



**DORSET & WILTSHIRE
FIRE AND RESCUE
AUTHORITY**

Item 22/28

MEETING	Dorset & Wiltshire Fire and Rescue Authority
DATE OF MEETING	15 June 2022
SUBJECT OF THE REPORT	White Paper - Reforming Our Fire and Rescue Service
STATUS OF REPORT	For open publication
PURPOSE OF REPORT	To consider and agree
EXECUTIVE SUMMARY	<p>On 18 May 2022, Government published a White Paper seeking views on a wide range of issues and proposals associated with reforming fire and rescue services in England. The consultation period ends on 26 July 2022.</p> <p>This report outlines the proposals and issues and seeks to summarise the position of the Authority based upon the views so far expressed at a Members' seminar held on 26 May.</p> <p>Subject to the approval of the Authority, it is requested that the Chair, in consultation with the Chief Fire Officer and the Clerk and Monitoring Officer be allowed to refine and submit the final response to the Home Office by the due date.</p> <p>This would allow any final views emerging from other fora to be potentially reflected within the Authority's final response and for the response to be made available in a prescribed format.</p>
RISK ASSESSMENT	None for the purposes of this report
COMMUNITY IMPACT	None for the purposes of this report
BUDGET IMPLICATIONS	None for the purposes of this report
RECOMMENDATION	<p>Members are asked to:</p> <ol style="list-style-type: none"> 1. Comment upon the report

	<p>2. Delegate to the Chair of the Authority, in consultation with the Chief Fire Officer and the Clerk and Monitoring Officer, the approval to respond to the Home Office the Authority’s position on the White Paper based upon the views expressed at the meeting as informed by the Members’ seminar held on 26 May</p>
<p>BACKGROUND PAPERS</p>	<p>1. Reforming Our Fire and Rescue Service. Government White Paper 2022. Published 18 May 2022 https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service</p> <p>2. State of Fire and Rescue. The annual assessment of fire and rescue services in England 2021. Report by Sir Thomas Winsor, Her Majesty’s Chief Inspector of Fire and Rescue Services. Published 15 December 2021 https://www.justiceinspectors.gov.uk/hmicfrs/publications/state-fire-rescue-annual-assessment-2021/</p> <p>3. Conditions of service for fire and rescue staff: independent review. An independent review of conditions of service for fire and rescue staff in England. Adrian Thomas 2015. https://www.gov.uk/government/publications/conditions-of-service-for-fire-and-rescue-staff-independent-review</p> <p>4. Concluding Part One of the Police and Crime Commissioner Review. Statement made on 16 March 2021 by The Rt Hon Priti Patel MP. The Secretary of State for the Home Department. https://questions-statements.parliament.uk/written-statements/detail/2021-03-16/hcws849</p>
<p>APPENDIX</p>	<p>None</p>
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Introduction

On 18 May 2022, Government released a White Paper seeking views on a wide range of issues and proposals associated with reforming fire and rescue services in England. The consultation period ends on 26 July 2022. This report is structured against the three thematic sections outlined in the White Paper namely People, Professionalism and Governance. It provides a broad overview of the proposals contained within each theme and seeks to set out a position for the Chair of the Authority to use as a basis for the Authority's response.

1. Strategic intent and case for change

1.1 The White Paper seeks to reform fire and rescue services in England against three themes namely:

1.2 People: To introduce changes that will allow fire professionals to further develop their skills and thrive in their work. Government wishes to clarify the role of fire and rescue services and of the firefighter, unlock talent and improve diversity within services, take action to ensure that they are supporting the creation of a positive culture, and further develop schemes to consistently identify and nurture talent. Finally, they intend to commission an independent review into the current pay negotiation process and consider if it is fit for a modern emergency service.

1.3 Professionalism: To modernise and enable greater professionalism and to ensure that fire and rescue services are recruiting and training to be the best that they can be. Government wants to increase professionalism by moving from a Fire Standards Board (which sets clear expectations for the sector) to the creation of a College of Fire and Rescue. They want to develop a mandatory 21st century leadership programme for progression to senior roles, set clearer entry requirements for recruitment, and put in place a statutory code of ethics and a fire and rescue service Oath.

1.4 Governance: To strengthen governance arrangements across the sector. Government wants to transfer fire functions to a single, elected – ideally directly elected – individual who would hold their operationally independent Chief Fire Officer to account. This person could be a mayor who could delegate day-to-day oversight to a deputy mayor; or a council leader who could delegate to a cabinet member or a police, fire and crime commissioner. This effective political oversight would maintain and enhance public accountability.

1.5 The White Paper seeks views on a considerable number of questions and proposals, much of which have been well aired both within the sector and more widely over the past few years. The following section sets out the primary questions or proposals in the document along with the current position of the Dorset & Wiltshire Fire and Rescue Service, or the Authority, as appropriate.

