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To:	Document Type:	<input type="checkbox"/>	Document Summary:
All Managers	Policy	<input type="checkbox"/>	This document has been written to provide guidance to Managers for Maintaining Business Continuity during any period of Industrial Action (IA)
	Assessment	<input type="checkbox"/>	
	Procedure	<input type="checkbox"/>	
	Guidance Note	<input checked="" type="checkbox"/>	
	Technical Note	<input type="checkbox"/>	
	Information	<input type="checkbox"/>	
	Safety Critical	<input type="checkbox"/>	

Keyword: Industrial Action, IA, Business Continuity

Please note that as Documents are frequently updated, if you print a document, its accuracy cannot be guaranteed, always check for latest version.

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1. Introduction

- 1.1 This document has been written to allow Buckinghamshire Fire & Rescue Service (BFRS) to conform to its responsibilities under the Civil Contingencies Act 2004 (CCA) and the Fire and Rescue Service Act 2004.
- 1.2 To mitigate risk to the organisation it is essential to have robust plans in place for Industrial Action (IA) and that these are reviewed and updated on a regular basis.
- 1.3 The Trade Union Act 2016 ensures that IA can only go ahead when there has been a ballot turnout of at least 50%. For Fire & Rescue Services an additional threshold of 40% of support to take IA from all eligible trade union members must be met for action to be deemed legal.
- 1.4 Trade Unions have to give 14 days' notice of any IA¹ to BFRS. A ballot's support for protected IA expires after six months or up to nine months if both sides agree.²
- 1.5 The document aims to provide guidance to Senior Managers in relation to maintaining Business Continuity during periods of IA.
- 1.6 This document relates to all trade unions currently recognised by Buckinghamshire & Milton Keynes Fire Authority (the Authority).
- 1.7 All documentation relating to IA can be found on Resilience Direct.

2. Strategy

- 2.1 A clearly defined strategy, including objectives, must be agreed by the Senior Management Team (SMT). This will include steps to be taken well in advance of any ballot and may include contacting employees to try to discourage them from voting for IA; and, in the event of a ballot in favour of IA, trying to persuade employees not to take part. These communications may include reminding employees of the financial impacts upon them especially where these are reflected in specific entitlements of their contractual pay; reputational damage; and public safety.
- 2.2 The strategy must be cascaded down to those who are responsible for planning and managing any form of IA affecting the Service. This is likely to

¹ Under no circumstances will the Authority/Chief Fire Officer agree to accept the lesser option of 7 days' notice.

² It is unlikely that any extension from 6 months' protection would be agreed by the Authority/Chief Fire Officer. Refer to Appendix B

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include changing procedures for booking annual leave and arrangements for reporting sickness with a requirement that any period of absence during IA must be supported by a doctors' certificate.

- 2.3 Any agreed changes to either the strategy or objectives must be recorded with the rationale in a decision log prior to dissemination.
- 2.4 Any changes made to the strategy or objectives which is not recorded will lead to confusion, disengagement and risk.
- 2.5 During any period of IA consideration must be given to the Significant Event Procedure and the behaviours expected under the Service Code of Conduct.

3. Employee Representative Bodies

- 3.1 The engagement of Representative Bodies and staff representatives is paramount to maintaining clarity of the message and will help to improve working relationships.
- 3.2 Successful engagement may lead to arrangements that can be brokered on a local basis including an agreement for recall of staff in the event of a Major Incident being declared.
- 3.3 A definition of what constitutes a Major Incident must be included in the agreement and signed by all parties.
- 3.4 All affected staff groups must be informed by letter with a copy of the signed agreement enclosed.
- 3.5 A Code of Conduct that relates specifically to expected behaviours during IA and aligned to current service procedure, must also be agreed and signed between the Service and the Representative Bodies.
- 3.6 All staff will receive a copy via their home address. Stations will be required to display a copy on their notice boards. The Code of Conduct will also be available via the I:Drive

4. Picketing

- 4.1 Unlawful picketing may expose the union (and the pickets themselves) to civil liability (and in certain circumstances criminal liability).
- 4.2 Pickets must not obstruct staff that choose not to participate in IA.
- 4.3 Reference should be made to the [Code of Practice: Picketing, March 2017](#) for further guidance

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5. Risk Assessments

- 5.1 Prior to any period of IA, risk assessments will be completed for all activities carried out and for any Holding Points if these are used during the periods of IA.
- 5.2 Copies of the all risk assessment will be forwarded to the Health and Safety department where they will be held securely.

