Non-labour cost from deploying national contingency resourcing	0.86	2.58	6.89
Non-labour costs from running national contingency resourcing	0.38	6.06	31.79
Labour cost associated with national contingency resourcing	0.19	0.74	2.97
Local Contingency Cost saved			
Local labour training costs	0	3.60	20.42
Local labour deployment costs	0	9.70	45.85
Total Contingency Cost saved	1.42	22.68	107.92

Source: Home Office internal analysis. Note: figures may not appear to add exactly, due to rounding.

³¹ This is based on the number of WT and on-call firefighters that would need to be brought in during a strike hour to meet the BCP level.

³² This is based on internal Home Office operational estimates.

³³ This opportunity cost per hour is the value of the work that these contingency workers could provide in alternative activities, had they not been working to meet the BCP. To estimate this opportunity cost, the output per hour for 'Public administration and defence; compulsory social security' (SIC 84) is taken from ONS data (<https://www.ons.gov.uk/economy/economicoutputandproductivity/productivitymeasures/datasets/labourproductivitybyindustrydivi>) and then uprated to 2023/24 price levels using the HMT GDP deflator (<https://www.gov.uk/government/collections/gdp-deflators-at-market-prices-and-money-gdp>).

B) Cost savings from removing Business Continuity Plans (BCPs)

80. In the 'do nothing' scenario, senior leaders in FRSs engage in business continuity planning ahead of, and during, a period of strike action in order to maintain service during the strike action period. In option 1, for the purposes of appraisal, the presence of the MSL is assumed to mean that other resilience arrangements set out in BCP (such as use of third party cover and public recruitment) are no longer required. Therefore, the cost associated with business continuity planning in the 'do nothing' scenario is a benefit of option 1.

Table 11: Time assumptions for BCP planning (hours)

	Low	Central	High
Pre-strike action - meeting length	4	8	12
During strike action	2	4	6

Source: Home Office internal assumptions.

Cost savings from removing BCPs – pre-strike action

81. It is assumed that those ranked Brigade Manager and Area Manager are involved in business continuity planning in the 'do nothing' scenario. In the 'do nothing' scenario, FRS senior leaders are assumed to meet monthly in the three months running up to the strike period to discuss business continuity planning arrangements. The cost per strike saved from removing pre-strike business continuity planning meetings is estimated by multiplying FTE Brigade and Area Manager numbers by their relevant labour costs (see annex 1), the number of meetings ahead of the strike incident (three) and the time spent by each attendee at these meetings. The annual cost saved is then calculated by multiplying the cost saved per strike incident by the number of strike incidents per year.

Cost savings from removing BCPs – during strike action

82. In the 'do nothing' scenario, it is assumed that FRS senior leaders meet regularly during an industrial dispute to monitor the business continuity planning and amend the BCP to account for upcoming planned periods of strike action. It is assumed that FRS leaders will meet weekly during a strike incident to conduct business continuity planning. It is assumed, as in paragraph 68 that a single strike incident will last between approximately 2 and 12 weeks, central estimate 7 weeks. The total cost estimate for business continuity planning during strike action is calculated in the same way as given above, but accounting for differences in the number of business continuity planning meetings and length of these meetings.

Total benefit from removing business continuity planning

83. Table 12 gives the total cost savings from removing BCP. Given that business continuity planning is removed in option 1, these cost savings are viewed as a benefit of option 1.

Table 12: Total benefit from removing BCP, PV over 10 years, £ million

	Low	Central	High
Saving from removing pre-strike BCPs	0.19	0.75	2.26
Saving from removing BCPs during strike action	0.06	0.88	4.63
Total BCP saved	0.24	1.63	6.88

Source: Home Office internal analysis. Note: numbers may appear not to add exactly, due to rounding.

C) Value of firefighter hours saved

84. In the 'do nothing' scenario, during a strike incident, it is assumed that the value of firefighters' response will be lower than in option 1 because FRSs will be operating with fewer resources available to them, so responses to operational incidents in some areas may be slower – with a corresponding increase in risk to people and property (see assumption 3.1). With an MSL, more firefighters will be available to respond to fire and non-fire incidents, meaning society will benefit from a lower risk to people and property.

85. This benefit would be realised in terms of:
- Value of essential non-fire response.
 - Value in terms of physical and emotional harms saved in fire response.
 - Value in terms of property saved in fire response.
86. This value of firefighter hours saved is a net benefit, calculated as total hourly value from the activity they undertake, minus the hourly utility loss experienced by any firefighters who would have forgone their wage to strike in option 0 but are prevented from striking by the MSL in option 1. This hourly utility loss is assumed to be their hourly wage, acknowledged as the low bound of what they would have been willing to forgo.