2. People

2.1 This section of the consultation document is divided into five sub-themes namely:

- Modern working practices
- Public safety
- Business continuity
- Pay negotiations
- Nurturing new and existing talent

2.2 *Modern working practices*

2.2.1 Like the vast majority of public organisations, the biggest asset available to fire and rescue services is its staff. The White Paper seeks to understand the extent to which fire and rescue services should have the flexibility to deploy resources to help address current and future threats faced by the public beyond core fire and rescue duties.

2.2.2 Like all fire and rescue services, our workforce is a willing and positive force for engagement in public safety issues. An obvious and immediate example would be the willingness to support partnership working around the national and local response to the Covid-19 pandemic. At a local level, firefighters and corporate staff engaged in a wide variety of activities including supporting the ambulance service, vaccine centres, face fitting for NHS and care staff and supporting with those members of the community displaying vaccine hesitancy. As Members are aware, in 2021 the Service received a positive report on our response to Covid-19 from Her Majesty's Inspectorate of Constabulary of Fire and Rescue Services (HMCIFRS). There are numerous examples where the Service has and continues to support the community in such ways. However, there are several key considerations and comments that might be made to the questions of working outside core fire and rescue service roles namely:

- **Current resource constraints do not allow us to work beyond our core duties for protracted periods.** As Members are acutely aware, the financial constraints facing the Authority mean that all available resources are focused upon statutory duties and requirements associated with prevention, protection, and response. There is little flexibility to undertake work beyond our core duties. Much of the excellent work that the Service does are manifested as services within, or closely allied to, existing core activities. Where the Service has undertaken a wider role, such as ambulance driving for the South Western Ambulance Service Trust, these have been fully funded by them. Whilst this is not the case for many fire and rescue services, for ours, it is important to not over reach, but seek to achieve a sustainable harmony between strategic ambition and available resources.

- **Broadening of the role of a firefighter.** For many years, a debate has been had at a national level about the potential to broaden the role of a firefighter and work beyond core prevention, protection, and response responsibilities. Whilst the debate has been a vigorous one, the Fire Brigades Union (FBU) as the sole representative body at the full National Joint Council for Grey book staff (i.e., operational staff below Assistant Chief Officers) have strongly indicated that any broadening of the role should not be at the expense of core duties and should be accompanied by a significant pay award. The necessary financial uplift to support these negotiations would be considerable and well beyond the financial assumptions allowed for in the medium-term finance plans agreed by most fire and rescue authorities. Government finances would be needed if the representative bodies, and in particular the FBU, were to support such a strategic intention.
- **Government expectations of fire and rescue services.** Allied to the above, the broadening of the role of a firefighter needs clarity from Government to ensure that it is lawful and financially sustainable. In his report the HMICFRS Chief Inspector, Sir Thomas Winsor made several key national recommendations including '*The Home Office should precisely determine the role of fire and rescue service, to remove any ambiguity.*' He also made two other important national recommendations namely '*the sector should review, and reform how effectively pay, and conditions are determined*' and '*the Home Office should ensure that the sector has sufficient capacity and capability to bring about change.*' To date none of these national recommendations have been progressed and hence there remains a hiatus over any discussions concerning what 'core' and 'non-core' activities should be, how this should be enabled and importantly how they are to be resourced. This issue is particularly acute for services such as our own where resources are so thinly stretched. It is also further exacerbated by the ability of wealthier authorities to pay additional responsibility allowances for work deemed by others as 'core responsibilities' (e.g., response to marauding terrorist attacks). These allowances serve to heighten the funding inequities across the sector and drive pressures for 'additional' activities to be funded by the representative bodies.
- **A need to improve the pragmatism and speed of national industrial relations.** As was evident during the national response to the pandemic, the willingness of the local workforce was not always matched with the speed and pragmatism of national position taken by the FBU. A highly prescriptive arrangement (i.e., the tripartite agreement) needed to be put in place to satisfy the union's desire for any future negotiated broadening of the role to be safeguarded. This led to delays and frustrations at all levels. The White Paper mentions but does not make any firm proposals to improve this situation. Again, greater clarity by the Government over

the role of a firefighter and a firm position on future resourcing are necessary to move this agenda forward. If this is not achieved the role will merely grow organically against the ability to pay, principally using additional or special responsibility allowances.

2.2.3 It is therefore recommended that the Authority's response to the suggestion of greater flexibility for deploying resources beyond core duties is one of being *strongly supportive*. However, this should be with the strong caveat that a clear Government position of national expectations should be understood and that this be supported by a clear resourcing plan that is funded by either greater central Government grant or an increased flexibility to raise the fire precept. It should be a consistent position across all fire and rescue services in England to ensure that the sector can be a cohesive whole and create a vision that all can embrace and not just those that are in the fortunate position to enjoy greater financial investments.

2.3 *Public safety*

2.3.1 As Members are aware, fire and rescue services play a significant role in assisting communities with health and crime prevention and reduction. Locally this is achieved through our programme of safe and well checks and our youth engagement work. Both Officers and Members participate in several key partnerships. The question the White Paper raises is '*To what extent should fire and rescue services play an active role in supporting the wider health and public safety agenda?*' The paper refers to the Government's desire to merge fire and policing under one democratically elected combined authority Mayors or Police, Fire and Crime Commissioners (PFCC) to strengthen the emergency service response to local issues and promote greater collaboration.