6. Resource Modelling

- 6.1 When notification is received by the service of the potential for IA to take place, the resource modelling data must be refreshed to ensure it is current. The use of resource modelling to determine strategic points for locating resources is paramount to providing the best response to our communities during any period of IA.
- 6.2 To allow the results to be verified and to be presented in the event of a challenge to the Authority the internal service software will be utilised in the first instance and the same data then passed to an external provider i.e. ORH for comparison. Any data passed to an external provider must remain confidential.
- 6.3 Once confirmation of the results have been approved the locations of the Holding Points can be confirmed.

7. Staff

- 7.1 On notification of any IA, engagement with all staff will be carried out to determine if they are prepared to work during the action. It should be noted that any personnel that agrees in principle to work normally can retract the agreement at any time.
- 7.2 Rosters should be prepared at the earliest opportunity and circulated to those who are prepared to work normally.
- 7.3 Reassurance should be given to staff that wherever possible their identities will be protected.

8. Secondary Employment

- 8.1 During any period of IA, permission for secondary employment will be withdrawn for those members of staff taking part.

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- 8.2 Where permission has been withdrawn, after each period of IA, employees who have taken part in IA will have to reapply via normal procedures, for permission to resume secondary employment.
- 8.3 Senior managers may waive this requirement if the individual's secondary employment is within the Service.

9. Partial Performance

- 9.1 Non acceptance of partial performance means: where strike action is undertaken, even for a few hours, the Authority may accept breach of contract and deduct pay for the entire shift, including any allowances.
- 9.2 In cases where the IA is Action Short of Strike (ASoS), participation may be a breach of contract. As an entitlement to pay only arises if the employee is willing and ready to perform all contractual duties non acceptance of partial performance will result in the deduction of pay, including allowances, for the whole shift.
- 9.3 The Chief Fire Officer may choose to implement non acceptance of partial performance at any time during periods of IA in which case employees will be warned in advance of the beginning of their scheduled contracted hours that partial performance will not be accepted.

10. Category 1 Partners

- 10.1 Prior to any confirmed period of IA, arrangements will be shared with our other Category 1 (CAT1) partners as defined under the CCA 2004.
- 10.2 Sharing of information may allow our other partners to stand up additional resources that may be of assistance to us if required.
- 10.3 Close liaison with our neighbouring FRS's will ensure any 13/16 agreements are maintained under the FRS Act 2004.
- 10.4 Sharing of contact details for Principal Officer's between agencies is beneficial in the event of problems occurring or further assistance is required from either side.
- 10.5 Teleconference facilities will be available for Strategic Commanders.
- 10.6 Consideration should be given to a closed response page being set up via RD to allow sharing of information across relevant CAT1 responders.

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11. Station Security

- 11.1 During any period of IA all Stations must remain secure.
- 11.2 A number of stations have been fitted with CCTV as an additional measure. The CCTV can be monitored remotely at Headquarters and allows an overview of the security of the Stations and appliances.
- 11.3 The Chief Fire Officer will make a decision as to whether those staff members taking part in IA will have access to the stations.

12. Finance

- 12.1 A cost centre budget will be set up to monitor expenditure relating to IA.
- 12.2 SMB and the FA will be updated regularly on the cost to the Authority of periods of IA
- 12.3 Where equipment and/or appliances are loaned out from the service to aid National arrangements costs will be recorded and invoices raised to recover the amount.

13. HR and Payroll

- 13.1 Staff within the HR and payroll departments are key during any period of IA.
- 13.2 Any deductions from salaries will be calculated with payroll following each period of IA.
- 13.3 All deductions from salaries and savings on payments to the Authority i.e. Pensions, NI and any allowances will be set against the expenditure.
- 13.4 Staff may wish to challenge the amount of deductions from their salaries. This should be done at the earliest opportunity to prevent further delays and/or complaints.
- 13.5 Staff should be reminded that they have 12 months from the end of the event to buy back pension rights lost to IA.

14. Communication

- 14.1 It is essential that staff are kept well informed of the potential for IA as it develops, in a manner that is open and honest.
- 14.2 Accurate information relating to the background to any proposed action must be made available to all staff to allow them to make informed decisions. Information will be made available via the I:Drive.