Value of essential non-fire response

87. The value of FRS non-fire response is taken from an NFCC report³⁴. The report estimated the total economic value between 2016/17 and 2018/19 of a number of non-fire responses. The total value is divided by number of incidents to give a value per incident. The value per incident response is then converted to 2023/24 prices by uprating by the proportional difference between the cost of a fatality from the Economic and Social Cost of Fire report (ESCF) (in 2023/24 price year)³⁵ and the cost of a fatality value used in the NFCC report³⁶. The value per response from the NFCC report, and the uprated value of these responses, are given in table 13 below.

Table 13: Value per non-fire response, £ (rounded to 3 significant figures)

Non-fire response type	Value from NFCC report	Value in 2023/24 prices (factoring in ESCF report)
Flooding and rescue from water	69,500	57,800
Making environments safe	66,100	54,900
Spills and leaks	62,700	52,100
Extrication	68,700	57,100
Medical assistance	1,500	1,200

Source: Economic and social value of UK FRS report (footnote 33)

88. The NFCC report gives the value of non-fire response for a limited number of response types and these values were then aligned to the essential services. Annex 6 gives the list of essential non-fire response types, their proxy used and value per response taken from Table 13, and the number of incident responses in England in the most recent year of data available³⁷. Multiplying the value per incident in 2023/24 prices by the number of incident responses in England in 2022/23 gives the total value of essential non-fire incident responses in 2022/23 (in 2023/24 prices), which is estimated to be £1.88 billion.
89. It is assumed that each hour of firefighter and control room staff work has the same value when responding to fire and non-fire incidents. Therefore, to calculate the proportion of the £1.88 billion non-fire response value that can be attributed to the in-scope workforce (wholetime and on-call firefighters ranked Group Manager or below), the FTE number of the in-scope workforce needs to be divided by the total FTE number of staff for control room staff, on-call firefighters and wholetime

³⁴ Economic and social cost of fire report: <https://nfcc.org.uk/our-services/community-risk-programme/economic-and-social-value-of-the-uk-frs-phase-i-based-on-english-data-only/>

³⁵ <https://www.gov.uk/government/publications/economic-and-social-cost-of-fire>

³⁶ The value in 2023/24 prices is lower than the value in the NFCC report for an earlier year because the cost of a fatality from a fire incident from the Economic and social cost of fire report is considerably lower than the cost of a fatality used in the NFCC report which takes the cost of a road traffic collision fatality (from the DfT Tag data book <https://www.gov.uk/government/publications/tag-data-book>) as a proxy for non-fire incident fatality.

³⁷ Using 2022/23 data, FIRE0902 <https://www.gov.uk/government/statistical-data-sets/fire-statistics-data-tables>

firefighters. This gives a proportion of 96 per cent³⁸. Multiplying the total value of FRS response to essential non-fire incidents by the proportion of FTE staff that our in-scope gives the total value of FRS response to essential non-fire incidents in England in 2022/23 (in 2023/24 prices) that can be attributed to the in-scope workforce (£1.80 billion).

90. The value per year attributed to firefighters ranked Group Manager and below (£1.80 billion) is then divided by number of hours in a year (8,760) to get the value delivered by the in-scope workforce in a typical hour. This is then divided by the in-scope FTE England workforce that are on shift in a typical hour to get the value per individual firefighter hour in terms of essential non-fire response (**£26.99**).

Value of fire response (physical and emotional harms prevented)

91. The NFCC report also gives the total number of lives saved by FRS response in fire incidents between 2016/17 and 2018/19. This can be multiplied with the ESCF cost of a fatality to estimate total economic value of lives saved as £13.37 billion between 2016/17 and 2018/19.
92. Home Office's Economic and Social Cost of Fire report³⁹ gives the total cost of physical and emotional harms as £362 million, which consists of fatalities, physical harms, emotional harms, and rescues. Of this, 86.7 per cent are attributable to fatalities and 12.7 per cent are attributable to physical and emotional harms⁴⁰. It is assumed that, irrespective of strike action, FRSs will always provide a response designed to minimise fatalities. For the purposes of appraisal in this IA, it is assumed that the total economic value of lives saved can be apportioned in the same way as the total cost of physical and emotional harms. It is therefore estimated that the total economic value of physical and emotional harms avoided is £1.70 billion⁴¹.
93. Multiplying the proportion of the total FTE workforce that are in-scope in 2016/17 to 2018/19 (96%)⁴² by the total value of FRS response to fire incidents in terms of physical and emotional harms prevented (£1.70 billion) gives the total value of FRS response in England in 2016/17 to 2018/19 (in 2023/24 prices) that can be attributed to the in-scope workforce.
94. The total for the three years between 2016/17 and 2018/19 attributed to wholetime and on-call firefighters ranked Group Manager and below is then divided by number of hours in these three years (26,280) to get the value delivered by the in-scope workforce in a typical hour. This is then divided by the in-scope FTE England workforce that are on shift in a typical hour to get the value per individual firefighter hour in terms of essential non-fire response (**£7.79**).

