

Fire Services Management Committee

Agenda

Friday, 26 January 2018
11.00 am

Smith Square Rooms 1&2, 18 Smith Square,
London, SW1P 3HZ

To: Members of the Fire Services Management Committee
cc: Named officers for briefing purposes

www.local.gov.uk

This meeting is



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Fire Services Management Committee
26 January 2018

There will be a meeting of the Fire Services Management Committee at **11.00 am on Friday, 26 January 2018** Smith Square Rooms 1&2, 18 Smith Square, London, SW1P 3HZ.

A sandwich lunch will be available after the meeting.

Attendance Sheet:

Please ensure that you sign the attendance register, which will be available in the meeting room. It is the only record of your presence at the meeting.

Political Group meetings:

The group meetings will take place in advance of the meeting. Please contact your political group as outlined below for further details.

Apologies:

Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting.

| | | |
|--------------------------|-----------------------------|---|
| Conservative: | Group Office: 020 7664 3223 | email: lgaconservatives@local.gov.uk |
| Labour: | Group Office: 020 7664 3334 | email: Labour.GroupLGA@local.gov.uk |
| Independent: | Group Office: 020 7664 3224 | email: independent.grouplga@local.gov.uk |
| Liberal Democrat: | Group Office: 020 7664 3235 | email: libdem@local.gov.uk |

Location:

A map showing the location of 18 Smith Square is printed on the back cover.

LGA Contact:

Felicity Harris
0207 664 3231 / felicity.harris@local.gov.uk

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The twitter hashtag for this meeting is #lgassc

Fire Services Management Committee – Membership 2017/2018

| Councillor | Authority |
|-----------------------------------|--|
| | |
| Conservative (6) | |
| Cllr Rebecca Knox (Deputy Chair) | Dorset and Wiltshire Fire and Rescue Service |
| Cllr Jason Ablewhite | Huntingdonshire District Council |
| Cllr John Bell | Greater Manchester Fire and Rescue Authority |
| Cllr Nick Chard | Kent and Medway Fire and Rescue Authority |
| Cllr Mark Healey MBE | Devon and Somerset Fire and Rescue Authority |
| Cllr Simon Spencer | Derbyshire Fire and Rescue Authority |
| | |
| Substitutes | |
| Cllr Tony Hunter | North Hertfordshire District Council |
| Cllr Roger Reed | South Bucks District Council |
| | |
| Labour (6) | |
| Ms Fiona Twycross AM (Vice-Chair) | London Fire and Emergency Planning Authority (LFEPA) |
| Cllr David Acton | Trafford Metropolitan Borough Council |
| Cllr Les Byrom CBE | Merseyside Fire and Rescue Authority |
| Cllr John Edwards | West Midlands Fire and Rescue Authority |
| Cllr Judith Hughes | Kirklees Metropolitan Council |
| Cllr Thomas Wright | Tyne and Wear Fire and Rescue Authority |
| | |
| Substitutes | |
| Cllr John Robinson JP | Durham County Council |
| Cllr Brian Grocock | Nottingham City Council |
| | |
| Liberal Democrat (1) | |
| Cllr Keith Aspden (Deputy Chair) | North Yorkshire Fire & Rescue Service |
| | |
| Substitutes | |
| Cllr Stuart Bray | Hinckley & Bosworth Borough Council |
| | |
| Independent (1) | |
| Cllr Ian Stephens (Chair) | Isle of Wight Council |

Fire Services Management Committee - Attendance 2017/18

| | 22/9/17 | 17/11/17 | 26/1/18 |
|---------------------------|---------|----------|---------|
| Councillors | | | |
| Conservative Group | | | |
| Rebecca Knox | No | Yes | |
| Jason Ablewhite | Yes | No | |
| John Bell | Yes | Yes | |
| Nick Chard | Yes | Yes | |
| Mark Healey MBE | Yes | No | |
| Simon Spencer | No | Yes | |
| | | | |
| Labour Group | | | |
| Fiona Twycross | Yes | Yes | |
| David Acton | No | Yes | |
| Les Byrom CBE | Yes | Yes | |
| John Edwards | Yes | Yes | |
| Judith Hughes | No | Yes | |
| Thomas Wright | Yes | Yes | |
| | | | |
| Lib Dem Group | | | |
| Keith Aspden | Yes | Yes | |
| | | | |
| Independent | | | |
| Ian Stephens | Yes | Yes | |
| | | | |
| Substitutes | | | |
| Tony Hunter | | | |
| John Robinson JP | | | |
| Roger Reed | | Yes | |

Agenda

Fire Services Management Committee

Friday 26 January 2018

11.00 am

Smith Square Rooms 1&2, 18 Smith Square, London, SW1P 3HZ

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Date of Next Meeting: Monday, 12 March 2018, 4.00 pm, The Hilton Hotel, Gateshead

Fire and rescue national framework for England consultation

Purpose of report

For discussion.

Summary

The Home Office launched its public consultation of the Fire and Rescue National Framework for England in December. The framework is annexed to this paper. Members are invited to discuss and subsequently feedback by 6 February in order to inform the LGA's response. The consultation will close on 14 February 2018.

Recommendation

That the LGA respond to the consultation as directed by members of the Fire Services Management Committee.

Action

Officers to proceed as appropriate.

| | |
|-------------------------|---------------------------|
| Contact officer: | Charles Loft |
| Position: | Senior Adviser |
| Phone no: | 0207 665 3874 |
| Email: | Charles.loft@local.gov.uk |

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Fire and rescue national framework for England consultation consultation

Background

1. The Home Office launched its public consultation of the Fire and Rescue National Framework for England in December. The consultation document is attached at **Appendix A**.
2. The National Framework sets priorities and objectives for fire and rescue authorities (FRAs) in England in connection with the discharge of their functions. Fire and rescue authorities have a duty to have regard to the Framework.
3. The National Framework was last published in 2012 and the new draft seeks to embed the fire reform programme and provisions in the Policing and Crime Act 2017.

Issues

4. The LGA was consulted on an earlier draft of this document and raised a number of issues which are summarised below along with the responses given by the Home Office in order to aid members' consideration of the framework.
5. The LGA's primary concerns were around the apparent disparity between the expectations of Police and Crime Commissioner (PCC) style FRAs and other FRAs in relation to the production of Integrated Risk Management Plans (IRMPs) and the additional requirements the Policing and Crime Act 2017 placed on PCC-style FRAs to produce:
 - 5.1. A 'Fire and Rescue Plan' (which sets out the Policing Fire and Crime Commissioner's strategic priorities for the fire and rescue service); and
 - 5.2. A fire and rescue statement (which relates to the way in which the authority has had regard to the Framework and to the authority's fire and rescue plan).
6. In response we have been assured that:
 - 6.1. The IRMP remains the basis for all fire and rescue service activity and the National Framework continues to require all FRAs - regardless of governance model - to produce an IRMP setting out how each FRA will deliver its core functions.
 - 6.2. In some cases elements of the Fire and Rescue Plan may be included within the IRMP, however, the Home Office sees these as two separate documents: the Plan as a strategic document to be subject to Police, Fire and Crime Panel (PFCP) scrutiny, and the IRMP, as a mainly operational document, to be subject to Her

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Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) inspection.

- 6.3. The inspectorate will inspect all IRMPs and how each service understands its current and future demand and risk.
7. The LGA raised further concerns that HMICFRS will consider the assurance statement of FRAs but not of PCC-style FRAs, whose statements will be considered by Police, Fire and Crime Panels. The LGA suggested this could create different and therefore inconsistent inspection regimes.
8. The Home Office responded that the approach that HMICFRS will take to inspection will be rigorous in all cases and they should drill down to the key elements in relation to efficiency, effectiveness and public safety of each service. The assurance statement and its supporting evidence is likely to be considered by the inspectorate in advance of an inspection. While HMICFRS is currently finalising their inspection methodology for public consultation, they will inspect the same issues, and ask the same questions, to each FRA regardless of their governance model. The inspection process will go much deeper than the contents of the statement and this approach will be unaffected by the type of FRA being inspected.
9. Other clarifications and assurances we have received are summarised here:
- 9.1. The Home Office undertook to consider the section on Marauding Terrorist Firearms Attack (MTFA) and resilience needs in the context of ongoing discussions at NJC between now and publication of the Framework and make any amendments as considered necessary.
- 9.2. References to published efficiency plans and financial strategies (either as a part of the financial strategy or separately) are new requirements in the Framework but are existing requirements for FRAs.
- 9.3. The reserves strategy is a new requirement. The Home Office view is that FRAs which have effective arrangements in place to produce their medium-term financial plans will not find the inclusion of a reserves strategy an additional burden, as the information required for the reserves strategy is already produced by the FRA. Members will want to be satisfied that this does not represent an additional burden.
- 9.4. The Home Office will consider on an ongoing basis the outputs from the Grenfell Tower Public Inquiry and the Independent Review of Building Regulations and Fire Safety and make further changes to the Framework as required. Any Grenfell Tower Public Inquiry or Building Regulations Review related changes would be subject to further consultation.

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9.5. The framework says FRAs must have effective business continuity arrangements to meet the full range of service delivery risks and national resilience duties and commitments that they face. This is a carry-over from the previous Framework, with the addition of 'national resilience' duties. Although this is a change, The Home Office has said that it only clarifies an existing statutory duty in primary legislation.

9.6. The Home Office is committed to fund National resilience capabilities until the end of the current contract in 2024.

10. There are no consultation questions as such. Respondee are invited to comment on sections.

Recommendation

11. Members are invited to discuss the draft Framework and to direct officers as to the LGA's response to the consultation.

Implications for Wales

12. The framework only applies in England.

Financial Implications

13. None.

Next steps

14. In addition to feedback comments at the meeting, members are invited to submit comments on the National Framework to officers by 6 February.

15. Officers will then draft a response to the consultation based on members' views with the final response being agreed by Lead Members.



Home Office

Fire and Rescue National Framework for England

Government consultation

This consultation begins on 27 December 2017

This consultation ends on 14 February 2018

About this consultation

| | |
|--|--|
| To: | Fire and rescue authorities and fire and rescue representative bodies |
| Duration: | From 27/12/2017 to 14 February 2018 |
| Enquiries (including requests for the paper in an alternative format) to: | <p>Alan Turnbull Home Office 6th Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF Tel: 0207 035 3558 Email: FRSComms@homeoffice.gsi.gov.uk</p> |
| How to respond: | <p>You can submit your responses to the consultation by using the online form on gov.uk</p> <p>or in hard copy, by 14 February 2018 to:</p> <p>Harinder Sahota Home Office 6th Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF Tel: 0207 035 3478 Email: FRSComms@homeoffice.gsi.gov.uk</p> |
| Response paper: | A response to this consultation exercise is due to be published by spring 2018 on gov.uk. |

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Foreword

Fire and rescue services play a crucial role in making our communities safer, whether it be preventing and protecting people from fire and other risks, or responding swiftly and effectively to the incidents and emergencies that occur. Over the past decade we have witnessed a significant decrease in the number of fires which suggests that we are, as a society, becoming safer than ever from the risk and consequences of fire. In part this must be a testament to the successful fire prevention and protection work that fire and rescue services deliver day in, day out, up and down the country.

Nevertheless, the awful tragedy at Grenfell Tower provided a stark and terrible reminder that we can never afford to become complacent. We must continue to work hard to keep people – especially those whose vulnerability to fire is increased by age, infirmity, mental health, domestic violence or any of the other complex issues some of us are living with – as safe from fire and associated risks as possible. In many cases, this means engaging effectively with other agencies to work together to better protect and improve the outcomes for these individuals.

The past decade has also seen fire and rescue services respond to an ever growing number of non-fire incidents. Collaboration should be at the heart of how services operate so that services can work with, or on behalf of, local providers, to deliver a range of public safety activity to protect their local communities where it is in the interests of efficiency and effectiveness for them to do so.

In 2016, the Home Office outlined an ambitious programme of reform which it is delivering with the fire and rescue sector. This revised National Framework seeks to embed these reforms, which include:

- transforming local governance of fire and rescue by enabling mayors and police and crime commissioners to take on responsibility for fire and rescue services where a local case is made;
- establishing Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) as an independent inspection regime for fire and rescue authorities;
- developing a comprehensive set of professional standards to drive sector improvement;
- supporting services to transform commercially with more efficient procurement and collaboration;
- increasing the transparency of services with the publication of greater performance data and the creation of a new national fire website; and -
- driving forward an ambitious programme for workforce reform including through enhancing: professionalism; management and leadership; training and

development; equality and diversity; improved culture; and options for flexible working.

As part of this reform programme, the fire landscape is changing with the formation of the National Fire Chiefs Council; an independent inspectorate (HMICFRS); and a professional standards body. The revised framework outlines the roles and responsibilities of these bodies and sets expectations for how services should work with them.

It is against this background that the Government launches this revised National Framework for consultation. The National Framework will continue to provide an overall strategic direction to fire and rescue authorities, but Whitehall will not run fire and fire and rescue services remain free to operate in a way that enables the most efficient and effective delivery of their services, drawing upon their considerable skills and experience to best reduce the risks from fire. Ultimately, it is to local communities, not Government, that fire and rescue authorities are accountable.

Finally, it is vital that we learn the lessons from Grenfell. I very much welcome the publication of Dame Judith Hackitt's interim report setting out a comprehensive analysis of the current system of building regulations and fire safety and recommendations for how it can be improved. It is clear there is a need for reform across the system and that we need a new intelligent system of regulation and enforcement which encourages everyone to do the right thing and which holds those who cut corners to account. The scale of the change that her report calls for cannot be delivered by government alone so we will work closely with Dame Judith and other partners – including the National Fire Chiefs Council and fire and rescue services - during the next phase of the review, identifying the changes that need to be made to the system. We will update the National Framework as required to ensure that the learning and recommendations from this Review, as well as those from the wider Grenfell Tower Inquiry, are captured and reflected.

