

## **Draft Response – Suggestions for CFA on Consultation Document**

Wiltshire & Swindon Combined Fire Authority is grateful for the opportunity to respond to the consultation document regarding 'Enabling closer working between the Emergency Services' and give its views prior to merging with Dorset Fire & Rescue Service to become the Dorset and Wiltshire Fire Authority on 1<sup>st</sup> April 2016

The Authority has sought to answer each of the questions in detail and then provide a more general view under **Question 15**.

### **A new duty on all three Emergency Services to collaborate with one another**

#### **1. How do you think this new duty would help drive collaboration between the emergency services?**

- 1.1 The Authority understands the importance and encourages closer working between the Emergency Services in times of austerity and the need for greater resilience. It promotes every opportunity to enable locally determined collaboration between Emergency Services where appropriate, and welcomes any measures that will further encourage our Emergency Services within the county to collaborate.
- 1.2 It is pleasing to note within the consultation document that the author recognises that many Fire & Rescue Services across the UK are already working closely with the Police and Ambulance Services, both at the operational and strategic level. This is the case between Emergency Services within our area of responsibility. The test of the proposed duty will be whether it achieves improved collaborative working and better outcomes beyond those already being introduced.
- 1.3 With the work that Wiltshire FRS has undertaken in pursuing a merger with Dorset FRS, it challenges the concept of collaboration within just Emergency Services as too narrow in scope, and would seek reassurances that any duty to collaborate with Police and Ambulance (and indeed any of the proposals put forward in this consultation) will not obstruct efforts to collaborate with others (such as NHS and Local Authorities). From the work undertaken by this Authority it would give further capacity to produce even better outcomes, savings to the public purse, improved services and efficiencies in many cases. This has been born out in the work that we undertook when reviewing additional closer working with other Public Sector Organisations following combination. This is particularly important when looking to the future on where the Service positions itself on the social agenda, such as Health & Wellbeing.
- 1.4 It is recognised that the consultation document makes clear that the duty will be "broad to allow for local discretion in how it is implemented" It will be important to how this will be judged as collaboration will be dealt with differently in different localities. How and who will decide if the obligations under the proposed duty are not being met. This brings us to the Localism issue, which is referred to in section 2
- 1.5 There is no mention in the consultation document on whether it is the intention of Government to bring together the main departments responsible for Emergency Services at National Government level. If this was a consideration then the Authority

would support this proposal as it would bring greater cohesion between departments and drive change, collaboration and new ways of working to enhance Public Service delivery through the country.

- 1.6 It is recognised that within the Consultation document that there is little mention or attention paid to the Ambulance Service fitting into the proposal. If obviously this was a serious consideration it would bring greater focus on greater collaboration at Government Department level to drive efficiencies and effectiveness.

## **Strengthening accountability and governance**

### **2. Do you agree that the process set out above would provide an appropriate basis to determine whether a Police and Crime Commissioner should take on responsibility for Fire & Rescue Services?**

- 2.1 As elected Members of Local Government and Members of the Fire Authority we totally agree that where local people, elected officials and professionals support greater collaboration, it should be welcomed and supported. This means that by removing any legal barriers in enabling this to happen would be most welcome.
- 2.2 It is recognised that there are clear benefits to the communities in Wiltshire in Emergency Services working together and it can be argued that one sovereignty could enhance joint working. The Authority would however strongly argue that as it is already seeing many of those benefits through its current collaboration with Wiltshire Police, the move to create a single employer will potentially add little. In addition, the complex issues raised by the model could take the Authority off course and use organisational capacity to create the structural change, and not the public facing outcomes required.
- 2.3 Concern is raised by this Authority and is not in support (*objects strongly??*) on the proposal to allow a Police and Crime Commissioner to unilaterally make the case to take over the Fire & Rescue Service if Local Authorities and the public are not supportive of the move. This would fly in the face of the Government's Localism Agenda and thus against the government's direction of having a locally determined approach. We do not believe any process where the final say is made at National level could be said to have been locally determined. This was clearly stated and demonstrated in the process, which Wiltshire and Dorset FRSs underwent when pursuing a combination.
- 2.4 It is important that the business case within the proposal laid out in this consultation document would be dealt with and demonstrated on a case by case basis, for and against change, and not dealt with as a blanket policy. Considerable effort and expense has already been undertaken by both Members and Officers between Wiltshire and Dorset in the pursuance of a combination. It is therefore fundamental that as well as identifying the benefits of the potential change (in terms of service and financial outcomes) It needs to take account of the benefits already being secured, the impact of organisational structural change, the need for capital investment to secure change and the potential impact on the benefits from other collaborations and partnership working which may need to cease and most significantly the effect on staff morale on the journey that some Services have already taken.