Value of fire response (property saved)

95. The NFCC report gives the number of fire incidents in England where there was property damage between 2016/17 and 2018/19 (137,245) and the total economic value of property saved by FRS response to these incidents (£13.35 billion in 2021/22 prices). Dividing total value by number of incidents gives a value of FRS response per incident, which is then inflated to 2023/24 prices⁴³ to give a value of response per incident of £106,287. The number of primary fire incidents in England, that are either dwelling or other building fires⁴⁴, in the year ending 2022/23 was 40,207. Multiplying this by the value of response per incident gives an estimate for the total value of fire response in terms of property saved of £4.29 billion in 2023/24 prices.

³⁸ See annex table 2 for FTE numbers. FTE for in-scope workforce = 30,413. Total FTE staff = 31,791.
 $30,413 / 31,791 = 96\%$

³⁹ Economic and social cost of fire report: <https://www.gov.uk/government/publications/economic-and-social-cost-of-fire/economic-and-social-cost-of-fire>

⁴⁰ 'Economic and social cost of fire data tables', <https://www.gov.uk/government/publications/economic-and-social-cost-of-fire>

⁴¹ $12.7\% * £13.37 \text{ billion} = £1.70 \text{ billion}$

⁴² Calculated by dividing average number of FTE wholetime and on-call firefighters ranked Group Manager (2016/17 to 2018/19) and below by total FTE workforce (2016/17 to 2018/19).

$31,878 / 33,230 = 96\%$

⁴³ Value is inflated using the HMT GDP deflator, 30 June 2023 update: <https://www.gov.uk/government/collections/gdp-deflators-at-market-prices-and-money-gdp>

⁴⁴ Data taken from FIRE0102, <https://www.gov.uk/government/statistical-data-sets/fire-statistics-data-tables>

96. Given that the proportion of the 2022/23 FTE workforce that are in scope is 96 per cent, the proportion of the total property saved value delivered by FRS response to fire that can be attributed to the in-scope workforce is £4.10 billion (2023/24 prices).
97. This value per year is then divided by number of hours in a year (8,760) to get the value delivered by the in-scope workforce in a typical hour. This is then divided by the in-scope FTE England workforce that are on shift in a typical hour to get the value per individual firefighter hour in terms of property saved in a fire response (**£61.63**).

Total net value of firefighter hours saved

98. In the **low** benefit scenario, it is assumed that the value per firefighter hour is proxied by the value per hour delivered by a firefighter in terms of property saved (£61.63). In the **central** scenario, the value per firefighter hour is proxied by the value per hour delivered by a firefighter in terms of property saved and the value per hour delivered by a firefighter responding to an essential non-fire incident (£88.62⁴⁵). In the **high** scenario all three values are combined to give an estimate of £96.41⁴⁶.
99. It is assumed that the benefit of option 1 is realised through the extra firefighter value to society from greater coverage under a 73 per cent MSL as opposed to a 25 per cent business continuity planning. Total annual value is calculated as the total value per hour under BCP or MSL coverage multiplied by the number of strike hours per year.
100. Subtracting the BCP values from the MSL values gives a total added annual benefit from option 1 (see Table 14).
101. There will be an equivalent benefit to workers in terms of additional pay received for each hour where a worker is prevented from striking. This benefit is not included within the IA because the benefit accrued by workers for receiving pay, which would otherwise have been withdrawn in the event of strike action, is expected to be lower than the disutility that they will incur from not being able to strike. By previously choosing strike action instead of pay, they have demonstrated a revealed preference for strike action, implying that they value it more and are not receiving additional benefit under option 1.
102. It is assumed that the hourly wage is the minimum hourly utility that a firefighter gets from going on strike. Hourly wage, rather than hourly labour costs, have been used because non-wage labour costs include costs to employers that are not transferred to the employees. While some of the non-wage labour costs may benefit firefighters, the amount of benefit from these non-wage labour costs is uncertain. The hourly wage, by rank and region, is given in annex 4.
103. To estimate the total hourly disutility to firefighters of option 1, the number of firefighters that are prevented from striking during each hour of a strike is multiplied by these firefighters' respective wage. This is then scaled up by the expected number of hours strike per year to estimate the annual disutility to firefighters from option 1.
104. The total benefit of firefighter hours saved per year from option 1 is then calculated by subtracting the annual disutility to those firefighters that are prevented from striking from the total added benefit of greater coverage under MSL. This is then discounted over the 10 year appraisal period.