In the meantime, we acknowledge the vital work that local fire and rescue services, and the NFCC, as a member of the Expert Panel, are doing to ensure that building owners are taking all the necessary steps to ensure those living in high rise buildings are safe and feel safe to remain in their homes.

I look forward to receiving consultation responses on the revised National Framework.



R Hon Nick Hurd MP

Minister for Policing and the Fire Service

Executive summary

1. Section 21 of the Fire and Rescue Services Act 2004 requires the Secretary of State to prepare a Fire and Rescue National Framework which sets priorities and objectives for fire and rescue authorities (FRAs) in England in connection with the discharge of their functions. FRAs have a statutory duty to have regard to the Framework. The 2004 Act requires the Secretary of State to keep the Framework under review and revise it if needed with significant revisions subject to statutory consultation with representatives of fire and rescue authorities and their employees.
2. The National Framework was last updated in 2012 and changes are needed which warrant a full revision of it at this time to embed the fire reform programme such as the creation of a new inspectorate for fire and rescue services and the creation of the National Fire Chiefs Council. The Framework also reflects the provisions in the Policing and Crime Act 2017 on emergency services collaboration and changes to fire and rescue governance.
3. We have sought the views of an external working group in drafting this framework including the LGA and their elected members; the National Fire Chiefs Council; and HMICFRS.
4. We propose the priorities and objectives for FRAs as set by the Framework to be:
 - identify and assess the full range of foreseeable fire and rescue related risks their areas face;
 - make appropriate provision for fire prevention and protection activities and response to fire and rescue related incidents;
 - collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of service provision;
 - be accountable to communities for the service they provide; and
 - develop and maintain a workforce that is resilient, skilled, flexible and diverse.
5. Within the Workforce chapter (chapter 6) of the draft National Framework, the section on 're-engagement of senior officers post-retirement' has been the subject of an earlier, separate consultation. The Government's response to that consultation is published separately. The draft National Framework includes the proposed wording following that consultation and no more changes to that section are planned following this consultation process.

6. Annex A of the draft National Framework contains a revised 'Protocol on Central Government Intervention Action for Fire and Rescue Authorities'. Section 23 of the Fire and Rescue Services Act 2004 requires that an intervention protocol be prepared, and for the Secretary of State to have regard to it in the exercise of their power of intervention. Revisions to the protocol are required to be consulted on and so comments are invited on this document.
7. Subject to the outcome of the public consultation and parliamentary time allowing, the Government intends for the new National Framework to come into effect in April 2018 to coincide with the commencement of fire inspection. The existing Framework – brought into effect in 2012 - remains valid until it is replaced. The outputs from the Grenfell Tower Inquiry and the Independent Review of Building Regulations and Fire Safety will be considered on an ongoing basis and further changes may be made to the Framework as required. Any such changes will be subject to a separate consultation.

Introduction

This paper sets out for consultation the revised Fire and Rescue National Framework for England and also for the revised 'Protocol on Central Government Intervention Action for Fire and Rescue Authorities'. The consultation is aimed at fire and rescue authorities in England and their staff, as well as fire and rescue representative bodies.

The proposals are unlikely to lead to additional costs or savings for businesses, charities or the voluntary sector, or on the public sector.

Copies of the consultation paper are being sent to:

Chiefs and Chairs of all Fire and Rescue Authorities in England

Local Government Association

National Fire Chiefs Council

Association of Principal Fire Officers

Fire Brigades Union

Fire Officers' Association

Retained Firefighters' Union

Association of Police and Crime Commissioners

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in, or views on, the subject covered by this paper.

Draft Fire and Rescue National Framework for England

1. INTRODUCTION

Powers

- 1.1 Under section 21 of the Fire and Rescue Services Act 2004 (“the 2004 Act”), the Secretary of State must prepare a Fire and Rescue National Framework.

The Framework:

- a) must set out priorities and objectives for fire and rescue authorities in connection with the discharge of their functions;
 - b) may contain guidance to fire and rescue authorities in connection with the discharge of any of their functions; and
 - c) may contain any other matter relating to fire and rescue authorities or their functions that the Secretary of State considers appropriate.
- 1.2 In setting out priorities and objectives for fire and rescue authorities in England, the requirements are best calculated to promote public safety and the economy, efficiency and effectiveness of fire and rescue authorities. The Framework sets out high level expectations; it does not prescribe operational matters which are best determined locally by fire and rescue authorities and their staff.
- 1.3 In preparing the Framework, the Secretary of State is required to consult fire and rescue authorities or their representatives; persons representing employees of fire and rescue authorities; and any other persons they consider appropriate.
- 1.4 Every fire and rescue authority must have regard to the Framework in carrying out their functions. Every authority must publish an annual statement of assurance of compliance with the Framework (see Chapter 3).
- 1.5 Fire and rescue authorities function within a long-established statutory and policy framework. This document does not repeat all the duties placed on them in connection with the discharge of their functions, or more generally as a public service provider and employer.
- 1.6 The term ‘fire and rescue authority’ in this Framework applies to every fire and rescue authority in England unless otherwise stated.

Priorities

- 1.7 The priorities in this Framework are for fire and rescue authorities to:
- identify and assess the full range of foreseeable fire and rescue related risks their areas face;
 - make appropriate provision for fire prevention and protection activities and response to fire and rescue related incidents;
 - collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of service provision;

- be accountable to communities for the service they provide; and
- develop and maintain a workforce that is professional, resilient, skilled, flexible and diverse.

2. DELIVERY OF CORE FUNCTIONS

Identify and assess

- 2.1 Every fire and rescue authority must assess all foreseeable fire and rescue related risks that could affect their communities, whether they are local, cross-border, multi-authority and/or national in nature from fires to terrorist attacks. Regard must be had to Community Risk Registers produced by Local Resilience Forums and any other local risk analyses as appropriate.
- 2.2 Fire and rescue authorities must put in place arrangements to prevent and mitigate these risks, either through adjusting existing provision, effective collaboration and partnership working, or building new capability. Fire and rescue authorities should work through the Strategic Resilience Board where appropriate when determining what arrangements to put in place.

Prevent and protect

- 2.3 Prevention is always better than cure. Fire and rescue authorities must make provision for promoting fire safety, including fire prevention, and have a locally determined risk-based inspection programme in place for enforcing compliance with the provisions of the Regulatory Reform (Fire Safety) Order 2005 in premises to which it applies.
- 2.4 We expect fire and rescue authorities to target their fire safety, prevention and protection resources on: those individuals or households who are at greatest risk from fire in the home; those most likely to engage in arson or deliberate fire setting; and on those non-domestic premises where the life safety risk is the greatest.
- 2.5 To identify those at greatest risk from fire, we expect fire and rescue authorities to work closely with other organisations in the public and voluntary sector, as well as with the police and ambulance services. Wherever appropriate, we expect fire and rescue services to develop partnerships to support risk reduction services to those identified as vulnerable, including from exploitation or abuse, and wherever possible to share intelligence and relevant risk data.
- 2.6 In many cases, fire and rescue prevention and protection staff will be in a position to identify individuals' wider vulnerabilities and exposure to risks beyond fire. By working closely and collaboratively with other public and voluntary sector organisations – both nationally through the National Fire Chiefs Council and through local arrangements - we recognise fire and rescue authorities can make an important contribution to increasing the effectiveness and efficiency of public services and alleviating pressures on local response resources. However, this should not be at the expense of their core fire functions.
- 2.7 Given the wide range of roles that fire and rescue personnel undertake, including with people with complex needs and vulnerabilities, fire and rescue authorities will need to ensure that all their staff in public-facing roles have the necessary skills and training to meet such demands. They also should have appropriate safeguarding arrangements in place to provide the public with the reassurance and confidence that they have every right to expect.

2.8 In all their prevention and protection activities, fire and rescue authorities should robustly evaluate the impact of their activities to ensure that they only pursue those which can be demonstrated to impact effectively and cost-efficiently on risk reduction within their communities. Fire and rescue authorities should share details of their successful interventions (and, importantly, those less successful interventions) to support each other to understand and build on what works best and what is most cost-effective.

Respond

2.9 Fire and rescue authorities must make provision to respond to incidents such as fires, road traffic collisions and other emergencies within their area and in other areas in line with their mutual aid agreements.

2.10 Fire and rescue authorities can enter into reinforcement schemes, or mutual aid agreements, with other fire and rescue authorities for securing mutual assistance, so far as practicable.

2.11 Fire and rescue authorities must have effective business continuity arrangements in place in accordance with their duties under the Civil Contingencies Act 2004. These arrangements must be able to meet the full range of service delivery risks and national resilience duties and commitments that they face. Business continuity plans should not be developed on the basis of armed forces assistance being available.

Integrated Risk Management Plan

- 2.12 To establish how it aims to deliver its core functions to effectively prevent and mitigate the fire and rescue related risks facing their communities, each fire and rescue authority must produce an integrated risk management plan. Each plan must:
- reflect up to date risk analyses including an assessment of all foreseeable fire and rescue related risks that could affect the area of the authority;
 - demonstrate how prevention, protection and response activities will best be used to prevent fires and other incidents and mitigate the impact of identified risks on its communities, through authorities working either individually or collectively, in a cost effective way;
 - evaluation of service delivery outcomes including the allocation of resources, for the mitigation of those risks;
 - set out its management strategy and risk-based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005 in accordance with the principles of better regulation set out in the Statutory Code of Compliance for Regulators, and the Enforcement Concordat;
 - cover at least a three-year time span and be reviewed and revised as often as it is necessary to ensure that the authority is able to deliver the requirements set out in this Framework;
 - reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies and partners; and
 - be easily accessible and publicly available.

3. INSPECTION, ACCOUNTABILITY AND ASSURANCE

Inspection

- 3.1 Independent inspection of fire and rescue authorities in England – and the fire and rescue service they oversee - is delivered by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). The chief fire and rescue inspector and inspectors of fire and rescue authorities in England have powers of inspection given to them by the Fire and Rescue Services Act 2004, as amended by the Policing and Crime Act 2017.
- 3.2 The inspectorate will provide a crucial assurance function to consider how effective and efficient fire and rescue authorities are, how well they manage their people and whether they are fulfilling their statutory obligations. The inspectorate will also highlight good practice and identify areas where improvement is needed so that remedial or constructive action can be taken.
- 3.3 The Policing and Crime Act 2017 requires the chief fire and rescue inspector for England to publish an inspection programme setting out what inspections of fire and rescue authorities in England they propose to carry out, and an inspection framework setting out the manner in which inspections will be carried out, including the matters that will be inspected. The inspection framework and programme applies to every fire and rescue authority in England. The 2017 Act also requires the chief fire and rescue inspector for England to submit an annual report to the Secretary of State providing an assessment of the efficiency and effectiveness of fire and rescue authorities in England for the period in respect of which the report is prepared.
- 3.4 All fire and rescue authorities must cooperate with the inspectorate and its inspectors to enable them to deliver their statutory function. This includes providing relevant data and information to inform inspections. The Home Office and HMICFRS will work together to align data and information collections where possible to avoid duplication.
- 3.5 Fire and rescue authorities should give due regard to reports and recommendations made by HMICFRS and - if needed - prepare, update and regularly publish an action plan (including any such plans arising from peer reviews and self-assessments) detailing how the recommendations are being actioned. When forming an action plan, the fire and rescue authority could seek advice and support from other organisations, for example, the National Fire Chiefs Council and the Local Government Association.

Intervention

- 3.6 Section 22 of the Fire and Rescue Services Act 2004 gives powers to the Secretary of State to intervene should a fire and rescue authority fail, or is likely to fail, to act in accordance with this Framework. The Secretary of State is required to prepare a protocol about the exercise of these powers and to have regard to it when exercising the section 22 powers. The intervention protocol for these powers is attached at Annex A.
- 3.7 The 2004 Act allows the Secretary of State, by order, to require the fire and rescue authority to do something; to stop doing something; or not to do something in order to ensure the fire and rescue authority acts in accordance with this Framework. An order could be made if the Secretary of State considers it would promote public safety, the

economy, efficiency and effectiveness of the relevant fire and rescue authority. Before any such order is made the Secretary of State must give the authority an opportunity to make representations about the order proposed.

- 3.8 Use of this power is a last resort and intervention would only be considered if there was clear evidence that an authority was failing to act in accordance with the Framework, and that the failure was sufficiently serious as to warrant Government intervention. The expectation is that the fire and rescue authority should put in place processes to overcome any concerns, seeking sector-led support as appropriate.
- 3.9 The Secretary of State also has other powers of intervention (for example, under section 15 of the Local Government Act 1999) but the Protocol on Central Government Intervention Action for Fire and Rescue Authorities at Annex A relates solely to ensuring fire and rescue authorities act in accordance with the National Framework.

Accountability

- 3.10 Fire and rescue authorities are expected to have governance and accountability arrangements in place covering issues such as financial management and transparency, complaints and discipline arrangements, and compliance with the seven principles of public life.¹
- 3.11 Each fire and rescue authority must hold the individual who has responsibility for managing the fire and rescue service – in most cases the Chief Fire Officer - to account for the delivery of the fire and rescue service and the functions of persons under their direction and control. In London, the Mayor of London must hold the London Fire Commissioner, as fire and rescue authority for Greater London, to account for the exercise of the Commissioner's functions.
- 3.12 In demonstrating their accountability to communities for the service they provide, fire and rescue authorities need to:
- be transparent and accountable to their communities for their decisions and actions;
 - provide the opportunity for communities to help to plan their local service through effective consultation and involvement; and
 - have scrutiny arrangements in place that reflect the high standard communities expect for an important public safety service.

Assurance and scrutiny

- 3.13 Fire and rescue authorities must provide assurance to their communities and to government on financial, governance and operational matters and show how they have had due regard to their priorities and expectations set out in their integrated risk management plan and the requirements included in this Framework.