- 2.5 Whilst there is a strong desire across Police Authorities and Fire & Rescue Services to work more closely together, the objectives, aims and values are different and the imposition of a change rather than one evolved locally is less likely to succeed.
- 2.6 If a Fire & Rescue Service is to transfer under the governance of a PCC, it will be important to consider legal form. There are currently two employers in the Police world, the PCC and Chief Constable and their legal form is known as corporations sole which is a legal entity consisting of a single incorporated office, occupied by a single ("sole") person. There is a need to clarify if the 'governance transfer' option in the consultation involves establishing a third corporation sole (the PCC as employer of Fire staff).

### **Empowering Police and Crime Commissioners to maximise opportunities for efficient, effective services**

#### **3. Do you agree that the case for putting in place a single employer should be assessed using the same process as for a transfer of governance?**

- 3.1 As stated previously in section 2, the Authority does not agree that the PCC should have the ability to unilaterally decide to merge Emergency Services or create a single employer, if that is not the wish nor has the support through consultation by local Authorities or the public. As mentioned previously this would be contrary to the Government's Localism Agenda and thus against the government's direction of having a locally determined approach
- 3.2 If however local communities, local politicians and managers are in agreement that the concept laid down in this consultation document is the right direction for them, then this Authority believes they should be able to do so, having taken into consideration the costs and benefits. This type of transfer to create a single employer concept should be undertaken on a 'case by case' basis.
- 3.3 This Authority recognises the importance of maintaining the distinction between operational policing and firefighting and supports this statement within the Document.

#### **4. What benefits do you think could be achieved from empowering Police and Crime Commissioners to create a single employer for Police and Fire and rescue personnel, whilst retaining separate frontline services, where a local case has been made to do so?**

- 4.1 This Authority recognises the importance and drive to make efficiencies within the Public Sector and consideration to undertake this through closer working with an Emergency Services solution is acknowledged. This Fire & Rescue Service has already identified and produced significant savings by collaborating and reducing senior management teams and streamlining of support services in these areas already. The future financial pressures will continue to provide sufficient incentives to achieve further savings without a single employer model by continuing to work in a collaborative approach with other public sector organisation in addition to Police. Within the merger with Dorset it was recognised that a 'Fire-Fire' solution enabled two thirds of our savings obtained which will also result in a decrease in corporate staff, thus resulting in less opportunities to realise many savings under a single employer solution.

- 4.2 In principle the Authority recognises that a single employer and Chief Officer proposition could produce savings and simplify leadership arrangements. This proposition will however have to satisfy staffing concerns of such a change. It is commonly recognised that both Police and Fire Services are viewed by the public in different ways and the Authority believe it will be important to consider issues of trust and confidence in the management by the workforce given that Police and Fire operate very differently and undertake profoundly different roles. Fire Service staff are privileged in the way that they are treated and received by the public and it is fundamental that the brand of the Fire & Rescue Service is maintained for firefighters to be able to undertake their role.
- 4.3 Early engagement of the separate Representative Negotiation Bodies, should the single employer' option be implemented, is fundamental to deal with the significant variations in T&Cs of the Emergency Services. These variations of T&C will inevitably affect the views of people working alongside others and may raise issues of harmonisation.
- 4.4 Although this is an operational matter, the Government will need to consider how Gold command structures will work under a 'single employer' model and merged managerial team. Currently Fire and Police have separate Gold Commanders at incidents, and officers advise us that it is important that this is maintained. As we understand it, under the model proposed on page 14 of the consultation, only one officer that would currently be recognised as a Gold commander is in place for fire.
- 4.6 It is recognised by this Authority that between the Emergency Services there are a variety of trade unions and different employee bargaining arrangements and it is raised that there is a need to explain how these arrangements will operate under any locally selected model. As we have experienced recently operational firefighters are heavily unionised while the Police service is not – indeed Police do not have the right to strike at all. This distinction has significant impacts on the way that both Services are managed and led.
- 5. Do you agree that the requirement for a chief officer to have previously held the office of constable should be removed for senior fire officers?**
- 5.1 This Authority believes that although it has significant concerns regarding the proposal of a 'single employer' as explained throughout this response, we believe it would be only fair that Chief Fire Officers had the same opportunity to lead a joint service. This of course would come with significant training and support for either a Chief Constable or Chief Fire Officer assuming the joint role to effectively manage both services.
- 5.2 The challenge of the role covering two Emergency Services should not be underestimated. The individual leader will need to be able to rely on appropriate professional support, particularly in services with which they are less familiar and will need to retain the confidence of all operational staff.