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- 14.3 Consideration will be given to the use of corporate backdrops relating to IA on Authority owned electronic devices, including laptops and desktop PC's.
- 14.4 Officers at all levels will be nominated to deliver briefings to staff. Briefings should be scheduled and held for all staff to enable them to ask questions.
- 14.5 All staff will be briefed regarding any period of IA.
- 14.6 Non-operational staff will be encouraged to volunteer to undertake a number of operational support roles that would allow the service to manage available resources more effectively.
- 14.7 To ensure that all staff are given the same information, briefing letters will be sent to home addresses.
- 14.8 A set of frequently asked questions (FAQ's) shall be agreed by SMB and will be provided in different formats i.e. I:Drive, Social Media, Letters.
- 14.9 Where possible a platform for staff to ask supplementary questions will be provided.
- 14.10 Before responding to questions ensure all facts are checked to ensure a unified response is given.
- 14.11 To help allay the fears of the public leading up to and during any period of IA, accurate, clear and unbiased information will be released to the media. The same information will be posted on Social Media and the Service external website.
- 14.12 Throughout the period of IA, BFRS will continue to provide safety advice and standard public messages to our communities.

15. Operational Support Room (OSR)

- 15.1 On immediate notification of IA the OSR should be stood up. In addition the use of Room 2 at headquarters may be utilised for planning and briefing purposes.
- 15.2 The OSR will be resourced on a 24 hour basis subject to operational requirements.
- 15.3 A staffing rota will be produced based on twelve hour shifts and should take into account a hand over time.
- 15.4 Shift changes will not happen at the same time as operational shift changes or during transition periods from business as usual to IA or when reverting back to business as usual.
- 15.5 Throughout the period of IA the OSR will provide a single point of contact for

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operational staff who wish to make themselves available for work.

15.6 Twice daily briefings will be held to ensure all tasks have been carried out and to inform the planners of resource availability.

15.7 Two hours prior to the start of IA the following Personnel should be present:

- Tactical Commander
- Staff Officer
- Admin Assistant
- Loggist

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- 15.8 The Tactical Commander will have a direct radio link with the Strategic Commander who may be located in Thames Valley Fire Control Service Control Room.
- 15.9 The Tactical Commander will liaise with the Strategic Commander in decision making.
- 15.10 The Tactical Commander will submit all required reports.
- 15.11 The Staff Officer will carry out all instructions and communicate decisions to the Holding Points via dedicated telephones or a dedicated Airwave Radio talk group.
- 15.12 The Admin assistant will answer telephone calls, and carry out any other admin functions deemed required by the Tactical Commander.
- 15.13 The Loggist will be required to log all decisions, rationale and subsequent actions made by the Tactical Commander.
- 15.14 Personnel who do not have a requirement to be in the OSR should refrain from entering the room unless there is an urgent requirement to do so.

16. Catering

- 16.1 All staff will be catered for if they are providing cover during IA.
- 16.2 Centrally ordered food can be problematic due to dietary requirements.
- 16.3 Wherever possible a member of staff who has been issued a procurement card will be posted to Holding Points to make local purchases.
- 16.4 Food should not be ordered to arrive during handover or transition periods.
- 16.5 All receipts for supplies should be collated by the card holder and the budget code obtained from the OSR.
- 16.6 A Welfare box will be supplied to all holding points.

17. Decision Logs

- 17.1 A decision log (FB17-08) will be started from the time information is received by the service of the potential for IA.
- 17.2 Any decisions made within a SMT meeting may be recorded in formal minutes.
- 17.3 A decision loggist must be appointed at the earliest opportunity to support those individuals responsible for planning or who are acting as Strategic and Tactical Commanders to ensure all decisions and the rationale are captured.
- 17.4 When the Strategic and Tactical Commanders finish their period of Command,

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the decision log must be signed and struck through.

17.5 A new decision log will be started for every new Commander taking over and for every period of IA.

17.6 All decision logs should be indexed and stored securely for future reference.

17.7 There may be times when issues arise during periods of IA. An Issues log must be started where they can be recorded and signed off by the Tactical Commander when completed.