¹ Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; and Leadership

- 3.14 Fire and rescue authorities must publish an annual statement of assurance, which in the case of PCC fire and rescue authorities (PCC FRA), will be subject to scrutiny by the Police, Fire and Crime Panel (PFCCP). These statements may also be considered by the inspectorate as part of their work.
- 3.15 PFCCPs will perform a scrutiny function, providing both support and challenge to the Police, Fire and Crime Commissioner (PFCC) on the exercise of their functions, acting as a critical friend. The powers, responsibilities and membership requirements of PFCCPs are set out in the Police Reform and Social Responsibility Act 2011.

Transparency

- 3.16 Each fire and rescue authority must comply with their statutory transparency requirements. The nature of the requirements is dependent on the legal basis of the authority; for example, combined fire and rescue authorities would be subject to the Local Authority Transparency Code 2015 while PCC FRAs must comply with requirements under section 11 of the Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Specified Information) Order 2011. All fire and rescue authorities should therefore publish certain information, including: senior salaries, register of interests, staffing, income and expenditure, property, rights and liabilities, and decisions of significant public interest. Fire and rescue authorities must make their communities aware of how they can access data and information on their performance.
- 3.17 Furthermore, section 26 of the Fire and Rescue Services Act 2004 states that a fire and rescue authority must:
- a) submit to the Secretary of State any reports and returns that are required; and
 - b) give the Secretary of State any information with respect to its functions that are required.
- 3.18 Specifically, fire and rescue authorities have a responsibility to provide regular data to the Home Office as stipulated by the DCLG Single Data List process. The data supplied are the source for the official and national statistics published by the Home Office and are used for the purposes of policy development across a range of organisations including Government as well as providing a publicly available national overview of activity by fire and rescue services.

4. GOVERNANCE

- 4.1 Fire and rescue authorities operate with a range of different locally determined governance arrangements including an individual – either a police, fire and crime commissioner or a mayor – having sole responsibility for being the fire and rescue authority for an area. Where police and crime commissioners - and mayors - wish to develop a local proposal with options to take on governance responsibility for fire and rescue in their area, fire and rescue authorities must provide the police and crime commissioner with such information that they reasonably require for the purposes of developing a proposal for the Secretary of State to consider.
- 4.2 The Secretary of State can only give effect to such a fire governance proposal where, in her view, it appears to be in the interests of economy, efficiency and effectiveness, or in the interests of public safety. The Secretary of State cannot give effect to a proposal if, in her view, it would have an adverse effect on public safety.
- 4.3 Each fire and rescue authority has a statutory duty to ensure provision of their core functions as required by the Fire and Rescue Services Act 2004 and, for example, take strategic decisions and hold their chief fire officer to account.
- 4.4 The exception is in London, where the Policing and Crime Act 2017 reforms the governance of fire and rescue in London by abolishing the London Fire and Emergency Planning Authority and creating the London Fire Commissioner as a corporation sole being the fire and rescue authority. The Mayor of London has overall responsibility for setting the strategic direction of the fire and rescue authority in London, appointing the London Fire Commissioner (subject to a confirmation hearing), holding the Commissioner to account and setting the budget for the Commissioner.
- 4.5 The London Fire Commissioner is responsible for ensuring fire and rescue services in London are efficient and effective and prepares the integrated risk management plan for approval by the Mayor.

Managing the fire and rescue service/Chief Fire Officer

- 4.6 Each fire and rescue authority will appoint an individual - a Chief Fire Officer - who has responsibility for managing the fire and rescue service. This includes managing the personnel, services and equipment secured by the fire and rescue authority for the purposes of carrying out functions conferred on it by the Fire and Rescue Services Act 2004, Civil Contingencies Act 2004, and other enactments. The Chief Fire Officer must, in exercising their functions, have regard to the fire and rescue authority's integrated risk management plan.
- 4.7 The fire and rescue authority should give due regard to the professional advice of the chief fire officer when making decisions affecting the operation of their fire and rescue service.

Plans to be prepared by PCC fire and rescue authorities

- 4.8 Where a police and crime commissioner takes on the functions and duties of a fire and rescue authority they will be known as the police, fire and crime commissioner (PFCC). The PFCC must prepare and publish the documents set out below:

A fire and rescue plan: the plan should set out the strategic vision, priorities and objectives for the fire and rescue service over the period of the document in connection with the discharge of the fire and rescue authority's functions. The plan is subject to scrutiny by the Police, Fire and Crime Panel (in the same way they scrutinise the PCC's police and crime plan). In developing this plan, the PFCC must make arrangements for obtaining the view of the community, as they currently do in preparing their police and crime plan.

A fire and rescue statement: the statement should outline the way in which the authority has had regard - in the period covered by the document - to this National Framework and to any fire and rescue plan prepared by the authority for that period. This is subject to scrutiny by the Police, Fire and Crime Panel.

- 4.9 The PFCC must have regard to both the fire and rescue plan and the police and crime plan when carrying out their functions. The plans can be combined. Where a joint police and crime and fire and rescue plan is developed, the plan must set out both policing and fire and rescue priorities and objectives. Such plans are subject to scrutiny by the Police, Fire and Crime Panel.
- 4.10 The PCC FRA must, like all other fire and rescue authorities, produce an integrated risk management plan as set out in chapter 2. This may also include details of how the fire and rescue service intends to meet the strategic vision set out by the fire and rescue plan. The integrated risk management plan will be subject to inspection by HMICFRS.
- 4.11 The function of preparing and issuing the plan may be delegated to the Chief Fire Officer - or Chief Officer where a single employer has been put in place – however, the plan must be approved by the PCC FRA.

National Fire Chiefs Council

- 4.12 The National Fire Chiefs Council brings together the leadership of the UK's fire and rescue services to provide co-ordinated professional, operational and technical leadership of the sector, advising and supporting central and local government, and other stakeholders.
- 4.13 The NFCC fulfils a multifaceted role that is reflected throughout this document and other national frameworks. The NFCC represents the sector in local and national structures, helping to develop national policies and strategies. The NFCC is the first line of operational advice to central and local government during major incidents. This is outlined within the National Coordination and Advisory Framework (NCAF), which fire and rescue services must proactively engage with.
- 4.14 The NFCC has a role to drive continuous improvement and development throughout the sector. Fire and rescue services should consult the NFCC for advice and support when developing improvement plans, particularly in response to inspections.
- 4.15 The expectation is that fire and rescue services in England engage with the NFCC and, in turn, that the Chiefs Council works to support and represent every service.

5. ACHIEVING VALUE FOR MONEY

- 5.1 Fire and rescue authorities must manage their budgets and spend money properly and appropriately, and ensure the efficient and effective use of their resources, pursuing all feasible opportunities to keep costs down while discharging their core duties effectively. Fire and rescue authorities should regularly review the numbers and deployment of firefighters and other staff to ensure that its fire and rescue service has a workforce that is commensurate with the risks that it faces.

- 5.2 Fire and rescue authorities must ensure that financial decisions are taken with the advice and guidance of the chief finance officer and that decisions are taken with an emphasis on delivering value for money to the public purse. Fire and rescue authorities should ensure that management of their finances is undertaken with regard to published guidance including those set out at Annex B.

- 5.3 Fire and rescue authorities should publish a medium term financial strategy which includes funding and spending plans for revenue and capital. The strategy should take into account multiple years, the inter-dependencies of revenue budgets and capital investments, the role of reserves and the consideration of risks. It should have regard to affordability and also to CIPFA's Prudential Code for Capital Finance in Local Authorities. The strategy should be aligned with the fire and rescue authority's integrated risk management plan and – if appropriate – the Fire and Rescue Plan.

- 5.4 Fire and rescue authorities should publish robust, transparent and locally owned efficiency plans on their websites. Each fire and rescue authority should also publish an annual report on their progress against their efficiency plans.

Reserves

- 5.5 Sections 31A, 32, 42A and 43 of the Local Government Finance Act 1992 require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement.

- 5.6 Fire and rescue authorities should establish a policy on reserves and provisions in consultation with their chief finance officer. General reserves should be held by the fire and rescue authority and managed to balance funding and spending priorities and to manage risks. This should be established as part of the medium-term financial planning process.

- 5.7 Each fire and rescue authority should publish their reserves strategy on their website, either as part of their medium term financial plan or in a separate reserves strategy document. The reserves strategy should include details of current and future planned reserve levels, setting out a total amount of reserves and the amount of each specific reserve that is held for each year. The reserves strategy should provide information for at least two years ahead.

- 5.8 Sufficient information should be provided to enable understanding of the purpose for which each reserve is held and how holding each reserve supports the fire and rescue authority's medium term financial plan.

5.9 Information should be set out in a way that is clear and understandable for members of the public, and should include:

- how the level of the general reserve has been set;
- justification for holding a general reserve larger than five percent of budget;
- whether the funds in each earmarked reserve are legally or contractually committed, and if so what amount is so committed; and
- a summary of what activities or items will be funded by each earmarked reserve, and how these support the fire and rescue authority's strategy to deliver good quality services to the public.

Commercial transformation

5.10 Each fire and rescue authority must demonstrate that it is achieving value for money for the goods and services it receives. Every fire and rescue authority should look at ways to improve its commercial practices including whether they can aggregate their procurement with other fire and rescue authorities and other local services (e.g. police) to achieve efficiencies.

5.11 Fire and rescue authorities must demonstrate and support commercial transformation programmes where appropriate. Each fire and rescue authority should be able to demonstrate full awareness of the objectives to standardise requirements, aggregate demand and manage suppliers of products and services within their commercial arrangements.

5.12 Fire and rescue authorities must ensure that their commercial activities, be that the placement of new contracts or the use of existing contracts, is in line with their legal obligations, including but not limited to the Public Contracts Regulations, the Public Services (Social Value) Act 2012, the Modern Slavery Act 2015 and transparency commitments.

Collaboration

5.13 The Policing and Crime Act 2017 created a statutory duty on fire and rescue authorities, police forces, and ambulance trusts to:

- keep collaboration opportunities under review;
- notify other emergency services of proposed collaborations that could be in the interests of their mutual efficiency or effectiveness; and
- give effect to a proposed collaboration where the proposed parties agree that it would be in the interests of their efficiency or effectiveness and that it does not have an adverse effect on public safety.

5.14 The duty is deliberately broad to allow for local discretion in how it is implemented and recognises that local emergency services are best placed to determine how to collaborate for the benefit of their communities. However, the duty sets a clear expectation that collaboration opportunities should be considered.

5.15 The duty does not preclude wider collaboration with other local partners, such as local authorities and wider health bodies. To reflect their wider role, ambulance trusts are required to consider the impact of the proposed collaboration on their wider non-

emergency functions and the NHS when determining if it would be in the interests of their efficiency or effectiveness.

- 5.16 Fire and rescue authorities should, where appropriate, work alongside all relevant local agencies and multi-agency teams involved in protecting those identified as vulnerable.
- 5.17 Fire and rescue authorities must collaborate with other fire and rescue authorities to deliver intraoperability (between fire and rescue authorities) and interoperability (with other responders such as other emergency services, wider Category 1 and 2 responders and Local Resilience Forums) in line with the Joint Emergency Services Interoperability Principles (JESIP). Fire and rescue authorities must collaborate with the National Resilience Lead Authority to ensure interoperability is maintained for National Resilience assets.
- 5.18 Intraoperability includes, but is not limited to:
- compatible communications systems, control rooms and equipment;
 - common command and compatible control and co-ordination arrangements;
 - effective information, intelligence and data sharing;
 - compatible operational procedures, and guidance with common terminology;
 - compatible training and exercising (both individually and collectively); and
 - cross border working with other English fire and rescue authorities and those in the devolved administrations.
- 5.19 Interoperability includes, but is not limited to:
- compatible communications systems, control rooms and equipment, as appropriate;
 - compatible command, control and co-ordination arrangements;
 - effective inter-agency working and liaison and, where appropriate, information, intelligence and data sharing;
 - shared understanding of respective roles and responsibilities, operational procedures, guidance and terminology;
 - robust multi-agency plans for managing risks identified in the National Risk Assessment and community risk registers;
 - multi-agency training and exercising; and
 - cross border working with other responders in England and the devolved administrations.

Research and development

- 5.20 Fire and rescue authorities should engage with national research and development programmes, including those overseen by the NFCC, unless there is a good reason not to.
- 5.21 Where fire and rescue services embark on research and development outside of any national programme, processes should be put in place to ensure it meets quality standards and, where possible and appropriate, is available to the sector to enable good practice to be shared.

Trading

- 5.22 Fire and rescue authorities have the power to trade and make a profit but they must ensure that their commercial activities are performed in accordance with the requirements of the Local Government Act 2003, the Fire and Rescue Services Act 2004 (as amended by the Localism Act 2011) and the Local Government Order 2009. Fire and rescue authorities must also ensure that such commercial activities are exercised through a company within the meaning of Part 5 of the Local Government and Housing Act 1989.
- 5.23 A trading company is a separate legal entity and elected members and officers should at all times be aware of potential conflicts of interest when carrying out their roles for their authorities, or when acting as directors of trading companies.
- 5.24 Fire and rescue authorities must ensure any actions taken in respect of their trading companies are considered against the requirements of competition law. Any financial assistance - in cash or in kind - given by an authority that establishes or participates in it, should be for a limited period, set against the expectation of later returns, and re-paid by those returns. Any assistance should be provided under a formal agreement with the company and must be entered into for a commercial purpose. Before entering into such an agreement, the authority should satisfy itself that it will achieve its objective, and the company should satisfy itself that it will meet its objective in terms of its business plan. The parties should consider any State Aid implications and obtain their own expert advice where necessary.