⁴⁵ £26.99 + £61.63 = £88.62

⁴⁶ £26.99 + £61.63 + £7.79 = £96.41

Table 14: Total benefit to society of MSL in terms of firefighter hours saved, £ million, PV terms over 10 year appraisal period

	Low	Central	High
<i>Benefit of firefighter coverage under BCP</i>	21.86	62.88	136.81
<i>Benefit of firefighter coverage under MSL</i>	63.84	183.61	399.48
Firefighter work saved with MSLs rather than BCPs	41.98	120.73	262.67
Disutility to firefighters	12.98	37.30	85.06
Total net value of firefighter hours saved	29.00	83.43	177.62

Source: Home Office internal analysis

Total benefit

105. The total monetised benefits from option 1 are shown in Table 15. These benefits are the total benefits, in PV terms, across the 10 year appraisal period.

Table 15: Benefits for Option 1 (2023/24 prices), PV terms over 10 year appraisal, £ million

	Low estimate	Central estimate	High estimate
Contingency cost savings	1.42	22.68	107.92
Savings from removing BCPs	0.42	1.63	6.88
Net value of firefighter hours saved	29.00	83.43	177.62
Total benefit	30.67	107.74	292.41

Source: Home Office internal analysis. Note: numbers may appear not to add exactly, due to rounding.

Non-monetised benefits

106. There are non-monetised benefits for option 1 which are driven by more firefighters being available on strike days:

- **A reduction in the fear of fire:** Any firefighter strike action is likely to get significant media coverage, and so individuals will likely know that fire response cover will be reduced on these days. In 2020/21, DLUHC's English Housing Survey found that many individuals, especially in high-rise buildings, are fearful of fire⁴⁷. It is possible that firefighter strike action could increase this fear, which would impact individuals' wellbeing. This has not been monetised at this stage.
- **Improved firefighter safety during strike action:** If there are more staff members available during strike action because of MSL, then there may be a benefit from them in terms of ensuring responsible crewing levels to maintain firefighter safety during strike action.
- **Reduced social costs from fire damage** – The Economic and Social Cost of Fire report estimates the total marginal cost of fire in 2019/20 to be £3.2 billion, with the unit cost of a dwelling fire estimated at £32,400 and the unit cost of an 'other buildings' fire estimated at £124,200 (2019/20 prices)⁴⁸. While option 1 is unlikely to reduce the number of fires that occur, it is likely to reduce the damage caused by fires during a period of strike action by ensuring that the FRS are better resourced to respond to fire incidents. In this sense, option 1 can serve

⁴⁷ 'English Housing Survey, 2020 to 2021: feeling safe from fire': <https://www.gov.uk/government/statistics/english-housing-survey-2020-to-2021-feeling-safe-from-fire/english-housing-survey-2020-to-2021-feeling-safe-from-fire>

⁴⁸ <https://www.gov.uk/government/publications/economic-and-social-cost-of-fire>

to reduce the economic and social costs of fire, such as mitigating lost output and physical harms that occur as a result of fire.

NPSV, BNPV, EANDCB

Net Present Social Value (NPSV)

107. The costs, benefits, and NPSV of these policies (over 10 years) are presented in Table 16. The range in the NPSVs is calculated by comparing the low cost estimates to the low benefit estimates, and the high cost estimates to the high benefit estimates, to give the range when the same assumptions on frequency of strike action are compared.

Table 16: NPSV for Option 1, £, millions (PV terms over 10 years)

	Low	Central	High
NPSV (Option 1)	28.34	100.13	269.51

Source: Home Office internal analysis.

Equivalent annual net direct cost to business (EANDCB) and Business net present value (BNPV)

108. The business net present value (BNPV) and equivalent annual net direct cost to business (defined as EANDCB) of option 1 are calculated based on trade union familiarisation costs. **For option 1**, the net present value to business is estimated to be between -£0.05 and -£0.35 million, with a central estimate of -£0.14 million. The EANDCB is estimated to be between £4,900 and £34,600, with a central estimate of £13,500 (to 3 significant figures).

Value for money (VfM)

109. For a policy to be considered value for money (VfM), it must meet its strategic and policy objectives. Sections A, B and C provide the context and rationale behind how policy option 1 would meet its strategic and policy objectives. Furthermore, the NPSV calculation in Table 16 demonstrates that option 1 achieves VfM in terms of monetised costs and benefits.

110. The VfM of option 1 is further assessed in this section through the following pieces of analysis:

- a) NPSV excluding net benefit of firefighter hours saved.
- b) Breakeven analysis: Fires and fatalities.
- c) Breakeven analysis: Disutility to striking firefighters.

a) VfM – NPSV excluding public safety benefits

111. The VfM for option 1 can be analysed by calculating the NPSV of policy option 1 if the policy delivered no public safety benefits. In this scenario, for the purposes of demonstration, the benefits for value of firefighter hours saved are set to zero.