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18. Holding Points

- 18.1 Holding Points are areas that have been identified by use of the resource modelling software.
- 18.2 They are located in areas which aim to provide the best response to the public.
- 18.3 Holding Points can be a mixture of On Call standalone stations, Commercial Premises, and or Territorial Army Centres.
- 18.4 Each holding point will be allocated a Holding Point Manager who will be responsible for the location, mobilising of crew and welfare.

19. PPE

- 19.1 It may be necessary to move PPE for staff that choose not to participate in IA.
- 19.2 Any request for the movement of PPE must be made via the OSR.
- 19.3 After consultation with individuals consideration must be given to replacing PPE at their 'Home' station with 'fake' PPE as a means of protecting identities.

20. Gartan

- 20.1 The use of Gartan will be suspended for the periods of IA. This is to help in protecting the identities of those operational personnel who choose not to participate in IA.
- 20.2 Screen shots should be taken prior to the start of any period of IA to enable leave and sickness absence to be reviewed.

21. Appliance Availability

- 21.1 To enable monitoring of appliance and Officer availability, the use of an electronic dashboard will be used.
- 21.2 The dashboard will be updated by the OSR as pumps are relocated to Holding Points.
- 21.3 On notification from Control that an appliance and or Officer has been mobilised to an incident the OSR will update the dashboard.

22. Thames Valley Control

- 22.1 Control staff will be briefed regarding resource availability prior to each period

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of IA.

22.2 All mobilising decisions will be made by the Strategic Commander.

22.3 A loggist will be assigned to the Strategic Commander and they will record all mobilising decisions made within the Control Room in a decision log.

22.4 Mobilising protocols will be agreed during the planning stage of IA and amended call challenge documentation may be issued.

23. Reports

23.1 The Home Office (HO) may require briefing reports following the start of a period of IA, or after each subsequent change of shift. Confirmation of requirements will be circulated prior to any period of IA.

23.2 The submission of these reports will be via the FRS reporting tool.

23.3 Authority Members must be kept informed of any serious incidents that occur during IA.

24. Planning for IA

24.1 In order for any plan to be effective the strategy and principles to be used must be agreed

24.2 A checklist of tasks has been created to assist in the planning (see Appendix A).

25. Exercising the plan

25.1 Prior to any exercise, objectives must be agreed to enable the plan to effective.

25.2 The purpose of exercising the plan is to test the management of our resources prior to any period of IA.

25.3 The plan should be tested robustly with staff being taken out of their comfort zones and encouraged to make challenging decisions.

25.4 An exercise will enable any learning to be fed back and the plan amended as necessary.

25.5 Below are a number of Service objectives that should form the basis of any plan:

- Maintain an effective emergency response to meet the needs of the public
- To maintain safe systems of work for all staff

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- Provide and promote effective safety and prevention information to local communities

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- Maintain effective responses to our neighbours under 13/16 agreements
- Maintain effective communications with external agencies including other CAT1 responders and government
- Ensure compliance with all relevant legislation
- Uphold the values of the Authority
- Operate in a manner that will support return to normal working

26. Outcomes

26.1 Following a period of IA or exercise a full debrief should take place with those involved to capture any learning. The learning will be fed back into the plan and amended accordingly.

26.2 Plans should be reviewed on an annual basis and version controlled to reflect any changes made.

27. Document Control

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Version	Date	Author	Role	Status	Changes
1.0	24.04.17	Suzanne Connolly	Station Commander Policy & Resilience	Final	

28. Appendix A

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Days 14 to 8			
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Legal – At first indication of IA check legality at each stage (see Appendix B).			
Personnel – Determine which staff will be involved in the planning process and allocate roles.			
Set up OSR – Start decision log. Establish On-Call and payroll logging board.			
Meetings – IA planning team to meet twice a day			
Briefing – All staff to be advised via email Book Room 1 for briefing meeting Send meeting request to all Ops managers			
Contact – Make contact with non FRS locations to ascertain availability and to check contact details.			
Leave – Communicate BFRS position on leave to Ops personnel. Place on I:Drive			
Room 2 – Book room to ensure it is available throughout period for planning purposes			
Catering – Determine catering requirements			
Transport – Determine requirements and establish availability			
Policy & Procedure – Review and update accordingly			
Training School – determine training staff commitments and planned courses			
Briefing – Station Commanders to speak with affected/ duty watches and On Call. Remind them to declare intention.			
Logistics – Construct transport and appliance movement plan.			
Workshops – Liaise with workshops manager to determine appliance and personnel availability.			