6. WORKFORCE

People Strategy

6.1 Each fire and rescue authority should have in place a people strategy that has been designed in collaboration with the workforce. This should take into account the principles set out in the NFCC's people strategy and at a minimum cover:

- improving the diversity of the workforce to ensure that it represents the community it serves;
- equality, cultural values and behaviours;
- recruitment, retention and progression;
- flexible working;
- professionalism, skills and leadership;
- training opportunities;
- health, wellbeing and support; and
- a policy to tackle bullying and harassment.

6.2 The Home Office collects and publishes a range of workforce data. This includes workforce diversity, information on new joiners, reasons for leaving and firefighter injuries.

Professional Standards Body²

6.3 The sector is currently working in partnership with government to consider options for enhancing professionalism by ensuring the development of a coherent and comprehensive set of professional standards across all areas of fire and rescue services' work, drawing on existing standards where appropriate.

6.4 All fire and rescue authorities must implement the standards approved through this work and the inspectorate will have regard to these standards as part of their inspections.

Fitness Principles

6.5 Fire and rescue authorities have an important role in helping to ensure their firefighters remain fit and are supported in remaining in employment. Each fire and rescue authority must comply with the fitness principles set out at Annex C.

Re-engagement of senior officers

6.6 The re-appointment of principal fire officers to the same or similar posts within the same fire and rescue authority, a short time after they have retired, has caused concern in recent years and increases costs for taxpayers. These individuals very often receive their pension benefits on retirement (such as their tax free lump sum) and then return on favourable terms, including an increase in take-home pay through avoiding paying employee pension contributions.

² Please note that this policy is under development and an announcement is likely to be made before the final Framework is published.

- 6.7 Fire and rescue authorities must not re-appoint principal fire officers³ after retirement to their previous, or a similar, post save for in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited.
- 6.8 In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a public vote of the elected members of the fire and rescue authority, or a publicised decision by the appropriate elected representative of the fire and rescue authority, taking into account the legislative requirements of PCC FRA Chief Fire Officer appointment procedures. The reason why the re-appointment was necessary in the interests of public safety, and alternative approaches were deemed not appropriate, must be published and the principal fire officer's pension must be abated until they cease to be employed by a fire and rescue authority.
- 6.9 To ensure greater fairness and the exchange of talent and ideas, all principal fire officer posts must be open to competition nationally, and fire and rescue authorities must take account of this in their workforce planning.
- 6.10 While the above requirements only extend to principal fire officers, we expect fire and rescue authorities to have regard to this principle when re-appointing at any rank.

³ For the purpose of this Framework, Principal Officers refers to those officers at Brigade or Area Manager level, and above, or those with comparable responsibilities to those roles.

7. NATIONAL RESILIENCE

- 7.1 The Government retains responsibility for the provision of national resilience assets and capabilities managed and delivered through fire and rescue services. This responsibility extends to undertaking the National Risk Assessment which informs the requirements for fire and rescue national resilience capabilities.
- 7.2 In meeting this responsibility, the Government has committed significant financial resource to build national resilience capabilities and to support their ongoing maintenance.
- 7.3 The Government relies on the strategic leadership role of the NFCC to maintain fire and rescue national resilience capabilities in a high state of operational readiness through a comprehensive assurance regime delivered through lead authority arrangements.
- 7.4 Fire and rescue authorities must work with the lead authority to support the national resilience assurance processes in order to ensure capabilities are maintained at a high state of operational readiness. This includes co-operation of fire and rescue authorities, as necessary, on devolved training and, where applicable, on the long term capability management arrangements.
- 7.5 Fire and rescue services, through the NFCC's representation on the Strategic Resilience Board, must also work with Government to identify and address any national resilience capability gaps identified through ongoing analysis of the National Risk Assessment.

Gap analysis

- 7.6 Fire and rescue authorities' risk assessments must include an analysis of any gaps between their existing capability and that needed to ensure national resilience (as defined above).
- 7.7 Fire and rescue authorities are required to assess the risk of emergencies occurring and use this to inform contingency planning. To do this effectively, fire and rescue authorities are expected to assess their existing capability and identify any gaps as part of the integrated risk management planning process. This gap analysis needs to be conducted by fire and rescue authorities individually and collectively to obtain an overall picture of their ability to meet the full range of risks in their areas.
- 7.8 As part of their analysis, fire and rescue authorities must highlight to the Home Office or the Fire and Rescue Strategic Resilience Board, any capability gaps that they believe cannot be met even when taking into account mutual aid arrangements, pooling and reconfiguration of resources and collective action.
- 7.9 The Home Office, in liaison with other government departments and the devolved administrations, will support fire and rescue authorities in considering and defining the gap between existing capability and the capability required to ensure national resilience.

National Coordination and Advisory Framework

- 7.10 The National Coordination and Advisory Framework (NCAF) has been designed to provide robust and flexible response arrangements to major emergencies that can be adapted to the nature, scale and requirements of the incident.
- 7.11 Fire and rescue authorities must proactively engage with, and support, the NCAF arrangements including the NFCC's lead operational role.

Response to Terrorist Attacks or Marauding Terrorist Attacks

- 7.12 Fire and rescue services must be able to respond to the heightened threat of terrorism and be ready to respond to incidents within their areas and across England to keep communities safe. Fire and rescue services should also be interoperable to provide operational support across the UK to terrorist events as required. To enhance resilience to terrorist risks, the Government has committed significant financial resources to develop a Marauding Terrorist Firearms Attack (MTFA) capability, with the support of fire and rescue services. This is aligned to the National Risk Assessment and provides a specialist response across the country.
- 7.13 Government and the NFCC recognise the critical contribution of fire and rescue services when responding to acts of terrorism. This is an agreed function of fire and rescue services as set out in the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service (the Grey Book), and is encompassed within the broad descriptions within the existing agreed firefighter role maps: to save and preserve endangered life, and safely resolve operational incidents.
- 7.14 Fire and rescue authorities are responsible for maintaining the robustness of the capability and, where they have an MTFA capability, must put in place arrangements to ensure their teams are fully available at all times, including periods when business continuity arrangements are in place.
- 7.15 MTFA arrangements shall be further enhanced by putting in place an appropriate multi-agency assurance mechanism that will ensure the capability is effective and delivers it to the agreed standard.

National Resilience Assurance

- 7.16 Fire and rescue authorities must continue to work collectively and with the Fire and Rescue Strategic Resilience Board and the national resilience lead authority to provide assurance to government that:
- existing national resilience capabilities are fit for purpose and robust; and
 - risks are assessed, plans are assessed and any gaps in capability that are needed to ensure national resilience are identified.
- 7.17 Fire and rescue authorities with MTFA teams must work with police forces and ambulance trusts to provide tri-service assurance of this capability.

8. TIMESCALE AND SCOPE

Timescales

- 8.1 This Framework has an open ended duration. The Secretary of State continues to be responsible for keeping the terms of the Framework under review under section 21(3) of the Fire and Rescue Services Act 2004 and is required under section 25 to prepare a biennial report to Parliament on the extent to which fire and rescue authorities are acting in accordance with the Framework.

Scope

- 8.2 The Framework covers England only. It does not apply to Northern Ireland, Scotland or Wales where responsibility for fire and rescue is devolved.

Annex A

Protocol on Central Government Intervention Action for Fire and Rescue Authorities

Introduction

1. It is a requirement under section 23 of the Fire and Rescue Services Act 2004 (the 2004 Act) that an intervention protocol be prepared, and for the Secretary of State to have regard to it in the exercise of their power of intervention.
2. The Secretary of State's order-making powers under section 22 of the 2004 Act are to ensure that fire and rescue authorities act in accordance with the Fire and Rescue National Framework for England (the Framework). Intervention is by order, subject to the negative Parliamentary procedure, and can only be made if the Secretary of State considers it would promote public safety; and the economy, efficiency or effectiveness of the relevant fire and rescue authority, or the services it provides.
3. To date there has been no formal intervention in the operations of a fire and rescue authority by the Secretary of State under these powers. Use of this power is seen as a last resort. The expectation is that the political and professional leadership of the fire and rescue authority will put in place processes to ensure that sector-led support is provided to any fire and rescue authority that needs it.
4. This intervention protocol (the protocol) broadly sets out the arrangements between the Secretary of State, the Local Government Association (LGA), Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), the National Fire Chiefs Council (NFCC) and fire and rescue authorities should formal intervention be considered necessary.
5. In this protocol the term 'intervention' is used to refer to action by the Secretary of State in exercise of their powers under section 22 of the 2004 Act. Although the Secretary of State also has other powers of intervention (for example, under section 15 of the Local Government Act 1999) this protocol does not apply to an intervention under those powers.

Role of partners in supporting fire and rescue authorities at risk

6. HMICFRS will play a leading role in identifying any fire and rescue authority that is failing, or is likely to fail, in providing efficiency, effectiveness and leadership for the public. The NFCC and the LGA, will play an important liaison role in engaging the wider sector in supporting those authorities at risk and work collaboratively with key bodies,⁴ identify at an early stage serious risks to performance or the requirement to act in accordance with the Framework. The NFCC and/or Local Government Association will work with these bodies to prevent the escalation of those risks to avoid any risk to public safety or any negative impact on the reputation of the sector. For a PCC fire and

⁴ This could refer to fire and rescue authorities, the relevant professional leadership including the National Fire Chiefs Council, other sector-owned bodies, inspection bodies and HMICFRS in particular, and/or government departments

rescue authority, the Association of Police and Crime Commissioners (APCC) could also be approached for advice and support.

7. If there are specific concerns in respect of performance, or if there is evidence that indicates a fire and rescue authority is failing or is at risk of failing to act in accordance with the Framework, either through inspection by HMICFRS or through sector-led processes, the NFCC and/or the Local Government Association, and/or the Police, Fire and Crime Panel, and/or the Association of Police and Crime Commissioners will work with the authority to help them address the issues and seek improvement.

Circumstances leading to statutory intervention

8. No intervention would be considered unless there was clear evidence that an authority was failing to act in accordance with the Framework and that the failure was sufficiently serious as to require Government intervention.
9. If, following a sustained and determined attempt to resolve problems through sector-led improvement an issue cannot be resolved, or if a fire and rescue authority is unwilling or unable to engage with sector-led improvement measures, the Secretary of State can, under section 28 of the Fire and Rescue Services Act 2004, commission HMICFRS to lead an investigation. Under this provision, the Secretary of State also has the power to require HMICFRS to undertake any further inspection of fire and rescue authorities in England as required for the purpose of furthering their efficiency and effectiveness. The Secretary of State may also seek advice and information from other persons/bodies (for example, the NFCC) in respect of specific identified issues.
10. The Secretary of State has a range of powers including to request information about a fire and rescue authority's functions⁵ and conferring on a fire and rescue authority functions relating to emergencies⁶. Inspection powers – powers to obtain information and access premises – are also held by HMICFRS' inspectors.⁷

What happens upon statutory intervention?

11. In the event that statutory intervention is considered necessary, the Secretary of State will consult the authority concerned and any other body or authority which is considered necessary, such as HMICFRS, the NFCC and the Local Government Association, before exercising powers of intervention under section 22 of the 2004 Act.
12. The form or extent of any formal intervention will be a matter for determination on a case by case basis, taking into account the views of the fire and rescue authority, HMICFRS, the NFCC, the Local Government Association, and any other consultees, depending on the nature and the severity of the failure under consideration. Following such deliberations, the Secretary of State will agree a course of action, and how the required improvement will be delivered.

⁵ Section 26 of the 2004 Act

⁶ Section 9 of the 2004 Act

⁷ Section 28 of the 2004 Act

Annex B

Published Financial Guidance (see Chapter 5)

- The Accounts and Audit Regulations 2015 issued by the Department for Communities and Local Government which sets the financial reporting framework for local government bodies, including police bodies and Combined Authorities.
- The Code of Practice on Local Authority Accounting issued by CIPFA /LASAAC, which constitutes proper practices for local government bodies, including fire bodies.
- The Public Sector Internal Audit Standards (PSIAS) issued by CIPFA as the relevant internal audit standards setter for local government and the fire and rescue service.
- Local Government Application Note for the United Kingdom Public Sector Internal Audit Standards issued by CIPFA.
- Delivering Good Governance in Local Government issued by CIPFA/SOLACE.
- Statement on the Role of the Chief Finance Officer in Public Service Organisations issued by CIPFA.
- Standing Guide to the Commissioning of Local Authority Work and Services issued by CIPFA.
- Prudential Code for Capital Finance in Local Authorities issued by CIPFA.
- Treasury Management in the Public Services: Code of Practice and Cross Sectoral Guidance Notes issued by CIPFA.
- Audit Committees: Practical Guidance for Local Authorities and Police issued by CIPFA.
- Position Statement on Audit Committees in Local Authorities and Police, CIPFA, 2013.
- Statutory guidance for local authorities on the framework for flexible use of capital receipts issued by the Department for Communities and Local Government.
- Local Authority Accounting Panel (LAAP) bulletins that provide topical guidance on specific issues and accounting developments.

Annex C

Fitness Principles

Fire and rescue authorities have an important role in helping to ensure their firefighters remain fit and are supported in remaining in employment. Each fire and rescue authority must:

- have a process of fitness assessment and development to ensure that operational personnel are enabled to maintain the standards of personal fitness required in order to perform their role safely;
- ensure that no individual will automatically face dismissal if they fall below the standards required and cannot be deployed operationally;
- ensure that all operational personnel will be provided with support to maintain their levels of fitness for the duration of their career;
- consider where operational personnel have fallen below the fitness standards required whether an individual is able to continue on full operational duties or should be stood down, taking into account the advice provided by the authority's occupational health provider. In making this decision, the safety and well-being of the individual will be the key issue;
- commit to providing a minimum of 6 months of development and support to enable individuals who have fallen below the required fitness standards to regain the necessary levels of fitness;
- refer an individual to occupational health where underlying medical reasons are identified that restrict/prevent someone from achieving the necessary fitness; and ensure that individual receives the necessary support to facilitate a return to operational duties; and
- fully explore opportunities to enable the individual to remain in employment including through reasonable adjustment and redeployment in role where it appears the medical condition does not allow a return to operational duties.