112. The net value of firefighter hours saved becomes equal to the disutility cost for those firefighters that would strike, but are prevented from doing so by the MSL. This is then treated as a cost. All other costs and benefits stay the same.

113. Table 17 gives a breakdown of the total costs and benefits for option 1 in this scenario. This gives a total NPSV between -£13.64 and £6.84 million, central estimate -£20.60 million.

114. This demonstrates that, based on contingency cost savings and BCP savings alone, option 1 will only be value for money in the high NPSV scenario.

115. If firefighter disutility costs are excluded altogether, the NPSV becomes positive in the central and high scenarios.

Table 17: VfM calculation, excluding public safety benefits, £, million, NPSV over 10 years

Cost or Benefit	Low	Central	High
Cost: Total Cost	2.32	7.61	22.90
Cost: Disutility cost to firefighters (equal to wage cost of those forced to work)	12.98	37.30	85.06
Benefit: contingency cost saved	1.42	22.68	107.92
Benefit: savings from removing BCPs	0.24	1.63	6.88
NPSV (including disutility cost)	-13.64	-20.60	6.84
NPSV (excluding disutility cost)	-0.66	16.70	91.90

Source: Home Office internal analysis

b) VfM – Fire breakeven analysis

116. Using unit costs from the ESCF report that are updated to 2023/24 prices⁴⁹, and comparing these to the costs of option 1, a breakeven analysis can be conducted to demonstrate the magnitude of the benefits that would need to be achieved by the policy for it to achieve a positive NPSV.
117. Table 18 shows the average number of fires, or fire related fatalities, that would need to be prevented for the economic and social benefit to be greater than the costs of option 1. For the purposes of this analysis, benefits are excluded, and the total costs in PV terms over 10 years from option 1 are compared against the economic and social costs of fires and fire related fatalities.
118. It should be noted that option 1 would not prevent all fires from taking the place, but it is likely to mitigate the consequence costs of fire by improving the response time for fires during periods of strike action.

Table 18: Breakeven analysis

Fire/consequence type	2023/24 unit cost, £	Low	Central	High
Average primary fire	51,700	4	15	44
Primary dwelling fire	35,600	7	21	64
Primary other buildings fire	141,600	2	5	16
Fire related fatalities	1.79m	0.13	0.43	1.28

Source: Home Office internal analysis

c) VfM – Breakeven analysis: Disutility to striking firefighters

119. As discussed in paragraph 98, the disutility per hour that firefighters experience in option 1 as a result of being unable to strike is assumed to be equal to their wage costs, but this is uncertain. Analysis can be carried out to estimate the average disutility that a firefighter would have to experience, for every hour they are prevented from striking by option 1, for the NPSV to turn from positive to negative.
120. The first step in estimating this is calculating the NPSV of option 1 excluding the disutility to firefighters. This gives an NPSV of between £41.32 and £354.57 million, central estimate £137.43 million in PV terms over 10 years.
121. To calculate the average disutility that a firefighter experiences from being prevented from striking for one hour that brings this NPSV to £0, the hourly number of firefighters that are prevented from striking during strike action, based on the set MSL of 73 per cent is multiplied by the number of hours of national strike action per year. This gives the total number of individual hours firefighter strike

⁴⁹ <https://www.gov.uk/government/publications/economic-and-social-cost-of-fire>, data tables, A1.

action that are prevented by MSLs per year: between 83,669 and 548,210 hours, central estimate 240,403 hours.

122. For the NPSV to break even, the NPSV figures given above have to be equal to: the disutility per hour of individual strike action taken, multiplied by the annual individual number of hours of strike action prevented per year, summed and discounted at the relevant rate for the 10 year appraisal period.
123. This gives a breakeven disutility per individual strike hour of:
- Low scenario: £57
 - Central scenario: £66
 - High scenario: £75
124. These values demonstrate the average utility cost that a firefighter would have to experience (for every hour of strike action that they would have taken but are prevented from taking because of MSL) for the total costs of option 1 to be increased to a level where they are equal to the benefits of option 1 (in PV terms over the 10 year appraisal period).