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GARTAN – Text alerts to On Call reminding them to update Gartan for next fourteen days and availability. Draft Comms plan			
TVFCS – Confirm staffing arrangements for TVFCS.			
Media – Confirm messages are planned and submitted			
Protection – Write to Primary sites to advise them of IA and dates			
Holding Points – Determine holding points locations and prepare boxes for delivery			
Rota – Compile rota for OSR working			
Resource Modelling – Refresh modelling data to determine holding points.			
CAT1 - Liaise with other CAT1 responders to ensure they are aware of arrangements.			

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Days 7 to 3

Tasks – Ensure all tasks for days 14–8 have been completed.			
Catering – Arrange catering for OSR and Holding Points.			
Personnel – Confirm availability of FDO's, Ops staff (including On Call and 42 hr) and Support staff. Consider recall to duty for both Operational and Support Staff.			
Vehicles – Order vehicles (minibuses) if required			
OSR – Confirm number of additional telephones lines and phones required.			
Stationery – Ensure adequate supply of pens, paper, folders, notepads etc.			
Gartan – Take 'as is' screen shots			
Risk Assessments – Ensure risk assessments have been completed for all activities and holding points			

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Days 2 to 1			
Tasks – Ensure all tasks for days 7-3 have been completed			
Vehicles – Collect / deliver vehicles (non-blue light). Liaise with workshops			
Briefing – Arrange pre strike briefing for operational managers. Draft daily briefing sheet Brief OSR duty teams			
Personnel – Contact personnel to confirm the locations they will be working from			
Gartan – Remove permissions. Take 'as is' screen shots Text alerts to On Call Finalise use of Gartan			
Holding Points – Arrange collection, transportation and delivery of boxes to holding points. Arrange for delivery of PPE as required			
Rota – Confirm rota with OSR			

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STRIKE Day			
Tasks – Ensure all tasks for days 14 – 1 have been completed			
Vehicles – Ensure vehicles are in correct locations			
Briefing – Ensure TVFCS are fully briefed. Issue daily briefing sheet			
Gartan – Ensure Gartan is blocked 15 minutes prior to end of action – CODE 0 is to be used.			
Catering – Ensure all holding points and OSR are catered for.			
Personnel – Ensure all personnel are in correct location and 'fake PPE' has been stored at home stations if required.			

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Post-IA			
Gartan – Clear Gartan and return to normal use.			
Vehicles – Return vehicles to correct locations			
Holding Points – Ensure all holding points are closed down and boxes are returned to OSR and replenished			
Payroll – Ensure all claims submitted to payroll have correct budget code.			
Paperwork – Ensure all paper work including decision logs are collected and collated and placed in the safe.			
Debrief – Collate all FB17.3's and arrange debrief. Any learning to be fed back into plan.			
Report – Submit required reports to Home Office. Compile report for Fire Authority.			

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29. Appendix B

A trade union organising a strike or other IA will potentially commit the tort of inducing employees to breach their contracts of employment. The following conditions must all be met for the union to qualify for immunity:

- **Valid trade dispute.** The IA must be taken "in contemplation or furtherance of a trade dispute".
- **Prohibited IA.** The IA must not be taken for a prohibited purpose, such as to protest against the dismissal of any employee taking unofficial IA. Neither can it amount to secondary action or unlawful picketing.
- **Ballot.** It must have the support of a properly-organised ballot of union members. The union must ballot (and only ballot) all members who it is reasonable for it to believe will be induced to take part.
- **Notification.** The union must comply with the notification requirements. In particular, it must send the employer:
 - notice of intention to ballot, at least seven days before the ballot;
 - a copy of the ballot paper, at least three days before the ballot;
 - notification of the result of the ballot as soon as reasonably practicable; and
 - notice of IA, at least 14 days before it is due to start (or seven days if the employer and union agree. *NB: in no circumstances will the Chief Fire Officer accept the lesser option of seven days' notice*).

Checklist

The following points **must** be verified by a member of SMT at each stage of the process.

As encouraging, or participating in, unprotected IA can have severe consequences (including the dismissal of employees) it is imperative that any noncompliance with the requirements of any of the stages is brought to the attention of the relevant union and communicated to the relevant BFRS employees at the earliest opportunity.