In those circumstances where there are no such opportunities and suitable alternative employment is either unavailable or, where available, is not agreed by the individual, then the fire and rescue authority will commence an assessment for ill-health retirement through the Independent Qualified Medical Practitioner process.

If no underlying medical issues are identified, and following a programme of development and support it becomes apparent that an individual will be unable to regain the necessary levels of fitness, then a fire and rescue authority will fully explore opportunities for reasonable adjustments and/or suitable alternative employment. In those circumstances where there are no opportunities for reasonable adjustments or suitable alternative employment, the fire and rescue authority will in the case of an employee aged at least 55, consider commencement of the authority initiated early retirement process for it to determine whether the individual should be retired with an authority initiated early retirement pension.

Questionnaire

We would welcome comments on the following sections in the draft National Framework, or any general comments.

| |
|---|
| Delivery of Core Functions |
| |
| Inspection, Accountability and Assurance |
| |
| Governance |
| |
| Achieving Value for Money |
| |
| Workforce |
| |
| National Resilience |
| |
| Intervention Protocol (Annex A) |
| |
| Other comments |
| |

Thank you for participating in this consultation.

About you

Please use this section to tell us about yourself

| | |
|--|---|
| Full name | |
| Job title or capacity in which you are responding to this consultation exercise (for example, member of the public) | |
| Date | |
| Company name/organisation (if applicable) | |
| Address | |
| Postcode | |
| If you would like us to acknowledge receipt of your response, please tick this box | <input type="checkbox"/> (please tick box) |
| Address to which the acknowledgement should be sent, if different from above | |
| | |
| | |

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

Please send your response by 14 February 2018 to:

Harinder Sahota

Home Office

6th Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF

Tel: 0207 035 3478

Email: FRSComms@homeoffice.gsi.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at [web address]

Alternative format versions of this publication can be requested from [email/telephone number of sponsoring policy division].

Publication of response

A paper summarising the responses to this consultation will be published in [insert publication date, which as far as possible should be within three months of the closing date of the consultation] months' time. The response paper will be available online at [web address]

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In

view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



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Fire Vision 2024

Purpose of report

For direction.

Summary

The Committee is asked to comment on and approve the latest draft of the Fire Vision 2024 which will go to the Fire Commission membership and be published at the Fire Conference in March

Recommendation

That the Fire Services Management Committee members consider the Fire Vision 2024, and agree that a revised draft updated to take account of their comments is circulated to the Fire Commission.

Action

Officers to circulate the appended draft to the Fire Commission for further comment and then to lead members for approval

| | |
|-------------------------|---------------------------|
| Contact officer: | Charles Loft |
| Position: | Senior Adviser |
| Phone no: | 0207 665 3874 |
| Email: | Charles.loft@local.gov.uk |

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Fire Vision 2024

Background

1. The meeting of the Fire Services Management Committee (FSMC) held on 23 June 2017 considered a draft vision for the fire and rescue service that had been written in consultation with the Fire Reform Board, which includes the National Fire Chiefs Council (NFCC) and the Home Office.
2. The Committee asked officers to redraft the vision in line with members' comments and take it back to a smaller group of members with the involvement of the NFCC.
3. The draft was re-written to reflect the Committee's views and subsequently discussed with the NFCC and the Home Office, resulting in further changes.
4. The resulting revised draft went to the Fire Reform Board on 17 November. At this meeting it was agreed that the vision should be owned by the Fire Commission and not issued jointly with the Home Office and the NFCC.

Issues

5. The latest draft of the vision is appended to this paper. After it has been considered by the Committee the intention is to circulate it to all Fire Commission members with a deadline for comments of 6 February. This should allow the Committee's Lead Members time to sign off the final text in order to produce a hard copy publication for the annual Fire Conference on 13 March. This deadline could be pushed back to 13 February if the vision is only published online.
6. As a result of discussion at the Fire Reform Board, the vision is now presented as a six-year rolling document to be reviewed every three years (i.e. the next version will appear in 2021 and be called Fire Vision 2027). The date in the title has therefore changed from 2025 to 2024.
7. The production timetable is as follows:
 - 7.1. 26 January – FSMC discussion
 - 7.2. 29 January – Fire Vision updated in line with FSMC comments
 - 7.3. 30 January – Fire Vision circulated to Fire Commission
8. If printed:
 - 8.1. 6 February – deadline for Fire Commission feedback
 - 8.2. 8 February – final copy goes to Lead Members for approval

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8.3. 13 February – goes to print and design

9. If published online only:

9.1. 13 February – deadline for Fire Commission feedback

9.2. 15 February – final copy goes to Lead Members for approval

9.3. 20 February – goes to print and design

9.4. 13 March – launched online on the first day of the Fire Conference – Cllr Stephens references it in his speech

Implications for Wales

10. The Fire Vision applies only to England

Financial Implications

11. There are no financial implications arising from this report as any work will be met from existing budgets.

Next steps

12. Following the discussion at the Committee, the draft Fire Vision will be updated as necessary, and will then be sent to Fire Commission members seeking their feedback by 6 or 13 February, as decided by the Committee.

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Annex A: Fire Vision 2024

Introduction

‘What will 21st Century fire and rescue services look like in 2024?’

The fire and rescue service is an emergency response service, an effective prevention service and stands at the heart of our nation's resilience capabilities. It is trusted and respected by its local communities.

We will continue to develop that role to become a response, prevention, and protection service for the twenty-first century.

Our emergency response role gives us a unique standing in our communities. Fire service staff are welcomed into our communities and homes and their advice carries weight with businesses and the public. This status will enable us to be proactive in offering an increasing range of interventions in the future, building on our experience in prevention and based on local needs and risks.

The service will continue to play a key role in enforcing fire safety.

The fire and rescue service will continue to play a key role in ensuring the country's national resilience, through the New Dimensions programme.

We will recruit, retain and develop a workforce that reflects the communities it serves. The service will have an inclusive culture, in which everyone is supported to do their best, free of inappropriate or unprofessional behaviour. Our workforce will be flexible, with up-to-date skills, state-of-the-art equipment, first-class training and operating to rigorous professional standards. Taking an evidence-based approach, we will use state-of-the-art technologies to support our prevention and protection role based primarily on risk.

We will be a partner of choice, working with others to shape our places, delivering increasing value for money and exemplifying effective joint working to meet local and national risks efficiently.

The sector will share details of successful interventions (and, importantly, those less successful interventions) to support each other to understand and build on what works best and what is most cost-effective

The delivery of our services will be locally-tailored, overseen by locally-accountable politicians. Our work will be informed and driven by a full understanding of local risks and using a consistent risk assessment process on which local communities will continue to be consulted. It will be overseen by a robust system of independent inspection through HMICFRS, supported by a strong sector-led peer challenge offer, delivering a culture of continuous improvement.

The pace of change that the fire and rescue service has experienced over the last decade is unlikely to slow in the future. We will be agile in identifying and responding to new risks in our communities. We will be adaptable in engaging in activities to mitigate these risks. This

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vision will be reviewed and updated on a rolling three years basis, so that each edition sets a strategic direction that can be adjusted in the light of the evidence experience produces.

For example, the terrible fire at Grenfell Tower in June 2017 has raised fundamental questions about the regulation of building construction and fire safety. Inquiries into the Grenfell Tower fire are likely to reshape the landscape in which we operate and will produce recommendations which we cannot prejudge.

These changes will influence future reviews of our vision, but the fire and rescue service seeks to learn from the experience of every incident in order to continuously improve. In this respect, the service will not change.

Mission and Values

Our mission is to serve our communities by preventing harm, protecting life and property and keeping the public safe, both locally and by ensuring national resilience through a full understanding of risk. We want to be a service that reflects the communities it serves.

This mission statement is informed by the values the Fire Commission believes characterise a fire service for the twenty-first century. These are: efficiency, effectiveness, inclusivity, local accountability, national resilience, professionalism, safety, transparency, evidence-based practice and a collaborative approach. We are a team in which every member is valued.

Purpose of the Vision

The Fire Vision 2025 underpins the Government's fire reform programme. The broad parameters of that programme have been set by Government, but the process of reform is led by the political and operational leaders of the 45 Fire and Rescue Authorities in England

This vision is intended to take the fire and rescue service forward and deliver a service for the twenty-first century. This vision is owned by the elected representatives on Fire and Rescue Authorities, represented through the LGAs Fire Commission. It will be implemented by the professionals (NFCC); within parameters established by central government (Home Office).

The local accountability of our political leaders and the operational independence of our fire service senior managers are essential components of the fire and rescue service as a whole. Politically, Fire and Rescue Authorities in England are currently represented by the Local Government Association's Fire Commission and the Fire Services Management Committee (FSMC) while chief fire officers are represented by the National Fire Chiefs Council (**NFCC**).

The FSMC and NFCC are brought together by the Fire Reform Board, on which the Home Office is also represented.

Much of the detailed work required to implement the vision will take place in the co-ordination committees which sit beneath the NFCC: Finance; Health; International; Operations; Prevention; Protection and Business Safety; Sector Improvement and Assurance; Sector Resources; and Workforce. These committees will establish ad hoc

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working groups on specific issues as necessary and Fire Commission members will sit on both the committees and the working groups as necessary.

The Fire Vision is a living document. As new challenges emerge, we will adapt to them; as circumstance change, so will we. The vision will be reviewed and updated to reflect this. The emerging work of the co-ordination committees will inform this approach. The vision will be reviewed on a rolling three year basis.

Why does the fire and rescue service need to change?

Every service needs to change – to meet new risks, to adapt to social change, to improve effectiveness and efficiency and to grasp the opportunities offered by technological advances.

Perhaps our greatest challenge is financial. We must maintain the ability to cope with major incidents and provide resilience at a national level, while addressing local risks. To achieve this we will need to ensure we extract maximum value from our capacity by continuing to explore the range of roles we perform and continuing to seek more efficient ways of doing so and to maximise flexibility of the funding system. We will continue to engage with our key partners in government to ensure that the funding and resource needs of the fire and rescue service are well communicated, evidenced-based and understood.

The skills our workforce need will change as technological advances and new risks are recognised, this change will include the way we do our jobs and as well as the kind of tasks we undertake.

The fire and rescue service firefighter workforce is currently 95 per cent male and 96 per cent white. This is not acceptable. The fire and rescue service must reflect the make-up the community it serves if we are to keep up with the pace of change. We cannot afford to restrict the pool of talent from which we recruit and will build on existing work to address this issue

Traditional barriers to efficiency must be removed and the standards to which we operate must be kept relevant to modern needs. These barriers include elements of the image and culture of our service that deters some potential applicants.

To meet these challenges, we will need to be flexible. There is already a statutory duty to collaborate with police and ambulance services where it improves efficiency and effectiveness. We will need to work in effective partnerships with a wide range of organisations, driving new initiatives to join up services and collaborate; we will need to ensure that we are at the forefront of operational and technological advances and we will need the best recruits, equipped with state-of-the-art equipment and skills, operating to high professional standards.

We are alive to the broader challenges facing our communities. Climate change and pressure to provide an increasing density of housing, including on flood plains, raise the challenge of increased flooding: our preventative role in promoting drowning prevention and our involvement in water-related rescues will continue to be important; we are already working with the police and security services to play our part in meeting the challenge of extremist terror.

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In every aspect of change, we need to ensure we have an effective peer challenge process and to share best practice. This will complement the safeguards provided by the new inspection regime.

What will change and how?

Community protection

Our starting point is our experience in fire prevention and protection, emergency response and national resilience.

People must be reassured that when there is an emergency we will be there. We are seeing half the number of fires that we did a decade ago, but we must maintain our capacity to effectively respond to fires and major incidents when they occur.

Our services will be planned primarily on a clear understanding of the risks facing local areas, consistently appraised using a national definition to focus resources on activities where they will have the greatest impact on their communities.

The basis for this is the Integrated Risk Management Plan. National fire and rescue frameworks set expectations for fire and rescue services to identify and assess the full range of foreseeable fire and rescue-related risks their area may face. There is however, currently no single UK-wide methodology to assess risk and reduce harm in communities.

A clear definition of risk would allow communities to hold the performance of their fire and rescue service to account. However, it is currently difficult to benchmark and compare performance between fire and rescue services given their different approaches to risk management. Working with services to ensure that community risk assessments align to a national definition of risk will allow a consistent approach to community risk management planning and enable services to focus resources on activities where they will have the greatest impact on reducing risk and vulnerability.

We will deliver a wide range of public protection and prevention services, working with a variety of partners. This will enable us to improve our response to risks, both current and new. We will continue to provide value to our communities in an age of contracting budgets. We are ideally placed to do this given our expertise in promoting prevention.

We have learned that the best way to fight fire is to prevent it. Moving away from a Home Fire Risk Check into a broader Safe and Well visit has allowed FRSs to make a wider offer to support community wellbeing and address risks which contribute to vulnerability to – but go beyond – fire.

The challenge we face over the next decade is to use the skills we possess in prevention in new areas of health and community safety, while retaining and improving on our existing capabilities and expertise in fire and rescue.

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We will drive down costs and improve performance by sharing services, joining up procurement and investing in technology. These partnerships will be between fire and rescue services and also between fire and rescue services and other organisations.

We will use the new HMICFRS inspection regime and the refreshed NFCC/LGA peer challenge offer to support and drive innovation and share best practice.

Our ambitions:

To ensure that our services identify risk appropriately and consistently

Embed collaboration into the everyday experience of all frontline staff.

Work in partnership with a wide range other agencies with a community or individual risk reduction focus to explore our involvement into every aspect of community safety – where this offers improved value to the public.