Place-based analysis

125. This policy does not have any specific spatial objectives, however there are a number of place-based impacts that are worth considering. Currently the analysis in this IA looks at FRSs in England as a single entity: however, there are 44 FRSs across England which may be impacted differently by option 1. Listed below are a number of place-based considerations that should be accounted for:
- **Impact on public safety:** Option 1 proposes a set percentage level applied nationally across all FRS. The MSL is set to minimise the risk to people and property. However, each FRS has different levels of 'normal' appliance utilisation, with some more frequently operating with more appliances than others. This means that a single set percentage that may mitigate most risk in one FRS may not mitigate risk fully in another. Alternatively, it may lead to the MSL being set at a level to mitigate risk in the FRS that needs the highest percentage, which may lead to inefficiencies.
 - **Local differences in trade union membership:** This IA has also assumed that any action will be distributed equally across the country and be co-ordinated by all union members. However, trade union membership as a proportion of total firefighter workforce will vary across the country. This could be impacted by wholtime/on-call split of workforce. The impact of this is that some areas may currently (in **option 0**) have more limited local impacts of strike action, because they have fewer staff who will go on strike. In these areas, the quality of FRS response during a period of strike action may be higher than that which is assumed in assumption 3.1. These areas may experience fewer benefits from the legislation, as the difference in the quality of FRS response during strike action between options 1 and 0 will be lower. However, lower levels of unionisation could also lead to lower local employment conditions, depending on local collective bargaining power.

Impact on small and medium businesses

126. The legislation will impact four trade unions – the Fire Brigade Union, the Fire and Rescue Services Association (FRSA), the Fire Officers Association (FOA) and the Fire Leaders Association – each will incur familiarisation costs from the proposals. These are the only businesses in scope of the legislation. Analysis of the annual returns of these trade unions suggests that these are all small or micro businesses, as although they have large membership numbers, they have few staff⁵⁰.
127. As trade unions are crucial to this legislation, and all are small businesses, it is not possible to exclude small businesses from this legislation whilst still meeting the policy's objectives and without

⁵⁰ 'Trade Unions: the current list and schedule': <https://www.gov.uk/government/publications/public-list-of-active-trade-Unions-official-list-and-schedule/trade-Unions-the-current-list-and-schedule>

undermining the policy. The impact of the policy is not expected to be disproportionate on small businesses because the cost to trade unions is expected to be relatively low.

F. Proportionality

128. The analysis in this IA contains best estimates for the cost and benefits of the proposed policy. Every effort has been made to ensure the analysis presents the best possible estimate of the likely impact of the preferred option, given the time, resource and data available. These have been quantified where data is available. Therefore, the level of analysis in this IA is considered proportionate to appraise the impact of the MSL Secondary Legislation.

G. Risks

129. The monetised benefits in this IA assume that strike hours will be prevented as a result of this policy. Any displacement of strike hours (for example, through action short of strike, or an increase in the volume of strikes) will reduce the NPSV of this policy, and have not been monetised.
130. The IA assumes full compliance from staff with regulation: however, staff who are trade union members may not conform to MSL regulations and may seek to enlarge strike numbers due to union solidarity or other congruent reasons, for example, poorly enforced regulation.
131. This IA makes no assumption about the distribution of costs and benefits on individuals. Future strike action under MSL may only be carried out by certain individuals outside of MSL who are not included on work notices. These individuals would bear the cost of striking (in terms of foregone wages): however, all unionised individuals employed by the FRS, even those who did not strike, would gain from the results of strike action.

Sensitivity analysis

132. Sensitivity analysis has been conducted to show how the NPSV changes in response to the MSL that is set. This is set out in Table 19 below;

Table 19: NPSV for different MSL, in £ million (PV terms over the 10 years)

MSL level (%)	Low	Central	High
50	16.39	58.94	177.76
60	21.59	76.85	217.65
73	28.34	100.13	269.51
80	31.98	112.66	297.44

Source: Home Office internal analysis.

H. Direct costs and benefits to business calculations

133. All the costs to businesses fall to trade unions. The total cost to businesses in option 1 is set out in Table 20 below. There are no costs to businesses in option 0. All the costs to businesses are assumed to be minimal.

Table 20: Costs to business, rounded to the nearest £100, for option 1, PV terms over the 10 year appraisal period

Cost type	Low	Central	High
Total set-up cost to business	11,000	21,900	43,800
Total ongoing cost to business	37,700	113,300	302,400
BNPV	-48,700	-135,200	-346,200
EANDCB	4,900	13,500	34,600

Source: Home Office internal analysis.