2.3.2 As Members are aware, the Service has several joint initiatives and strong relations with both local police forces over crime prevention and reduction. The relations are both fruitful and longstanding. Through our value for money work, the Service is also in a stronger position to report and understand the cashable, non-cashable and wider societal savings from its prevention activities for ourselves and other partners including the police.

2.3.3 The limiting factor to our Service playing a wider health and public safety role is one of resources not governance or strategic intent or ambition. The Service has a limited and stretched resource base and has integrated its activities within these important agenda. To do more would require more. Whilst we would *strongly agree* with the assertion that fire and rescue should play an active role in supporting the wider health and public safety agenda, to do more would require significant external finances either through the central government grant or increased fire-precept flexibilities. If this wider role were to be perceived as broadening the role of a firefighter by the FBU, then the previous issues over

the national intransigence to resolve matters associated with Government expectations and funding would need to be resolved.

2.4 *Business continuity*

2.4.1 In line with all fire and rescue services, the Service has a highly unionised workforce. Whilst there are a few representative bodies recognised by the Authority for negotiating purposes, most operational staff are FBU members. The Service has good local industrial relations and works hard to ensure a mature and open approach to change and general management. However, despite our business continuity arrangements, exercising and multi-agency planning, like all fire and rescue services, we are vulnerable to strike action, particularly by the FBU. However operationally beneficial it might be, there is no intention in the White Paper to remove the right to strike from firefighters. This means that from an operational perspective the Service is vulnerable to national industrial action, particularly given that the armed forces do not have the previous capability to use the 'green goddesses'.

2.4.2 The question posed within the White Paper is namely '*is the extent of oversight sufficient to keep the public safe in the event of strike action?*' As Members may be aware, there are currently national reviews of the Civil Contingencies Act 2004 alongside a wider national review in the National Resilience strategy. The Home Office have also initiated a review of fire and rescue service's business continuity arrangements. Whilst we would agree that there is sufficient oversight of business continuity arrangements, it is unlikely that the risk and impacts associated with a national strike can be sufficiently mitigated through any greater oversight.

2.5 *Pay negotiations*

2.5.1 The current approach to pay negotiations occur through the National Joint Council (NJC). Agreements reached in the NJC are contained in the Scheme of Conditions of Service known as the Grey book for operational staff below Assistant Chief Fire Officer, Gold book for those above and Green book for corporate staff.

2.5.2 The NJC for Grey book staff, which is where most of the contention lies, currently have a membership of:

- Employers' Side: Local Government Association – 9 members
- the Convention of Scottish Local Authorities – 3 members
- Welsh Local Government Association – 1 member
- the Northern Ireland Fire and Rescue Services Board – 1 member
- Employees' Side: Fire Brigades Union – 14 members

2.5.3 All pay agreements are independent of any governmental pay policy. The negotiation of annual firefighter pay awards is a closed process until after any

decision is effectively made, with the views and agreement of only one union (FBU) being sought and considered. The Chair and the Chief Fire Officer are currently engaged in the NJC as a LGA member and an advisor, respectively.

2.5.4 The effectiveness of the NJC has long been questioned. Adrian Thomas, in his review of conditions of service in 2015, concluded that it needed to be modernised and in the State of Fire and Rescue 2020 report, Sir Thomas Winsor called for fundamental reform. The White Paper seeks views on the appropriateness of the current pay negotiation arrangements and proposes an independent review.

2.5.5 As Members may be aware there is some dissatisfaction with the current arrangements on several fronts. There is only one union mainly involved and little direct involvement from the National Fire Chief's Council. Pay assumptions are not only largely limited to assumptions in respective medium term financial plans from authorities but are also vulnerable to the ambitions of wealthier authorities that can afford to pay more or wish to extend their strategic ambitions. This further exacerbates the issue Sir Thomas raised in his recent State of Fire report about '*some FRSs being vulnerable to a lack of investment.*' There is also a disjointed and unhelpful relationship between haphazard discussions over the role of a firefighter and potential pay awards. This is made worse by the fact that wealthier fire and rescue services are sometimes offering additional responsibility allowances for work that some services deem to be within the existing firefighter's role map and therefore deemed to be core work.

2.5.6 It is therefore *strongly agreed* that it needs reform but that the principle of nationally determined pay settlements should remain. It should also be highlighted to the Home Office that the NFCC have already commissioned some work through CFO Stuart Errington who is the NFCC's industrial relations lead.