We will continue to reduce incidents of fire and to work with local businesses to improve fire safety

We will seek to reduce the continuing high level of false alarms.

National Resilience

We will continue to support a sector-led approach to managing and maintaining the New Dimension (ND) assets that support national resilience to ensure that it is integrated into our services everyday business. We will ensure that both control and ownership lies with those bodies charged with protecting their communities.

We will expect that the Government will continue to hold responsibility for the future provision of national resilience capability and dedicated funding.

Workforce

To achieve our aims the workforce needs to continue to develop and change. This process will also be informed by the development of professional standards.

While fighting fires remains essential, increasingly the role of the service is adapting to include new and diverse activities in addition to fighting fires.

Fire services have always been able to respond flexibly to a range of community needs – it's a key reason why fire and rescue services are trusted by our communities, and critical to protect. This trust and confidence is a key feature of our success in engaging communities with prevention agendas.

Examples of our broadening role include:

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initiatives to respond to medical emergencies such as cardiac arrests, and visiting schools to teach CPR and other life-saving techniques.

Safe and Well visits, co-designed through discussions with local health and local authority colleagues in local areas.

Making people safe in water – the fire and rescue service performs hundreds of successful rescues each year.

Standards need to be more flexible, while remaining rigorous; for example, fitness standards must be high, but only where they are relevant to the work actually undertaken.

Any distinction between wholetime and on-call firefighters needs to be kept under review and removed where it is unnecessary. All firefighters have an essential role to play in the delivery of fire and rescue services and FRAs need to be alive to specific needs and challenges of those working different duty systems.

To attract the best recruits we must select them from the broadest range of applicants. To do achieve this the current level of diversity within the firefighter workforce specifically, the workforce as a whole, and among volunteers, needs to be improved significantly.

We also need to open ourselves to the wealth of external talent available to fill senior posts and to making the most of the talent we already have by ensuring diversity in promotion and development.

Diversity within the service will be founded upon the further creation of diverse teams and units within it, in line with the NFCCs five-year people strategy.

To achieve these ends we need to be and to be seen as an inclusive workplace.

The National Joint Council (NJC) which brings employers' and employee representatives together acts as a vehicle for progressing workforce issues including those related to reform to reflect the change in the role of the service and those who work in it.

The NJC-led Inclusive Fire Service Group (IFSG), which brings together employees and employers has a crucial role to play in this work. The adoption by fire and rescue services of the IFSG's evidence-based strategies is already underway and will be further encouraged and built upon.

By building a workforce that is truly representative we will enable greater trust, inclusivity and understanding with our local communities. This will support us to understand our communities better so that we can ensure our services are fully inclusive and targeted, in the most cost-effective manner, to reduce risk amongst the most vulnerable.

We recognise that to achieve a truly diverse workforce will take long term commitment, innovation, and bold action to deliver this change. We are determined to build this vital diversity by the use of a wide range of positive action within the bounds of the Equality Act 2010. This will enable us to reach out to those with diverse skills, backgrounds, experiences and aptitudes that will enhance diversity and inclusivity amongst our workforce of the future.

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To ensure progress is made the FRS sector will:

Set individual organisational goals for BME recruitment reflective of their own communities based upon the current working population and use this data to direct and guide any positive action;

Seek to increase the rate of female firefighter recruitment to 30 per cent nationally by 2024-5

Commit to addressing unseen and unconscious barriers to underrepresented groups seeking promotion and development opportunities within their organisation. We will use, as an example, the public sector duty to publish pay by gender as the key (but not only) metric to measure progress in this area; and

Publish retention figures to demonstrate progress in this area. This will be as part of the publishing of workforce data as required by the public sector duties of the Equality act (2010).

Bullying, victimisation, discrimination and harassment will not be tolerated and there will be effective routes to report such behaviour and effective consequences for employees found to have engaged in these practices.

Our standards, our skills and our staff need to be flexible enough to adapt to the changing nature of the job.

Our ambitions:

By 2024–5, 30 per cent of new firefighter recruits nationally should be female. This represents a step change for the fire and rescue service and will require a cultural transformation which we are determined to achieve.

In each FRS both frontline staff and staff as a whole should reflect the ethnic diversity of the community they serve.

That the diversity of senior managers mirror these proportions by 2025.

Gender and ethnic balance in the workforce should not be eroded by poor retention (i.e. those staff five years in will not be less diverse than the cohort was when recruited).

Staff at all levels and local communities have confidence in the political and operational leadership of their service.

Technology and change

All our work will be driven by evidence-based practice

The fire and rescue service must grasp the new opportunities offered by technological change.

By 2025 it is likely that advances in technology will revolutionise the way we fight and prevent fires and rescue those in danger, while reducing the risk to our own personnel. We want to create a culture and environment where new technologies and data can add value to the activities of the sector and partners, provide improved services and accountability to the community, and allow outcomes to be properly evaluated against objectives.

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This change must go hand in hand with more effective procurement, with a national approach, collaborative procurement and procurements aligned to the NFCCs commercial transformation all playing a significant role.

If these opportunities are to be taken we will need to constantly review the skills needs of our staff and provide training that meets those needs. The new professional standards body will be critical to this process, as will its alignment to the requirements of inspection and its relationship to NFCC.

We will seek to digitise backroom and support services wherever this increases efficiency as well as joining up our procurement practices. Typically, we will share these functions across fire and rescue services and with partners outside the service. The precise pattern will vary between areas but the common factor will be increased efficiency. We will share information and data effectively to better target intervention, whether that is through our young firesetter schemes, safe and well visits or any of our other prevention work.

This will further increase the proportion of our spending directed to frontline services.

We will seek both to learn from the best international practice and to be world leaders in developing and marketing new skills and technologies.

Our ambitions:

We will proactively and flexibly seek to deliver high-impact procurements – nationally, regionally and across sectors to deliver better value for taxpayers' money.

We will maximise the added value and increase efficiency of digital solutions.

Accountability

We are a locally accountable service, providing community leadership and this must continue. Local areas should determine the best form of governance for their communities.

The service's political leaders and Chief Fire Officers will work together, with the Home Office and with partners to ensure each is supported and enabled to lead in their respective fields and to ensure all services learn from the best, and move at the pace of the fastest.

Local people need to feel they own their local fire and rescue service through transparency on data and key indicators.

Our ambitions:

The LGA and NFCC Peer Challenge offer will continue to support fire and rescue authorities with their improvement journey, providing a critical friend approach to drive and support change.

We will embrace the HMICFRS inspection regime and ensure issues raised through inspection are appropriately responded to.

The public must be able to find out what is being spent, what it is being spent on and what that spending is achieving.

Building regulations review and fire safety in high rise buildings

Purpose of report

For direction.

Summary

The interim report from the Building regulations and fire safety review led by Dame Judith Hackitt was published on 18 December 2017. This report outlines the key findings set out in the report and its direction of travel, and also provides an update on the LGA's building safety programme related work.

Recommendations

Fire Services Management Committee members are asked to:

1. Note and comment on the findings and direction of travel outlined in the interim report of the Building regulations and fire safety review.
2. Consider the suggested areas of relevance to fire and rescue services for inclusion in the LGA's response to the interim report set out in paragraph 11 and note the areas so far identified by the LGA's Grenfell Task and Finish Group for inclusion in the LGA's response.
3. Note and comment on the LGA's wider building safety programme work.

Action

Officers to proceed as directed.

Contact officer: Mark Norris
Position: Principal Policy Adviser
Phone no: 020 7664 3241
Email: mark.norris@local.gov.uk

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Building regulations review and fire safety in high rise buildings

Background

1. In July 2017 following the fire at Grenfell Tower, the LGA called for an urgent and immediate review of the building regulations to look at how easy they are to use, understand and comply with. The Government responded by establishing an independent review led by Dame Judith Hackitt at the end of July 2017. The review was tasked with submitting an interim report in autumn 2017 and a final report in spring 2018.
2. The terms of reference for the review identified two purposes: to make recommendations to ensure there is a sufficiently robust regulatory system in the future; and to provide further assurance to residents that the regulatory system is working to ensure the buildings they live in are safe and remain so. In reaching its conclusions the review was also asked to:
 - 2.1. Map the current regulatory system as it applies to new and existing buildings;
 - 2.2. Consider the competencies, duties and balance of responsibilities of key individuals in ensuring that fire safety standards are adhered to;
 - 2.3. Assess the theoretical coherence of the current regulatory system and how it operates in practice;
 - 2.4. Compare this with other international regulatory systems and regulatory systems in other sectors with similar safety risks; and
 - 2.5. Make recommendations that ensure the regulatory system is fit for purpose with a particular focus on multi-occupancy high rise residential buildings.
3. The review issued a call for evidence in September 2017, and the LGA drafted a submission, which was sent in on 13 October. A copy of the LGA's evidence was included in the papers for the Committee's meeting in November.

Interim Report

4. The interim [report](#) from Dame Judith Hackitt's review was published on 18 December 2017. In it Dame Judith Hackitt sets out the review's key findings so far, the direction of travel as it prepares the final report and the rationale for the proposed next steps, as well as the mapping it has done of the current regulatory system. The review's overall conclusion is that "the current regulatory system is not fit for purpose in relation to high-rise and complex buildings". It also identifies some early actions to support the review's direction of travel. The most relevant findings and recommendations from a fire and rescue authority and LGA perspective are set out below.
 - 4.1. Regulation and guidance:
 - 4.1.1. The Building Regulations 2010 are clear, but not about where responsibilities lie or on the definitions of important terms, and there is widespread confusion about what are regulations and what is guidance.

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- 4.1.2. The Approved Documents are not produced in a user-friendly format, and should be revised to provide a more streamlined, holistic view which is accessible and user friendly, while retaining the right level of relevant technical detail.
- 4.1.3. Given that revising the Approved Documents may take some time, the Government should consider improving the clarity of Approved Document B (on fire safety) as an interim measure.
- 4.1.4. The regulatory system needs to become more risk-based, with a more rigorous process for complex and high-risk buildings (along with a definition of what these are) to ensure that building integrity is maintained throughout the life cycle.
- 4.1.5. It is inappropriate for the current system of building regulation to rely so heavily on central government to keep all regulations and supporting documents up to date. While government should set the basic framework of standards, it should not lead on the specification of the detailed solutions as to how those standards will be met.
- 4.2. Roles and responsibilities:
 - 4.2.1. There is a general lack of clarity around roles and responsibilities throughout the system, including under the Regulatory Reform (Fire Safety) Order 2005. It should be the primary responsibility of those who commission work and those who design and build projects to ensure buildings are built to the correct standard.
 - 4.2.2. There should be identifiable, named duty holders responsible for ensuring and proving compliance with the Building Regulations across the life cycle of a building, with the industry taking responsibility for demonstrating that all buildings are designed and built to be fit for purpose, including the introduction of new techniques and materials into construction.
 - 4.2.3. The role of regulators should be to seek assurance that standards are being adhered to throughout all stages of construction and use, while industry demonstrates it has complied with those standards.
 - 4.2.4. Responsibilities between landlords and residents in blocks of flats must be clarified under the Housing Health and Safety Rating System Regulations and the Fire Safety Order, so for example there is a clear definition of the 'common parts' of such buildings.
- 4.3. Competence:
 - 4.3.1. The competence of those involved in the design, construction, inspection, ongoing operational management and maintenance of complex and high-risk buildings has to be raised, as there are numerous examples demonstrating

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lack of competence among designers, builders, fire engineers, fire consultants, fire risk assessors, building control inspectors and others.

- 4.3.2. Those working on the design, construction, inspection and maintenance of complex and high-risk buildings therefore need to show they are suitably qualified. The professional and accreditation bodies have an opportunity to demonstrate that they are capable of establishing a robust, comprehensive and coherent system covering all disciplines for work on such buildings.
- 4.3.3. Local authority building control staff should be subject to audit by an independent body so they have to demonstrate they have maintained their relevant qualifications and experience in the same way Approved Inspectors have to.
- 4.4. Process, compliance and enforcement:
 - 4.4.1. There is widespread deviation from what is originally designed to what is actually built, so projects need to be properly documented and a thorough independent review and handover process needs to take place before a building can be occupied.
 - 4.4.2. Checking for non-compliance can be hindered because the work has already been completed before it can be inspected or because work has started before full plans have been approved. Similar issues occur in relation to the Fire Safety Order where advice may be ignored or not acted upon because work is too far advanced.
 - 4.4.3. Modifications and upgrades to complex and high-rise buildings must be subject to the same rigorous processes as during construction, with changes due to refurbishment properly reviewed and recorded, and the possibility that buildings have to be brought up to the latest fire safety standards.
 - 4.4.4. There are differences of view about the impact of the partial privatisation of building control, and the ability to choose between local authority building control and approved inspectors. Issues highlighted include the effect on enforcement, the independence of building control and the pressures placed on local authority resources. Any further privatisation of the market must ensure effective enforcement and that approved inspectors are demonstrably independent.
 - 4.4.5. Local authority building control teams are deterred from pursuing instances of non-compliance with the building regulations, and taking formal enforcement action by the cost of pursuing cases through the courts, and the historical failure of the courts to impose robust sanctions. Those responsible for enforcing the regulations should have the resources to do so, be provided with appropriate powers, and any penalties should be suitably severe.
 - 4.4.6. Fire and rescue services should be consulted by building control bodies or those commissioning or designing buildings at the earliest possible stage in

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the process and fire and rescue service advice should be fully taken into account.