I. Wider Impacts

134. An Equality Impact Assessment has been completed as part of the policy development process, considering potential impacts of MSL both on FRS workforce and on the public. The main conclusions from the EIA are as follows:

- There were some impacts on FRS staff identified because of the demographic make-up of these staff groups. The fire and rescue workforce and pensions statistics covering the period from April 2022 to March 2023⁵¹ (England only; published October 2023) show that firefighters and control room staff are likely to be younger than the staff for whom MSLs would be less likely to apply, and that firefighters are more likely to be male than female. This could put FRS staff who are male and/or in younger age brackets at a disadvantage compared to staff who are female and/or younger, as they would be less able to take strike action as a result of the roles they most commonly fulfil. Any disproportionate impact on these staff groups as a result of MSLs is assessed to be justifiable on the basis that the MSL is necessary to protect public safety. Whilst it is possible that these measures could impact good relations and equality of opportunity between FRS staff with protected characteristics who are most likely to be affected by the proposed MSL and those staff who do not share these characteristics, any such impact is assessed to be justified for the same reasons.
- MSLs in FRSs could have the benefit of offering groups that are more likely to be seriously harmed in a fire greater reassurance that the FRS will be available if they need it. These groups include older people and people with disabilities. This could therefore help reduce any discrimination suffered by these groups, and also advance equality of opportunity (for example to be protected from fire and other risks) between those groups and others who do not share these protected characteristics. Similarly, MSLs may foster good relations between firefighters (mostly male as set out above) and these groups. While FRSs have BCPs in place for periods of strike action and no causal link can be made between previous strike action and deaths or serious harm occurring, the introduction of MSLs could also have the effect of meaning that individuals more likely to be involved in non-fire-related incidents (such as road traffic accidents) greater certainty of being able to draw on the fire and rescue service if the need arises.

135. This IA has not fully considered the impact of MSLs on co-responding incidents (where FRSs support police and health services, and vice versa), and the impact of cross-border support for fire and rescue response. This could be further considered in future analysis.

⁵¹ Fire and rescue workforce and pension statistics: England, April 2022 to March 2023: <https://www.gov.uk/government/statistics/fire-workforce-and-pension-statistics-year-ending-march-2023>

J. Trade impact

136. There are no expected trade impacts from this policy.

K. Monitoring and evaluation plan

137. MSLs will only be used during strike action, which means that if there are no strikes, there will be no use of an MSL to monitor and evaluate. If strikes do happen, success will be measured against the policy and strategic objectives; however, any evaluation is likely to be complex due to difficulties in establishing a counterfactual. If strikes do not happen, monitoring of the overarching policy itself will likely include considering the degree to which the existence of the MSL, even if not used, has impacted on collective bargaining power.
138. Either way, the efficacy of the policy will be reviewed alongside other workforce matters as part of the regular cycle of workforce planning undertaken by the Home Office.

L. Annexes

Impact Assessment Checklist

Mandatory specific impact test – Statutory Equalities Duties	Complete
<p>Statutory Equalities Duties</p> <p>Home Office officials are actively considering the impact of MSL and how it might or will affect people with protected characteristics. This is an ongoing process. Policy officials will regularly review the Equality Impact Assessment (EIA) as the policy options develop.</p> <p>An EIA has been completed as part of the consultation planning process. See 'Section I: Wider Impacts' for further detail.</p>	Yes

Economic Impact Tests

Small and Micro-business Assessment (SaMBA)	Complete
A SaMBA has been carried out in section E	Yes

Annex tables

Annex 1: Average Labour Costs, £, 2023/24 prices

	Hourly Wages	Brigade Manager	Area Manager	Group Manager	Station Manager	Watch Manager	Crew Manager	Firefighter
Wholetime	London	84.90	60.70	46.15	40.49	28.61	27.36	25.06
	Non-London	84.90	38.62	32.89	28.56	25.04	23.84	21.50
Retained			38.62	32.89	28.56	25.04	23.84	21.50
Control	London		60.70	46.15	40.49	28.61	27.36	25.06
	Non-London		38.62	31.25	27.13	23.78	22.65	20.42

Source: Home Office internal analysis based on hourly wage costs (annex 4) uprated by 30 per cent for non-wage costs.

Annex 2: FTE Staff Numbers, 2022/23

FTE (England)	Brigade Manager	Area Manager	Group Manager	Station Manager	Watch Manager	Crew Manager	Non Managerial Firefighter	Total
Wholetime	122	188	475	1,206	3,595	3,294	13,746	22,626
On Call	-	-	0	25	741	1,529	5,802	8,097
Control	-	-	9	54	205	249	552	1,068

Source: Fire statistics data tables - GOV.UK, FIRE1102: <https://www.gov.uk/government/statistical-data-sets/fire-statistics-data-tables>

Annex 3: Headcount Staff Numbers, 2022/23

Headcount (England)	Brigade Manager	Area Manager	Group Manager	Station Manager	Watch Manager	Crew Manager	Non Managerial Firefighter	Total
Wholetime	122	188	482	1,241	3,593	3,292	13,897	22,815
On Call			0	25	1,001	2,237	8,779	12,042
Control	-	-	9	57	211	263	606	1,146

Source: Fire statistics data tables - GOV.UK, FIRE1133: <https://www.gov.uk/government/statistical-data-sets/fire-statistics-data-tables>