## Associated Issues

**6. How do you think the requirement for a Police and Crime Commissioner to have access to an informed, independent assessment of the operational performance of the Fire Service should best be met?**

6.1 This Authority has benefitted from the current model of sector led improvement and assessment, and supports the principle to continue to develop the Operational Assessment (OpA) and Peer Review process in partnership with the LGA. This however can be strengthened and developed from the input of a PCC if they assume responsibility of the Fire & Rescue Service. With the different types of Fire & Rescue Services around the UK It is particularly important that a consistent approach to assessment is maintained between different Fire and Rescue governance models. In the event that a Fire & Rescue Service is transferred to a PCC, the Authority believes this should be retained.

6.2 In addition this Authority believes that it is important to maintain an independent source of expertise, either with a reformed HMI or the current Chief Fire and Rescue Advisor model.

**7. Do you agree that where a Police and Crime Commissioner takes responsibility for a Fire & Rescue Service, the Police and Crime Panel should have its remit extended to scrutinise decision making in relation to Fire Services?**

7.1 This Authority would agree with this suggestion although it is important that Governance is put in place so that the focus of the Panel would not be naturally drawn towards the Police since within this area it will be the larger service. The alternative would be to have a separate Board responsible for Fire with a cross-reference across the two Services to ensure a common approach of those areas of similarity and cost effectiveness.

**8. Do you think that where a Police and Crime Commissioner takes responsibility for a Fire & Rescue Service, the Police and Crime Panel should have its membership refreshed to include experts in fire and rescue matters?**

8.1 If as stated above, the governance remained with one Panel then this Authority would agree with the statement to refresh the current Panel to include Fire expertise. The two Services operational and organisational challenges are very different and therefore the Panel would need to have the expertise to consider issues from an informed position. A member with a local perspective within the Panel would also include and achieve greater local scrutiny

**9. Do you think that where a Police and Crime Commissioner puts in place a single employer for Fire and rescue and Police services personnel, complaints and conduct matters concerning fire should be treated in the same way as complaints and conduct matters concerning the Police?**

9.1 This Authority believes that a consistent national model should be maintained, so that the public making complaints can be clear on the process that will be applied. With the proposal that a 'single employer' model will not be introduced across all Fire & Rescue

Services this Authority feels that different complain procedures will only lead to confusion and frustration across the country for the public thus setting different standards. In addition it would be wrong to have different standards for complaints and codes of conduct for fire officers and firefighters in different service areas and adding further complications for staff who moved from one authority to another where different complaint and conduct systems are in place.

- 9.2 Fire and Police Officers have very different job roles and requirements placed on them. It is important to remember that as warranted officers, operational Police are “on duty” at all times, while firefighters are not. Joint complaints and conduct procedure will be extremely difficult to design and deliver and would possibly cause friction amongst the workforce.

### **Enhancing collaboration between Police and Fire and rescue**

**10. Do you agree that Police and Crime Commissioners should be represented on Fire and Rescue Authorities in areas where wider governance changes do not take place?**

10.1 Local collaboration, new ideas and closer monitoring between the Services should be welcomed and encouraged. The voting power etc. for the PCC has not been explained within this consultation document and will need to be flushed out more before it can be debated.

10.2 This Authority is unsure how the governance and voting rights would apply in Services such as the, soon to be formed, Dorset and Wiltshire FRS where the Service involves two PPC areas. In areas such as ours where more than one PCC would sit upon an Authority or alternatively where one PCC would sit on multiple Authorities this could cause issues related to political balance and resourcing.