2.6 *Nurturing new and existing talent*

2.6.1 The White Paper seeks to stimulate debate about the need and merits of both a consistent entry requirement for firefighters and a direct entry and talent management scheme. Taking each in turn:

- **Consistent entry requirements for firefighters.** In the absence of any central direction or mandate, each fire and rescue service has developed their own entry requirements for the recruitment of a firefighter. Whilst broadly similar, there are nuances in testing regimes and entry requirements. This issue is significantly complicated by a longstanding legal ruling that 'a firefighter is a firefighter' meaning that an on-call firefighter should be treated in law as the same as a wholetime firefighter as they fundamentally do the same job. On the face of it, this argument has logic. However, fire and rescue services do not normally face any

issues recruiting wholetime firefighters, but they do for on-call firefighters who are at a premium. As Members are aware, on-call firefighters are recruited from towns and villages, they need to live within a few minutes of the station, they need to pass fitness/medical/entry tests and then must have the right contractual coverage. Rural fire and rescue services need to therefore be as flexible as possible to attract and retain on-call firefighters if fire engines are to be on the run in these rural communities. The question therefore of a consistent entry requirement is not as simply solved as it might first appear given the legal ruling and the need for pragmatism. This well advertised and longstanding point appears to have been ignored in the White Paper but remains a key issue.

- **Direct entry requirements.** Whilst some services have talent and development schemes, there are no standardised national progression routes or consistent levels of education or experience required for entry into roles. This contrasts with comparable public services including health and policing. The White Paper seeks views on whether clearer, more consistent entry requirements for fire service roles should be established. Allied to this, is the argument that this may increase the diversity of the workforce if direct entry opportunities were to be more fully opened and made more consistent. Currently, several services do have examples where direct entry has operated and the National Fire Chiefs Council do have a pilot scheme in place. There are two fundamental issues associated with direct entry, firstly there are considerable risks associated with inexperienced incident command and this takes considerable time and investment. Senior operational leaders require a range of skills. They must take on-the-spot decisions in highly pressurised circumstances, which can be matters of life or death. Secondly, for this to occur, direct entry staff for operational role would need to have a comprehensive and extensive shadowing and development programme. These supernumerary posts need to be funded at a considerable cost. In services like our own, this is a significant and additional financial burden that cannot be resourced without additional funding.
- **Talent management scheme.** All fire and rescue services have talent management schemes in one form or another. With 45 fire and rescue services in place, there is a lack of consistency due to this natural variation but also the funds available to each service. The White Paper highlights that there are talent management schemes in other sectors that support high potential or fast track schemes and government wish to explore the benefits to the fire and rescue sector of such schemes. At a local level, the Service has a promotion and development process that is a continual and structured approach that allows candidates to progress at a speed appropriate to them whilst being operationally and managerially assessed for both potential and attainment. In addition, the NFCC have recently

introduced a talent management toolkit and portal to support coaching and mentoring.

- 2.6.2 Whilst the White Paper seeks to raise a debate about the issues around entry requirements, direct access and high potential scheme, there remain several, longstanding key issues associated with safety, legality, on-pragmatism (for on-call duty staff), and financial resources. These need to be resolved before a nationally consistent approach can be adopted for firefighter entry requirements, direct entry, and talent management schemes.

3. Professionalism

- 3.1 This section of the consultation document is divided into six sub-themes namely:

- A 21st Century leadership offer
- Smarter use of data
- Research
- Clear expectations
- Ethics and culture
- Independent strategic oversight

3.2 *A 21st Century leadership offer*

- 3.2.1 Over the years there have been many reports and inspections associated with the leadership of the sector. The majority have concluded that more needs to be done and indeed the 2018/19 HMICFRS round of inspections found that only 12 out of 45 fire and rescue services were 'good' at developing leadership and capability. As Members are aware, the Service was rated to be 'good' in this area along with its approach to people leadership and management more generally.

- 3.2.2 Up until 2001, aspiring senior leaders needed to pass a 12-month seconded Brigade Command Course held at the Fire Service College, Moreton-in-Marsh. This course was ceased, partially due to costs and partially down to a desire to localise the approach to leadership. From an operational leadership perspective, all strategic commanders are required to complete a Multi-Agency Gold Incident Command Course at the Fire Service College. They must also be accredited to a Level 7 award for strategic incident command and be independently assessed against the National Occupational Standards for incident command every three years along whilst maintaining several operational competencies and continuous professional development.

- 3.2.3 From a wider leadership point of view, the Service already heavily invests in the Executive Leadership Programme run by the NFCC and senior leaders are

encouraged to secure academic and professional qualifications which all in DWFRS have.

3.2.4 Whilst a structured national leadership course would provide greater consistency and support direct entry, the White Paper makes little mention of how this is to be funded. Given the significant financial difficulties facing the Authority, should Government funding not be forthcoming and attendance at any national leadership programme, be mandated before becoming an Assistant Chief Fire Officer (as suggested in the White Paper) then this may well be at the expense of the support for the Executive Leadership Programme.

3.3 *Smarter use of data*

3.3.1 While there are undoubtedly services like our own, where data is being used well, in his State of Fire and Rescue report in 2019, Sir Thomas Winsor identified “*the sector is missing opportunities to use data and technology effectively*” and lacks an overall national strategy to bring consistency and promote innovation. The White Paper seeks to explore how best to offer further data support to fire and rescue services. This could include improving national data analytics capability and developing data-focused training for those working with data in services and a consistent approach to structuring data. In addition, this could also include setting expectations for data governance and for securing data-sharing agreements.