- 4.4.7. There is a need for building control bodies to do more to assure that fire safety information for a building is provided by the person completing the building work to the responsible person for the building once it has been occupied. Given the importance of such information for ongoing maintenance and fire risk assessment, proof should be sought that it has been transferred.
- 4.4.8. The regular risk assessments of high-rise residential buildings required by the Fire Safety Order should be undertaken at least annually and when any significant alterations are made to the building. These risk assessments should be shared in an accessible way with the residents who live within that building and notified to the fire and rescue service.
- 4.5. Residents' voice and raising concerns:
 - 4.5.1. Residents need to be reassured that an effective system is in place to maintain safety in their homes, though the often complex ownership and management models in multiple occupancy residential buildings involving managing agents, varying leasehold contracts, residents' associations and so on, can make it difficult for residents to identify who to contact to raise concerns or to get responses to concerns when raised.
- 4.6. Quality assurance and products:
 - 4.6.1. As products are marketed in ways in which means their performance can easily be misinterpreted, and individual elements are being used in systems without the systems being fully tested, it is important that products are properly tested, certified and marketed clearly. One of the review's strands of work in the next phase will be to examine whether product testing data should be made publicly available, and how the system product classification and labelling can be made clearer.
 - 4.6.2. The widespread use of desktop studies is not being properly managed so government should significantly restrict their use to where it is appropriate and there is sufficient, relevant test evidence. Those undertaking desktop studies must be able to demonstrate suitable competence.
 - 4.6.3. As the integrity and efficacy of product and system classifications are highly dependent on correct installation by competent and knowledgeable persons a number of respondents have called for a reinstatement of the former role of Clerk of Works or similar to act as the primary gatekeeper of quality assurance on significant projects. There is a need to ensure oversight of the quality of installation work carried out as well as of the materials delivered to site and used.

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4.7. International examples:

- 4.7.1. Fires in high-rise buildings have occurred elsewhere in the world and a number of corrective measures have been put in place or are under consideration. The review will use examples of what has worked well in other countries to support the work during phase two.
5. Having concluded that the current regulatory system is not fit for purpose, in its next stage the review will consider how it can be fully overhauled, so that it is simpler, clearer to all and delivers better outcomes. The ideas for improving the regulatory system set out in the interim report will be developed and turned into final recommendations to deliver the direction of travel set out in the report. A key message from the interim report is the need on the part of construction industry to recognise there has to be significant cultural and behavioural change. The review challenges the industry to take responsibility for buildings in the same way they have taken responsibility over the last few years for the safety of people working on construction projects, and which has delivered considerable changes in practice.
6. Dame Judith Hackitt is looking to work in partnership with industry leaders to help take forward the areas of work identified in the interim report. The first stage in this process will be a summit with key stakeholders, including the LGA, taking place on Monday 22 January 2018. This is partly designed as a call to action to the entire industry to ensure there is real change that improves the effectiveness and efficiency of building regulations and the fire safety system. An oral update on the outcomes of the summit will be given at the Committee meeting.
7. In his response to the interim report on 18 December 2017, the Secretary of State for Housing, Communities and Local Government confirmed that the government accepted all of the interim report's recommendations. He added that the Ministry of Housing, Communities and Local Government (MHCLG) will revise the Approved Documents on Fire Safety to clarify them and restrict the use of desktop studies, with a new British Standard being commissioned on when and how they can be used. MHCLG will also consider how the entire suite of Approved Documents can be restructured and reordered to make it more user-friendly. In addition the Ministry will be writing to building control bodies to highlight the recommendations in the interim report about the need to consult fire and rescue services as early in the design process as possible, and to ensure that fire safety information on a building is handed over by the person completing the building work to the person responsible for the building once it is occupied.

LGA response to the interim report

8. The interim report reflects many of the points made in the LGA's submission to the review's call for evidence in September. The overarching conclusion that the current regulatory system is not fit for purpose echoes the LGA's view that the fire at Grenfell Tower has exposed a systemic failure. Nearly all the substantive points made in our submission were picked up in the interim report including:
 - 8.1. the lack of clarity in the Approved Document on Fire Safety;

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- 8.2. the problematic interaction between individual parts of the wider suite of Approved Documents;
 - 8.3. the problems with product labelling, product certification and the fire safety testing of cladding systems;
 - 8.4. the need for specific individuals to have responsibility for ensuring a building is constructed to the building regulations;
 - 8.5. the impact of the competitive market in building control on standards and inspections;
 - 8.6. the competencies of those involved in carrying out fire risk assessments; and
 - 8.7. the way that the Housing Act 2004 and the Fire Safety Order work separately and together.
9. This represents a considerable lobbying success on the part of the LGA. In our initial media response to the report's publication we therefore welcomed it. The LGA's Grenfell Tower Task and Finish Group, which has overall responsibility for coordinating the LGA's activity related to Grenfell Tower, considered the interim report at its meeting on 17 January. A formal response to the interim report is being drafted in light of the Task and Finish Group discussion, and it would be helpful to have the Committee's views on issues of particular relevance to fire and rescue authorities to be included in the response to the interim report.
10. The Task and Finish Group concluded the report should be welcome, and that the LGA response to it should be to emphasise areas felt to be especially important or where it appeared the review needed to go into further detail. The points the Task and Finish Group identified for raising in the LGA's response included:
- 10.1. The need as set out in the interim report to take a differentiated approach to risk with high rise or complex buildings being subject to an approach proportionate to the greater fire safety risks associated with them.
 - 10.2. Agreement with the interim report's view that there should be easily identifiable duty holders with responsibility for ensuring compliance with the building regulations and fire safety measures during construction and then through the lifetime of the building, who could be held to account.
 - 10.3. The need for clarity around the enforcement and inspection regime, including who checks fire safety measures are being complied with post-construction, the need to resolve the problematic interaction between the powers and responsibilities in the Housing Act and Fire Safety Order, and greater powers to inspect and take action against residents who have compromised the fire safety of a building, by for example replacing fire retardant doors with ones that are not.
 - 10.4. The sanctions for breaches of building regulations and fire safety measures needs to be heavy enough to deter breaches, and those responsible for bringing

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prosecutions resourced to do so with costs awards in court reflecting the actual costs incurred.

- 10.5. Consideration should be given to retrospective application of fire safety standards, so that during refurbishment buildings had to be brought as near as practically possible to the current fire safety standards.
 - 10.6. A robust independent process is needed to test and accredit products to ensure they meet the building regulations requirements before they can be used on buildings.
11. In terms of issues of relevance to fire and rescue services to be included in the LGA's response to the interim report the Committee may wish to suggest the following are included:
- 11.1. The review argues that the current building regulation system relies too heavily on central government keeping the relevant documentation up to date, and that while government should set the overall framework of standards, government should not lead on the specification of detailed solutions. The review suggests that the construction industry should have a greater role in this process. This would provide the ability to respond flexibly to changes in technology, design and construction methods. However allowing industry to specific solution is arguably part of the reason that we have high-rise residential blocks with combinations of aluminium composite cladding and insulation that has now been deemed to not meet building regulation standards.
 - 11.2. The review points out that the lifetime of the building is considerably longer than the time spent on its construction. During that period new methods of improving the safety of a building will become available. The review argues that it is not sufficient for regulations to make these new methods a requirement for new buildings, and that consideration has to be given to what it is reasonable and practical to do upgrade and improve the fire safety of existing buildings during their lifespan. This could result in the wider retrofitting of sprinklers, as currently the building regulations require the installation of sprinkler systems in high-rise residential blocks over 30 metres in height. This however would impose a significant additional cost on councils refurbishment programmes so such an obligation would therefore have to come with an appropriate funding mechanism.
 - 11.3. The review recommends that there are sufficient layers of protection to ensure that building safety does not rely heavily on compartmentation, as there is a high risk compartmentation being breached during building use. The review suggests there are a range of other fire protection methods that could be incorporated into existing buildings, including additional stairwells. Not only does this have cost implications but it also has implications for the 'stay put' advice that the fire and rescue service has traditionally given to residents of high-rise buildings in the event of a fire, and for the LGA's own 'Fire safety in purpose built flats' guidance. The practical effect of this approach on 'stay put', including on the ability of firefighters to fight a fire if people are evacuating a building in numbers, should be explored further with the fire and rescue service.

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- 11.4. The review suggests that fire risk assessment are undertaken at least annually and when any significant alterations are made to the building. As the review's work enters its next phase, there may be an assumption that alongside this there are more frequent inspections under the Fire Safety Order. If that is the case then fire and rescue services will need to be resourced to carry out those inspections.
- 11.5. While the review's findings and suggested way forward for reforming the regulatory system emphasise the role of industry, the reforms suggested in the interim report will have a financial impact on both local authorities and fire and rescue authorities. The Committee may therefore feel it is appropriate given the lack of any mention in the interim report of the cost of the reforms, that it is suggested the review give consideration in the next phase to those costs, and in particular how any additional work for fire and rescue services is paid for, whether that be by grant or by fees and charges. The initial returns from the survey commissioned after the last Committee meeting on the costs incurred by fire and rescue authorities post-Grenfell, suggest there has been an impact on nearly every fire and rescue service either through the reprioritisation of resources or through additional expenditure.

Other building safety issues update

Social housing tower blocks

Remediation work

12. Councils and housing associations continue to make progress in carrying out remediation work to the 45 council owned blocks and the 100 plus housing association tower blocks with combinations of aluminium composite material (ACM) cladding and insulation that have been found not to meet the building regulation standards following tests at the Building Research Establishment (BRE) over in July and August 2017. The update requested by MHCLG from councils and housing associations in November has shown that remediation work has either been completed or is well progressed on a small number of tower blocks. In over half the blocks work to remove the ACM cladding has started or is already complete.
13. A key issue for councils continues to be that of costs, with some councils reporting that the tenders they have received for work have significantly exceeded original estimates for work. It is not clear why the costs have increased this much. In some areas it is because of additional work being added to the specification, but in others there appear to have been cost increases from firms providing materials and contractors to do the work. This may be reflect earlier concerns about the limited amount of expertise in the market place to do this work.

Alternatives to ACM and other metal composite material cladding systems

14. There is now a range of advice publicly available to building owners about what materials might replace ACM cladding and insulation combinations that do not meet the building regulation standards. This advice however is not consistent. MHCLG's Expert Panel published further advice for building owners following the publication of Dame Judith

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Hackitt's interim report. The Expert Panel repeated their advice from September that the clearest way of satisfying the building regulation standards is to use materials of limited combustibility or to use a system that has been shown to pass a large scale test conducted to the BS 8414 standard.

15. The Metal Cladding and Roofing Manufacturers Association (MCRMA) also issued a guidance note to its members in November on the safe use of rainscreen cladding facades. The MCRMA goes beyond the Expert Panel's advice and recommends that polyethylene ACM is not used in any building internally or externally, and that in buildings over 12 metres in height the external façade should only use materials of limited combustibility. The MCRMA guidance also raised questions in relation to the robustness of BS 8414 tests, something the LGA highlighted in its submission to the Building Regulations review.
16. The lack of clarity about what materials to use in remediation work is unlikely to become clearer for some time. We anticipate that other industry associations like the MCRMA will produce their own advice. As was highlighted earlier in the report MHCLG will be reviewing Approved Document B, which provides guidance on meeting the fire safety requirements of the building regulations following Dame Judith Hackitt's interim report. However this is likely to concentrate on restricting the use of desktop studies rather than resolve the issue of whether only material of limited combustibility should be used on the external walls of high-rise buildings.
17. To add to this confusing picture MHCLG published guidance on 11 December on the use of cladding materials other than ACM in external wall systems. This advice noted that there are other metal composite material (MCM) cladding products such as zinc, copper and stainless steel that can include combustible materials in the core sandwiched between the metal exterior of the cladding panel. It also pointed out that the metals used have different melting points so the fire performance of the product can depend on the metal used. In addition it pointed out that there are other materials such as high pressure laminates (HPL) that can be used in cladding systems which can also contain combustible materials. Where external wall systems incorporated materials that are not of limited combustibility, such as rigid foam insulation as well as ACM or other MCM panels, MHCLG advised building owners to check whether the system had passed a BS 8414 test. The LGA has been calling for MHCLG to issue guidance about the risks associated with other materials in addition to ACM so this is a step in the right direction. However it remains to be seen if building owners respond to the advice by checking whether any of their high-rise blocks have MCM or HPL cladding as well as if they have ACM.

Private sector blocks

Data Collection

18. Councils' work to gather information on the private high-rise residential buildings in their area and report this to MHCLG continue. Nine out of ten councils have either sent a nil return or provided a full return and MHCLG is now reviewing the information. The LGA has been in discussion with MHCLG about how to support those councils that have not yet been able to gather the information for a full return, a matter given an added sense of

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urgency by the fire in the 12 storey private residential block in Manchester in late December.

19. From this information MHCLG will then have an accurate picture of the number of private high-rise buildings with ACM cladding. Further work will then be required to identify what type of ACM cladding is present, and therefore whether it needs to be removed. Given the guidance issued in December by MHCLG on MCM and HPL cladding panels, the LGA has suggested that the survey should be extended to also identify whether they are present on private high-rise buildings so there is a comprehensive national picture, and to prevent the information having to be gathered at a later point.

Legal powers

20. While many building owners have come forward to volunteer information about their buildings, in some instances identifying building owners and what type of cladding is on a building is taking a considerable amount of time for councils. We understand some authorities are struggling to identify building owners as a result of tangled ownership structures involving off-shore companies ultimately based in places like the British Virgin Islands or the Channel Islands.
21. Having identified the owner is no guarantee that information on about the type of cladding on a building will be forthcoming. One London borough has already moved to issuing formal letters under the Housing Act 2004 requesting information from building owners about the cladding on their blocks. The next stage of applying to court for orders enforcing these letters would place a significant burden on the council's legal team. Should the building owners not be co-operative then council faces a significant task in taking samples of the cladding for testing to identify what it is. Hiring scaffolding or cherry pickers, making good the damage done by taking a sample and the risk of being sued by the building owner all pose an additional financial burden.
22. We understand from MHCLG and our own discussions with councils that there are a number of similar authorities both inside and outside London. The LGA along with London Council has therefore highlighted these issues with MHCLG and will continue to make the case that councils are supported in any legal action they take under the Housing Act as part of their work in making private high-rise residential buildings safe.