Valid trade dispute

- Trade Dispute. Check that there is a "trade dispute", and that it is clear that the proposed IA concerns only that dispute. See: [section 244 Trade Union](#)

Version:	1.0	Status of document:	Final
Author:	SC Suzanne Connolly	Approved By:	
Issue Date:		Review Date:	January 2019
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[and Labour Relations \(Consolidation\) Act 1992](#) Note: s244(2) regarding Authority employees in dispute with Government

Prohibited IA

- Prohibited purpose. Is the IA being taken for a prohibited purpose such as to protest at the dismissal of any employee taking unofficial IA?
- Secondary action. Would the IA amount to secondary action (that is, is the trade dispute with another employer)?

Receiving the notice of ballot

Check that the notice complies with the legal requirements:

- Purpose. Does it clearly state that the union intends to hold a ballot?
- Timing. Does it clearly state the opening date of the ballot, and has it been provided at least seven days before this date?
- Numbers and categories. The Authority does not provide a "check off"/DOCAS facility for trade unions. Therefore check that the notice includes:
 - the correct total number of employees to be balloted;
 - the correct categories to which they belong and the numbers in each category;
 - the correct workplaces at which they work and the number of them at each workplace; and
 - an explanation as to how the figures have been reached.

Receiving the sample ballot paper

The union must provide a sample ballot paper not later than the third day before the opening day of the ballot. Check that this has been received, and that the wording on it exactly reflects the legal requirements:

- Scrutineer. Does it state the name of the independent scrutineer, and the address to which it must be returned?
- Independence. Is there any reason to believe that the independent scrutineer will not carry out their functions without interference from the union?

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- Ballot information. Does it:
 - Provide a summary of the matters in issue to which the proposed IA relates?
 - Where IA other than a strike is proposed, set out (either in the question to be voted on (see below) or elsewhere on the ballot paper) the type of action that is envisaged?
 - Provide the period(s) within which the action or, as the case may be, each type of action is expected to take place?
 - Ballot question. Does it include a "yes/no" question as to whether the employee is prepared to take part in a strike, or (as the case may be) IA short of a strike?
 - Authority. Does it specify who is authorised to call on members to take part in IA?
 - Warning. Does it include the required warning (see: section 229(4) of TULRCA [section 229\(4\) of TULCRA](#)) that participation in the strike may be a breach of the employee's employment contract?
- Denial of vote. Have any employees complained that they have not received ballot papers when they should have done?
- Extra votes. Is there any evidence that some individuals (such as ex-employees) have received ballot papers when they should not have done?
- Interference. Is there evidence of the union exerting undue influence on employees to vote in favour of the strike?

Receiving the result of the ballot

- Timing. Check that the union has provided you and its members with the result of the strike ballot as soon as reasonably practicable after it closes. The reasons for any delay should be investigated.

Receiving the notice of IA

On receipt of the notice of IA, check that the union has complied with the relevant legal requirements. For example:

- Result. Is there evidence that the union has complied with the obligation to inform its own members of the number of workers entitled to vote in the ballot and whether at least **50% of them voted**, the number of votes

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cast, the number of "yes", "no" and spoiled ballots and, whether **at least 40% voted in favour** of the IA? See: [Important Public Services Regulations 2017 – guidance on the regulations](#) BIS non-statutory Guidance relating to the [Important Public Services \(Fire\) Regulations 2017](#)

- Timing. Has the notice been provided at least fourteen days³ before the start of the IA?
- Dates. Does the notice state whether the action will be continuous or discontinuous, and give a start date (or, in the case of discontinuous action, all intended dates)?
- Check whether the period of IA is within 6 months of the date of ballot.
- The Authority does not provide a "check off"/DOCAS facility for trade unions. Therefore check that the notice includes:
 - the correct total number of affected employees;
 - the correct categories to which they belong and the numbers in each category;
 - the correct workplaces at which they work and the number of them at each workplace; and
 - an explanation as to how the figures have been reached.
- Check whether the numbers are the same as those contained in the notice of ballot, and any other discrepancies between the notice of ballot and notice of IA.
- Correct group of employees. Is the union planning to call upon the correct group of employees, or a larger group? If a larger group, are there employees they should have balloted but omitted?

(See for further reference: [Code of Practice: Industrial action ballots and notice to employers, March 2017](#))

³ In no circumstances will the Chief Fire Officer accept the option of seven days' notice

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