3.3.2 For many years, the Service has repeatedly raised issues with Government officials and more recently with the Inspectorate about definitions, data quality and the overall data burden. Progress in resolving these matters is often slow, arduous, and frustrating. Whilst, *strongly agreeing* with the priorities set out in the White Paper, the Service would additionally welcome any national efforts to improve data governance and overcome data sharing barriers between partners particularly with health and police. We would also encourage Government to create further investment in the national ‘Resilience Direct’ database used for emergency response and planning by multiple agencies to make the system more user friendly and easier to use for all.

3.4 *Research*

3.4.1 The White Paper is seeking views on whether central fire and rescue research personnel, working closely with services, could help to ensure that research conducted within the physical and social sciences is effectively prioritised, co-ordinated, quality assured, and disseminated. It asks about the level of agreement/disagreement over the need to collaborate, commission, conduct and collate research.

3.4.2 This is an issue that the Service has been long been raising with officials and the Inspectorate as the relationships between inputs, outputs and outcomes need to be nationally validated and accepted. This would improve both the

demonstration of the value added within the sector and at an individual fire and rescue service level to support inspection and future funding settlements. Whilst we would *strongly agree* with this proposal, any additional costs of a potential central team should not fall to fire and rescue services if a centralised body is established. It might also be noted that the NFCC have several workstreams seeking to address many of these issues.

3.5 *Clear expectations*

3.5.1 Currently, the independently chaired Fire Standards Board (FSB) is tasked with creating and maintaining fire standards. Eight fire standards have now been published, ranging from operational matters such as community risk management planning to issues related to culture and ethics. A ninth fire standard on safeguarding is due to be published imminently. The FSB is supported in this work by the NFCC's central programme office. The Fire and Rescue National Framework for England requires fire and rescue services to implement these standards. HMICFRS will have regard to them in their inspections. The White Paper indicates that government want to build on the work of the FSB, ensure they continue to set clear expectations, ensure effective implementation, and consider how best to ensure that there is a continued close link between these common expectations and the guidance that supports their implementation, including National Operational Guidance. This Service strongly agrees with these points but needs to highlight those standards need to be assessed against the resource requirements to comply with them. This is an issue that can further divide the sector or cause undue resource pressures if ill thought through.

3.6 *Ethics and culture*

3.6.1 **Statutory code of ethics.** As Members are aware, the Service has fully adopted a core code of ethics developed by the NFCC. The current code has no legal status but is supported by a fire standard which requires services to 'adopt and embed' the code. The Fire and Rescue National Framework for England, requires fire and rescue authorities to have regard to these expectations. The duty on fire and rescue services to adhere to the core code is therefore indirect and Government are seeking views on whether to place a code on a statutory footing to ensure its application in every service. This could involve the creation of powers in legislation to create and maintain a statutory code. These powers could enable a statutory code to be created or amended via secondary legislation.

3.6.2 If a statutory code were to be created, a duty would need to be placed on services to follow it. Government is consulting on this duty being placed on chief fire officers who, under proposals outlined in the governance section of the White Paper, could be operationally independent and therefore deemed best placed to ensure their services act in accordance with the statutory code. They

do not propose that the statutory code would apply to elected representatives in fire and rescue authorities.

- 3.6.3 As Members know, the Service has fully adopted the code of ethics. It has replaced our previous behaviours and values framework and is embedded in recruitment, development, promotion, grievance, and discipline processes *et al* and has been widely advertised to staff including posters in all workplaces. We have plans to make this a contractual commitment. It is therefore unclear the value that a statutory footing would make given this, however it is accepted that not all fire and rescue services are as advanced with their adoption process and may have merely formulated indirect links from the code to their existing behavioural frameworks. As well as the value being added from making the code statutory, if the code of ethics were to be embedded as a contractual commitment, then it is unclear what added benefit arises from placing the duty on the Chief Fire Officer.
- 3.6.4 **Fire and rescue service Oath.** The White Paper also seeks views on introducing a fire and rescue service oath in England. The Oath would be a promise to uphold the principles in the statutory code while undertaking tasks on behalf of fire and rescue authorities. A mandatory duty to take the Oath would need to be placed on all fire and rescue service employees although it would not apply to the elected representatives in the Authority as separate ethical standards arrangements are already in place. As is the case with police officers and PCCs, the Oath would be specified and provided for in legislation. Government considers that a requirement for all fire and rescue employees to consciously affirm ethical principles through an Oath would make it more likely that the principles would be adhered to. Government believes this would be preferable to a voluntary option because it would provide a more consistent approach across all services. If a breach of the Oath occurred, Government believe it would be most appropriate for it to be dealt with by each fire and rescue service as an employment matter. In the absence of congruent criminal offence, the White Paper suggests that it would be disproportionate for breach of the Oath alone to be a criminal offence.
- 3.6.5 Throughout the White Paper there is clearly an intent to align practices with the police with regards to this matter. However, as Members may be aware the police are crown servants and have a quite different legal status to fire and rescue service employees. Police officers are formally designated 'Office Holders,' whereas firefighters and corporate staff are employees. It is also believed that not all employees of police forces swear the Oath as suggested by the proposals in the White Paper for all fire and rescue employees to do so. There are therefore some matters that need to be taken forward and reviewed before this suggestion can be more fully understood, including some practicalities and legal issues such as how to deal with existing employees who refuse to swear the Oath. More fundamentally, it is questionable what value the Oath would bring and whether it would meaningfully function as a driver for

cultural change, particularly within services that have poor cultural records or inspection findings.