Annex 4: Hourly firefighter wage by rank, £, 2023/24

	Hourly Wages	Brigade Manager	Area Manager	Group Manager	Station Manager	Watch Manager	Crew Manager	Non Managerial Firefighter
Wholetime	London	65.31	46.69	35.50	31.14	22.01	21.04	19.28
Wholetime	Non-London	65.31	29.71	25.30	21.97	19.26	18.34	16.54
Retained		0.00	29.71	25.30	21.97	19.26	18.34	16.54
Control	London	0.00	46.69	35.50	31.14	22.01	21.04	19.28
	Non-London	0.00	29.71	24.04	20.87	18.29	17.42	15.71

Source: Takes non-London wages directly from FBU pay settlement 2023, and London wages from consultation IA uprated in line with FBU pay rise for 2022/23 and 2023/24. All these wages are uprated by 30 per cent to get the labour cost figures in Annex 1. See footnotes 12 and 13.

Annex 5: Workforce on shift at any one time

		Brigade Manager	Area Manager	Group Manager	Station Manager	Watch Manager	Crew Manager	Firefighter	Total
London	WT FF	0	7	18	37	184	125	766	1,137
Non-London	WT FF	30	41	101	265	715	699	2,670	4,520
London	OC FF	0	0	0	0	0	0	0	0
Non-London	OC FF	0	0	0	6	185	382	1,451	2,024
London	Control	0	0	0	1	2	7	17	27
Non-London	Control	0	0	2	13	49	56	121	241
London	Support staff	-	-	-	-	-	-	-	223
Non-London	Support staff	-	-	-	-	-	-	-	1,788
Total		31	47	121	321	1,135	1,268	5,025	9,959

Source: Takes FTE staff numbers (see annex 2) and assumes that 25 per cent of staff are on-shift at any one time as per BCP estimates.

Annex 6: Value for non-fire responses aligned to essential services

Non-fire service type	List of essential non-fire services:	Number of incidents year ending (2022/23) England	Incidents per hour	NFCC report proxy for value per incident	Value per incident (period with no strikes), £	Total value (no strikes) - 2023 prices, £
Road Traffic Collision (RTC)	Extrication of person(s)	3,785	0.4	Extrication incidents	57,104	216,138,218
Road Traffic Collision (RTC)	Release of person(s)	2,085	0.2	Extrication incidents	57,104	119,061,608
Road Traffic Collision (RTC)	Make vehicle safe	9,432	1.1	N/A	-	-
Road Traffic Collision (RTC)	Make scene safe	10,485	1.2	Making environments safe incidents	54,943	576,081,861
Road Traffic Collision (RTC)	Wash down road	591	0.1	Making environments safe incidents	54,943	32,471,567
Road Traffic Collision (RTC)	Medical assistance only	1,553	0.2	Medical assistance incidents	1,217	1,890,682
Road Traffic Collision (RTC)	Advice only	635	0.1	N/A	-	-
Road Traffic Collision (RTC)	Stand by - no action	1,882	0.2	N/A	-	-
Road Traffic Collision (RTC)	Other	727	0.1	N/A	-	-
Rescue or evacuation from water	Total	1,394	0.2	Flooding and rescue from water incidents	57,834	80,620,941
Other rescue / release of persons	Total	5,122	0.6	Extrication incidents	57,104	292,486,117
Hazardous Materials incident	Total	3,912	0.4	Spills and leaks incidents	52,138	203,965,581
Spills and Leaks (not RTC)	Total	3,231	0.4	Spills and leaks incidents	52,138	168,459,303
Making Safe (not RTC)	Total	3,423	0.4	Making environments safe incidents	54,943	188,071,360
	Total (2023 prices)					1,879,247,238

Source: Home Office internal analysis based on values obtained from <https://nfcc.org.uk/wp-content/uploads/2023/09/The-Economic-and-Social-Value-of-UK-Fire-and-Rescue-Services.pdf> and Fire Statistics table 0902.

Annex 7: MSL impacts on FRS risk

MSL (all appliances)	Number of FRSs					
	Over the last 5 years			Over the last year		
	Red	Amber	Green	Red	Amber	Green
45%	14	7	22	13	7	23
50%	9	10	24	12	4	27
54%	1	11	31	8	6	29
60%	1	8	34	4	9	30
65%	1	3	39	1	9	33
70%	1	1	41	1	4	38
73%	1	0	42	1	3	39
81%	0	1	42	0	1	42

Source: Home Office internal analysis based on data from the Incident Recording System and BCP survey FRS responses. Red denotes >2 per cent risk of an FRS exceeding the MSL set, Amber denotes 1 to 2 per cent risk and Green denotes <1 per cent risk.