### **London Fire and Emergency Planning Authority**

**11. Do you agree that the London Fire and Emergency Planning Authority should be abolished and direct responsibility for fire and rescue transferred to the Mayor of London?**

11.1 This Authority has no comment on this matter.

**12. In the event that the London Fire and Emergency Planning Authority is abolished, how should responsibility for fire and rescue be incorporated into the mayoral structure?**

12.1 This Authority has no comment in this matter.

## **Civil Contingencies**

**13. To what extent do you think there are implications for local resilience (preparedness, response and recovery) in areas where the Police and Crime Commissioner will have responsibility for Police and Fire ?**

13.1 This Authority believes that should a Fire & Rescue Service transferred to the Police and Crime Commissioner the joint governance model would lead to improved collaboration in terms of local resilience. Regardless of governance models, we believe that Fire and Police should work closely but remain operationally distinct in respect to their roles and responsibilities.

13.2 This Authority would wish that the current model and membership on the Local Resilience Forum (LRF) remains the same as it is important that Fire and Police are both equally represented in their contributions to local resilience structures.

## **Local Devolution**

**14. To what extent do you think there are implications for resilience responsibilities in areas where an elected metro mayor is also the Police and Crime Commissioner and responsible for the Fire & Rescue Service?**

14.1 As above in Section 13

## **Closer working between Police and Crime Commissioners and NHS ambulance trusts**

There is no question in the Consultation document covering this area. Please comment in Section 1.6

## **Other views and comments**

**15. Are there are any other views or comments that you would like to add in relation to Emergency Services collaboration that were not covered by the other questions in this consultation?**

## **General Comments**

15.1 The Authority believes that this consultation document and the proposals within it are too limited in only focusing on Emergency Services and should be broadened to consider collaboration with other Services such as Health, Local Authorities etc. The Authority believes that this will surely produce greater savings and improve service delivery to the Communities. The issues for savings raised for Emergency Services are generally being achieved and further concentration would bring limited results.

15.2 As stated in the body of the Return, there is a distinct difference between the roles of Police and Fire Officers. The Firefighters role, in times of distress, is to provide humanitarian assistance while Police officers have an enforcement and peacekeeping role that necessarily brings them into conflict with members of the public on occasion. Although we recognise within the consultation document it makes it clear that the firefighters will not be given the power of arrest and Police will not answer fire calls,

there is a need for very careful consideration whether the neutrality of the Fire & Rescue Service and firefighters would be called into question if they became an integrated with the Police.

- 15.3 In addition, it is recognised that the Fire & Rescue Service has been extremely successful at preventing fires and other emergencies through a combination of enforcement and community safety interventions. The positive public image and brand of the Fire & Rescue Service is a major contributory factor to that success, as it enables firefighters to engage with vulnerable and hard to reach communities. The Authority recognise within this Consultation document that there is a commitment to maintaining separate “front line” Services, but it is fundamental that the joining together of the two Services with the very different roles and the way that we interface with the Public does not undermine that work and image.
- 15.4 The Authority notes that within the proposal that Government funding for the two Services will be provided separately. It is not clear however how this will be achieved, either through two different funding streams or through a single PCC budget with spending priorities assessed for each Service. There would need to be greater clarity given following the consultation, as to the transparency, to ensure the safeguarding of these budgets to the individual organisations and that they are not sifted off to the larger organisation to meet the other Service’s challenges.
- 15.5 Although a matter of application, a concern has been raised with us as to how would the proposal deal with a death of a firefighter on duty? How would this be investigated if the current model was adopted and managerial and governance teams were brought together? Currently if a death in Service occurs, the Police would carry out the investigation but under the current model there would be an obvious conflict of interest and a suitable model/body would need to be put in place.
- 15.6 As this Authority is currently going through a significant Combination programme, it is important to point out that within any business case for either a governance transfer or single employer model, it will be important to consider the impact upon staff, in particular in support roles. It is fundamental for the success of the merger that both Services are seen and treated as equal partners. On most occasions within the proposed model, one Service will be significantly larger than the other and a perception of a ‘take over’ of that organisation will be seen. This will engender a potentially negative response from the small organisation, which will need to be considered and mitigated. This is a complex area and appropriate expert HR and legal advice would be needed in preparing the business case and implementing the proposal. This work and complexity should not be underestimated.

## **16. Do you think these proposals would have any effect on equalities issues?**

- 16.1 The Authority is unable to answer this question as this current time as a detailed Impact Assessment would need to be undertaken.

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7<sup>th</sup> October 2015