3.7 *Independent strategic oversight*

3.7.1 **An independent professional body** The White Paper suggests creating an independent professional body and at arm's length from Government to lead the continuing development of the fire and rescue profession. It could comprise and be led by staff working in the organisation as their primary role and providing a dedicated resource to support services rather than by those who also must undertake pressing operational roles. This would help it conduct important activities not currently conducted on a sustainable basis. Whilst the Government sees benefits to independence, it would be vital for any new organisation to work with services, employers, the NFCC, the unions, HMICFRS and others, to ensure that work is fully informed by the views of the sector.

3.7.2 **A College of Fire and Rescue.** Government wants to explore an ambition for the creation of a College of Fire and Rescue (CoFR) to be the independent body to support our fire and rescue professionals. By way of example, the White Paper sets out that the proposed independent CoFR could have the following remit:

- *Leadership*, developing and maintaining courses such as Leadership Programmes and direct entry schemes
- *Data*, providing a home for a strategic centre of data excellence
- *Research*, housing a central research function to ensure that research is prioritised, conducted effectively, and shared
- *Clear Expectations*, taking on responsibility for the creation of fire standards, building on the work of the Fire Standards Board
- *Ethics*, the proposed independent body could be provided with powers to create and maintain the proposed statutory code of ethics and fire and rescue service Oath, and keep practical implementation of the code and Oath under review

3.7.3 As Members are aware the sector has a Fire Service College in Moreton-in-Marsh with excellent operational training facilities, accommodation, and classrooms. Historically the College was both under funded by central Government and it failed to adapt and offer value for money courses for fire and rescue services buying from their prospectus. As a result, it suffered many years of decline, although there has been some resurgence of the College through its current private sector management and its renewed ability to generate income and retain capital receipts. Members may also know that the

NFCC has several seconded Officers within their central programme team as well as a sizeable number of workstreams and projects led by senior Officers from across the sector. Whilst these arrangements are far from perfect, they nevertheless are producing a wide range of outputs that are being made available to the sector. Unfortunately, due to the funding inequities across the sector, the tools and products cannot always universally be adopted by all fire and rescue services. This leads to a 'mix and match' approach to what works and what can be afforded. This further erodes the consistency of the sector and creates a tension when inspected by HMICFRS.

- 3.7.4 Whilst an independent body and college is a promising idea, the existing infrastructure and workstreams must not be ignored. It is also difficult to see how national consistency can be achieved if the significant disparity in funding prevails and the complex issues associated with wholetime vs on-call workforces are not fundamentally understood or resolved. The costs of this independent body and the college should be viewed as a new burden and should be separately funded by HM Treasury and not be a top sliced financial arrangement.

4. Governance

- 4.1 This section of the consultation document is divided into six sub-themes namely:

- Transferring governance to a single elected individual
- Boundaries
- Fire funding
- A balanced leadership model
- Legal entity of Chief Fire Officers
- Strategic vs Operational planning

4.2 Transferring governance to a single elected individual

- 4.2.1 There are 45 fire and rescue authorities across England operating under a range of different governance models. This variation in governance and operating models is unhelpful on several fronts and does not help to unify the sector. Government believes there is a compelling case to consider options to transfer governance to an elected individual. Whilst seeking views on who might be the most appropriate person, the options include a directly elected combined authority Mayor or a Police and Crime Commissioner (PCC) or retaining fire in county councils under a designated leader. Government recognise that it may be preferable for somebody, through a different option other than a PCC or Mayor, to be given responsibility. This may be where a fire

service is currently part of a county council or local boundaries do not align. They have indicated that they are open to suggestions, although any option should meet their preferred governance model with the following criteria:

- there is a single, elected, ideally directly elected, individual who is accountable for the service rather than governance by committee
- there is clear demarcation between the political and strategic oversight by this individual, and the operationally independent running of the service by the Chief Fire Officer
- that the person with oversight has control of necessary funding and estates
- decision-making, including budgets and spending, is transparent and linked to local public priorities

4.2.2 Several questions are asked in the White Paper and it would be helpful if members could provide the Chair and Officers with a clear steer on each of these to assist in formulating a response:

- *To what extent do you agree/disagree that Government should transfer responsibility for fire and rescue services in England to police and crime commissioners?*
- *Apart from combined authority mayors and police and crime commissioners, is there anyone else who we could transfer fire governance to that aligns with the principles set out above?*
- *To what extent do you agree or disagree that the legal basis for fire and rescue authorities could be strengthened and clarified?*

4.2.3 The south west of England is significantly non-coterminous with police boundaries. Indeed, only Gloucester can readily adopt the PCC model where both the police and fire and rescue service share a common boundary. Boundary alignment represents a considerable political, financial, technical, managerial, and legal challenge to resolve (see later). Should boundary alignment not be prescribed, then there are potential alternatives that might include a directly elected fire commissioner, or a legal and constitutional ability to have a shared PCC arrangement across non-coterminous boundaries (although this would be democratically confused and awkward).

4.2.4 It remains unclear what the added benefits are that a single elected individual might have on the performance of the fire and rescue services provided to the community over and above the existing governance arrangements. This is particularly the case in Dorset and Wiltshire where the Inspectorate highly rates the performance of the fire and rescue service. It is unclear what the evidence

or business case for change against an effective and high performing fire and rescue service governed through a combined fire authority or county council.

4.3 *Boundaries*

4.3.1 As alluded to earlier, the boundaries, particularly in the south west (but not exclusively to this region), do not align to police force areas.

- Devon and Cornwall Police vs. Devon and Somerset FRS
- Dorset Police vs. DWFRS
- Wiltshire Police vs. DWFRS
- Avon and Somerset Police vs. Devon and Somerset FRS
- Avon and Somerset Police vs. Avon FRS

4.3.2 In addition to boundary changes, there are several structured partnerships and shared service arrangements that are heavily invested in and have technical or human resource arrangements associated with them. Such arrangements might include for example our own Networked Fire Services Partnership involving Devon & Somerset FRS and Hampshire & the Isle of Wight FRS and the strategic alliance between Devon & Cornwall Police and Dorset Police.

4.3.3 The complexity of the structural and governance change should not be underestimated. Change of this scale requires many tens of millions of pounds, considerable political and managerial conviction, and significant technical and human investment. The risk of change is considerable, but as in the case of the formation of Dorset and Wiltshire can, if successful, yield significant benefits in terms of being a stronger, safer, and more sustainable organisation.

4.3.4 Should there be a need to revert Dorset and Wiltshire back to two smaller fire and rescue authorities and services, then not only would this take millions of pounds to transition but there would also be a need to forego the £8m pa savings and ensure that the smaller entities are financially sustainable. This may also cost many millions to be put back in base budget due to the reduction in economies of scale. Across the south west, and elsewhere, these financial costs may run to incredibly significant financial sums running into nine figures.

4.3.5 As stated above, it remains unclear what the added benefits that these boundary changes would generate (beyond allowing for a single elected individual) on the performance of the fire and rescue services provided to the community over and above the existing arrangements. This is particularly the case in Dorset and Wiltshire where the Inspectorate highly rates the performance of fire and rescue service.

4.4 *Fire funding*

4.4.1 Where fire is part of a county or unitary authority, Government have seen that fire and rescue does not always receive the resources it might otherwise be

allocated due to competing priorities within the parent authority. As a result, fire and rescue can see its budget reduced mid-year to meet pressures elsewhere in its parent authority. The fire and rescue service also must compete with other parts of the local authority for capital funding to replace essential assets. Subject to the results of this consultation, should fire stay within a county council or unitary authority rather than be transferred to a PCC or Mayor, the White Paper proposes taking steps to ring-fence the operational fire budgets within all county councils and unitary authorities who run fire and rescue services.

As a combined fire and rescue authority this issue is not relevant to Dorset and Wiltshire. It might also be highlighted that whilst the hypothecation of fire grants appears laudable, it may also have a perverse effect of stifling the need for additional funding for fire and rescue priorities and activities.

4.5 *A Balanced Leadership Model*

- 4.5.1 As Members would agree, chief fire officers should be properly held to account for performance and must also be able to make operational deployments and use their resources in the most efficient and effective ways to meet known and foreseeable risks.
- 4.5.2 In their first inspections, HMICFRS found that the lack of clear operational independence of chief fire officers created a barrier to services becoming more effective and efficient, and they found examples where chiefs were prevented by their authorities from implementing operational changes. HMICFRS recommended that the Home Office should take steps to give chiefs operational independence, including issuing clear guidance on the demarcation between governance and operational decision making.
- 4.5.3 The White Paper sets out a possible broad demarcation (see table below) of responsibility between the political (executive) leader and the Chief Fire Officer. Government have indicated that they will legislate to do so when parliamentary time allows. At a local level, this demarcation broadly follows what is currently in place within the Authority. It should also be stated that a balanced leadership model relies on mutual trust and honest communication between the political leadership (of whatever political governance is put in place) and the Chief Fire

Officer and his/her strategic leadership team. This is a prominent issue that is not sufficiently referenced in the consultation document.

<u>Task</u>	<u>Responsible</u>
<u>Setting priorities</u>	<u>Executive leader</u>
<u>Budget setting</u>	<u>Executive leader</u>
<u>Setting precept</u>	<u>Executive leader</u>
<u>Setting response standards</u>	<u>Executive leader</u>
<u>Opening and closing fire stations</u>	<u>Executive leader*</u>
<u>Appointment and dismissal of chief fire officer</u>	<u>Executive leader</u>
<u>Appointment and dismissal of other fire service staff</u>	<u>Chief fire officer</u>
<u>Allocation of staff to meet strategic priorities</u>	<u>Chief fire officer</u>
<u>Configuration and organisation of resources</u>	<u>Chief fire officer</u>
<u>Deployment of resources to meet operational requirements</u>	<u>Chief fire officer</u>
<u>Balancing of competing operational needs</u>	<u>Chief fire officer</u>
<u>Expenditure up to certain (delegated) levels</u>	<u>Chief fire officer</u>

*Opening and closing of fire stations could be a joint decision; operationally fire chiefs could be responsible for decisions on moving teams, whilst ultimate political and executive responsibility lies with the executive leader.

4.6 *Legal entity of Chief Fire Officers*

4.6.1 In the PCC model for policing governance, chief constables have operational independence from their commissioner in relation to the running of their police forces. The Police Reform and Social Responsibility Act 2011 provides that a police force and its civilian staff are under the direction and control of the chief constable. The 2011 Act also makes each chief constable a corporation sole. That means that the chief constable is a legal entity in their own right, occupying a single incorporated office. It makes the chief constable the employer of all those who work for the police force and gives them legal authority over and accountability for certain decisions and functions.

4.6.2 The White Paper therefore seeks consideration as to whether to legislate to make chief fire officers corporations sole. In the view of Government, this could clarify their role and responsibilities and make them the employers of all fire personnel. Should they decide to proceed, they recognise specific arrangements may need to be put in place for chief fire officers employed by fire and rescue services run by county-councils and unitary authorities due to how closely fire professionals and assets are embedded in those organisations.

4.6.3 At a local level, and assuming the same governance arrangements continue, it is unclear what benefits this would generate over and above the current arrangements where our scheme of delegation provides the necessary definition and demarcation between those matters that are for the Authority to decide and those that are operational for the Chief Fire Officer.

4.7 *Clear Distinction Between Strategic and Operational Planning*

4.7.1 Through this White Paper, Government are seeking views on how best to clarify the distinction between strategic and operational planning. Quite correctly, Government believes there should be a clear distinction between a strategic fire and rescue plan established by the fire authority and for which it is responsible, that sets priorities for the service on behalf of the public, and an operational plan which would become the responsibility of the Chief Fire Officer and would deal with how strategic priorities will be met and risks mitigated.

4.7.2 At a local level, this distinction is clear. Members approve the Community Safety Plan and associated priorities within an enabling constitutional framework. The Chief Fire Officer implements this through internal planning and performance management arrangements that are scrutinised by Members through the Authority and its various committees.

4.7.3 If there are difficulties within the sector, then the model we have in place may be a helpful example.

5. Issues not immediately apparent in the White Paper

5.1 Whilst the White Paper raises a debate on several key issues, there are several issues that are either not within the consultation document or have only loose references or associations to it. These include:

- Financial reform or fairer (inconsistent) funding
- How will reform be funded?
- Clarity of Government expectations*
- Sustainability of on-call duty system
- Role and opportunities of National Fire Chiefs Council and the consideration of the outputs and workstreams being pursued including its work on the Fit for the Future visioning
- Role and opportunities of Fire Service College
- National industrial relations and impact on the sector's ability to deliver change and modernisation

- Capacity and capability of the sector to bring about change*
- Removing unjustifiable variation, including how risk is defined*

(* National recommendations arising from the State of Fire 2021)

5.2 It remains unclear how these issues will be addressed, although they will inevitably need to be 'unpacked' as many are central to the debate being initiated through this White Paper.

6. Summary and key points

6.1 The White Paper has at its heart the desire to move governance arrangements to a single elected representative. It is the view of Government that in so doing governance will become more efficient and the performance of the services provided by the fire and rescue service will improve as there will be increased public safety, improved accountability, and better engagement with the public. There remains a question around the evidence for this and how this added benefit materialises where the Inspectorate already highly rates fire and rescue services.

6.2 There are few specific and detailed proposals within the consultation paper and several outstanding or ancillary 'thorny' issues, either not directly addressed or needing to be considered as part of moving the sector forward. Central to the debate are a few remaining and fundamental questions namely:

- How will the current inequity of funding be resolved to allow hard stretched but high performing authorities to maintain their services to the communities in the face of significant change and cost pressures?
- What are the central Government expectations for the fire and rescue service and how will 'non-core' activities be funded?
- What is the business case for the governance change that allow for a single elected individual for authorities and services that are highly rated by the Inspectorate and their communities? More specifically, where is the evidence to demonstrate that combined fire and rescue authorities are not effective?
- How is the reform agenda to be financed both during any transitional period and over the long-term?

6.3 In terms of next steps, subject to approval of the Authority, it is requested that the Chair, in consultation with the Chief Fire Officer and the Clerk and Monitoring Officer be allowed to refine and submit the final response to the Home Office by the due date. This would allow any final views emerging from other fora to be

potentially reflected within the Authority's final response and the response to be set out in a prescribed format as requested by the Home Office.

June 2022