Outcomes from the programme

23. Local authorities also remain concerned about what happens as the programme develops. As outlined at the last Board meeting there are concerns about:
- 23.1. The resource implications for Fire and Rescue Authorities of having to inspect private high-rise residential buildings. The information councils have so far gathered suggests that there are considerably more private high-rise buildings with ACM than there are in the social housing sector.
- 23.2. Who will pay for any remedial work, who will carry it out if the building owner is unable to afford to do so, and what happens if the building owner decides to remove or reduce any interim fire safety measures they have been told by the fire and rescue service they need to have in place? We are aware of an instance in

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London where a private building owner is seeking to reduce the interim fire safety measures in place at their affected blocks due to the on-going cost of those measures, a move that London Fire Brigade has so far resisted. Where, as in Slough, a building owner cannot afford to carry out the remedial work councils and fire and rescue services may have to consider who takes responsibility for any remedial work, though they may not be able to afford to do the work even if they wished to do so, and may also have to consider what powers they have to enforce any interim fire safety measures

- 23.3. The impact on leaseholders. The Secretary of State for Housing, Communities and Local Government in response to questions in the House of Commons in December and his statement to the House following publication of the Building Regulations review interim report stated he did not want to see private landlords pass on the cost of remediation work to leaseholders. As noted in the preceding paragraph it is not clear however that every building owner will be able to afford the cost of replacing the ACM cladding or the interim fire safety measures they have to have in place until that work is completed. As has been reported recently in respect of a private block in London, this may then mean that substantive costs are passed on to leaseholders, which may then impact on the willingness of building owners to pay for interim fire safety measures.
24. The LGA continues to discuss these issues with MHCLG and London Councils, and ensure that the implications of the building safety programme are fully worked through so that councils and fire and rescue authorities are provided with the resources they need.

Large Panel System built buildings

25. After concerns raised by residents on the Ledbury estate about cracks in the walls of the blocks, and the implications this might have for fire safety, the London Borough of Southwark commissioned Arup in July 2017 to investigate the cracks. Arup concluded that the cracks were actually gaps between the concrete panels that make up the buildings, resulting from the fact the four tower blocks were constructed using the large panel system (LPS) method and did not affect the strength of the blocks.
26. Southwark then asked Arup to check the structure of the blocks to ensure that they could withstand the kind of gas explosion that occurred at Ronan Point in 1968, as the Ledbury blocks were built to the same design and had piped gas. The gas explosion in a flat in Ronan Point had led to one corner of the building collapsing; as this resulted in much more damage than anticipated it was termed 'disproportionate collapse'. The structural appraisal by Arup concluded that the blocks had not been strengthened to a standard required to have piped gas, and this was cut off, pending a further, more thorough, investigation of all four blocks.
27. Arup submitted the conclusions of their further investigations to Southwark on 20 November. This report set out the findings of a structural assessment of the blocks on the Ledbury estate, and in particular their resistance to disproportionate collapse, their resistance to wind loading and the durability of the concrete structure. 19 flats across the four blocks were examined. These investigations found that:
 - 27.1. The structure of the buildings was in good condition;

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- 27.2. Each block met the wind loading requirements in the current building regulations;
- 27.3. But the blocks do not fully comply with the recommendations to prevent disproportionate collapse in large panel system buildings set out in the 2012 guidance produced by BRE and MHCLG to update the 1968 guidance.
- 28. Arup has therefore recommended that strengthening work to the floors, cross-walls and connections between external panels and internal walls is undertaken to the blocks. As carrying out the work will require tenants to be moved out of their flats, Southwark is costing the work, and then will work with consultants and local residents to look at all the possible options for the future of the tower blocks.
- 29. Issues with buildings constructed using the large panel system method have also been identified on the Broadwater Farm estate in Haringey. Following advice from MHCLG to local authorities after the problems had been identified on the Ledbury estate, Haringey instructed structural engineers to examine a number of large panel system buildings with a gas supply. Although these are low rise blocks, the engineers' feedback was that the blocks did not meet the standards to have gas supplies. As a precautionary measure to enable residents remain in their homes Haringey has removed all gas cookers from the blocks, provided all affected tenants with replacement electric cookers and fitted disruptor valves so in the event of a leak the gas supplies to the blocks is cut off, reducing the risk of an explosion.
- 30. The Arup and Haringey findings may have implications for other LPS buildings, and MHCLG and BRE are currently considering the wider implications of the Arup report. One possibility is that councils will have to commission structural surveys if they have not already done so to check that the strengthening work, which should have been carried out was actually done, and that any they own LPS buildings comply with current building regulations and the 2012 MHCLG and BRE guidance.

External Wall Insulation systems

- 31. On 11 December MHCLG published advice for building owners with high-rise residential blocks with external wall insulation (EWI) and either a render or brick-slip finish. It had been drawn to MHCLG's attention that in some instances EWI had fallen off buildings including from one in Glasgow, fortunately to date not injuring anyone. This has been the result of either poor installation or inadequate structural calculation methodologies.
- 32. MHCLG's advice is that where a recent review of the EWI has not been undertaken, then a structural engineer or chartered surveyor should be instructed to inspect the structural integrity of the EWI particularly where the building is subject to high wind loading for example due to its height or in an exposed location. MHCLG's recommendation is that there is both a visual inspection of the EWI and that the design records for the system are assessed for their adequacy. Where necessary further non-invasive or invasive may be necessary to ensure the EWI has been properly installed.
- 33. The issuing of MHCLG's advice leaves a number of questions unanswered at this stage. It is not clear how widely EWI have been used in high-rise buildings, though the LGA has

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heard suggestions that energy suppliers used such insulation when fitting high-rise buildings as part of their commitments and obligations under various energy efficiency schemes such as the Carbon Emissions Reduction Target, the Community Energy Saving Programme and the Energy Company Obligation. It is also unclear how widespread the problems with the design or installation of EWI are, and whether MHCLG's advice is comprehensive enough. The LGA is therefore considering seeking information from member authorities on both the extent of use of EWI and how well it has been installed to gauge whether there is an issue for council owned high-rise blocks. As further information is obtained members will be kept informed.

Implications for Wales

34. The issues set out in this report are being addressed by the Welsh government and local authorities in Wales.

Financial Implications

35. The LGA's work in response to Grenfell Tower continues to be intensive, however it has been met so far from existing resources.

Next steps

36. Members are asked to:

- 36.1. Note and comment on the findings and direction of travel outlined in the interim report of the Building regulations and fire safety review.
- 36.2. Consider the suggested areas of relevance to fire and rescue services for inclusion in the LGA's response to the interim report set out in paragraph 11 and note the areas so far identified by the LGA's Grenfell Task and Finish Group for inclusion in the LGA's response.
- 36.3. Note and comment on the LGA's wider building safety programme work.



**Fire Services Management
Committee**

26 January 2018

**Memorandum of Understanding (MoU) on equality, diversity,
behaviours and organisations culture in the fire service – one year
on**

Purpose

For decision.

Summary

It is now a year since the LGA and its partners signed this MoU. The report summarises subsequent work in this policy area and asks members to decide on its future direction.

Recommendation

That members of the Fire Services Management Committee support the proposal in paragraph 29.

Action

Officers to proceed as directed.

Contact officer: Charles Loft
Position: Senior Adviser
Phone no: 0207 664 3874
Email: Charles.loft@local.gov.uk

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Memorandum of Understanding (MoU) on equality, diversity, behaviours and organisations culture in the fire service – one year on

Background

1. On 31 January 2017, the LGA published a memorandum of understanding on 'Equality, diversity, behaviours and organisational culture in the Fire Service (MoU)'.¹
2. The MoU was co-signed by the Asian Fire Service Association, National Fire Chiefs Council (NFCC), Fire Brigades Union (FBU), Fire Officers' Association, GMB, quiltbag, Retained Firefighters Union, Stonewall, Unison and Women in the Fire Service.
3. The MoU recognized the role of the Inclusive Fire Services Group (IFSG) in taking forward some of its actions. The IFSG is independently chaired by Professor Linda Dickens and includes employer and employee representation from the National Joint Council (NJC) and NFCC, the Fire Officers Association and the Retained Firefighters Union.

LGA commitments and Action

4. The LGA's commitment under the MoU was largely to promote specific activities in relation to diversity and inclusion. This has been fulfilled to date by publishing the MoU, and the conference publication on an inclusive service,² a letter from FSMC lead members to Fire Commission members in March, promoting both the publication and the measures in the MoU, two fire leadership essentials courses and a masterclass on inclusion for fire authority members, which was held at Layden House on 26 September 2017.
5. The LGA also undertook, together with the NFCC, to establish an online community to share practice on diverse recruitment as soon as possible, in conjunction with any IFSG work on improvement strategies. A new existing Chief Fire Officer Association (CFOA) community was created for the purpose. This was not successful. There is a pre-existing CFOA community, however, which has provided a forum for sharing information and good practice and which the LGA is a part of.
6. To help facilitate information sharing this year's conference publication will consist of case studies around inclusion, diversity and recruitment.

¹ <https://www.local.gov.uk/sites/default/files/documents/memorandum-understanding-f0f.pdf>

² *An inclusive service - The twenty-first century fire and rescue service*
(<https://www.local.gov.uk/inclusive-service-twenty-first-century-fire-and-rescue-service>).

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7. The LGA undertook to monitor the numbers and proportions of black, Asian and minority ethnic (BAME) and female candidates at stages of recruitment to identify barriers to recruitment. In the event, as the FSMC was informed in June, NFCC carried out this work through an exercise to understand where services lose applicants with protected characteristics during recruitment.
8. The broad results of the NFCC's work demonstrate that applicants are lost evenly at different stages but identified a particular issue for women with fitness tests. The tests have been validated against the needs of the job so NFCC is working with the Home Office to produce guidance and case studies which will be used nationally as part of an upcoming campaign to help women meet the required fitness levels.
9. It is notable that in recent recruitment exercises there is an increase in women and BAME candidates who are successful.
10. The joint chairs of the NFCC Equality Group (EDIP), Nicky Thurston and Andrew Brodie, have subsequently contacted the LGA to see if there would be interest in having a member champion for inclusion and diversity. The champion would provide a member's perspective on their work as well as provide challenge. The expectation is that there would be regular informal contact via telephone or in person as well as attending an EDIP meeting. EDIP has membership from officers across the fire and rescue service and feeds into the wider NFCC Workforce Coordination Committee, chaired by Ann Millington.
11. The Fire Vision, which is the subject of a separate paper, includes targets for higher rates of BAME and female recruitment to firefighter roles.
12. The Home Office has been leading on work around the image of the firefighter, following research that suggested this deterred a more diverse range of applicants. The LGA and NFCC have been involved in this work. The work is progressing well and the Home Office hopes to have a draft of the first product (a fitness guide) produced by the end of the work and undertake some targeted media activity.
13. The awareness campaign material will include a range of documents, which will highlight the role of a firefighter and will also show the fire sector as a good employer. The bootcamp/fitness guide will explain the type of exercises which a potential recruit might undertake to increase their fitness and then give them the confidence to attend a have a go day at their local fire station. Officials are working with a design company to ensure that the guide is ready to launch by the middle of February, during the New Year health and fitness period.
14. The other products in the campaign include a role models guide, myth buster document, which will deal with some of the reasons people might think that they cannot be a firefighter and mention the benefits of a career in the fire sector, and best practice guide,

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showcasing some of the success achieved by different services in recruiting a diverse workforce.

15. Two actions in the MoU related to the Inspectorate (these were: to arrange an early meeting to align work on diversity and inclusion with the Inspectorate and to embed work on diversity and inclusion in our review of peer support). When members reviewed progress on the MoU in June 2017 they were keen to ensure that these were taken forward.
16. The first of these commitments has been covered by LGA membership of the External Reference Group advising the HMICFRS on the development of inspection. The draft methodology for inspection is currently being consulted upon and includes a number of questions under the heading “How well does the FRS look after its people?”. These are set out in **Annex A**.
17. The LGA’s work on peer support will be increasing as inspection takes shape and the working group on this will be reminded of the MoU commitment.
18. The LGA is represented on a project board overseeing the new system of professional standards for the fire sector and will be responding to the ongoing consultation on the National Framework. These represent further opportunities to promote inclusion and diversity.

Inclusive Fire Service Group

19. The MoU made six references to the work of the IFSG, which related to employee surveys and improvement strategies. The employee survey has taken place and the [outcomes have been published](#).
20. On 5 June the IFSG contacted all CFOs, Chief Executives/Clerks to Fire Authorities, Chairs of Fire Authorities and FRA Directors of HR, enclosing a number of [improvement strategies](#) and asking them ‘to consider the strategies suggested at both member and officer levels, how they can be taken forward in individual services, and provide a response by 28 July 2017’.
21. This fulfills the IFSG commitment to publish improvement strategies. The response from FRAs has been extremely positive with widespread support to adopt and action the strategies. It is recognised that FRAs need time to action the strategies and see results. However they are aware that the outcomes will be monitored once they have had an opportunity to become embedded.
22. One IFSG reference in the MoU – to publish guidance on data collection – has not yet been completed because of delays in taking forward a consistent approach on data

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collection with the Home Office and HMCIFRS. That work is on-going and a meeting with HMCIFRS is scheduled for next month.

23. A further reference simply covered continuing IFSG work to develop guidance, support and improvement strategies on a wide range of equality, diversity and cultural issues in general. The IFSG will monitor use of the now issued strategies and the resulting outcomes to maintain the focus on improvement. The strategies will be revised, adapted or added to as necessary to ensure they remain relevant and effective. Guidance will be issued as and when appropriate.

Monitoring work

24. The remaining commitment was for the signatories to 'jointly monitor the progress of actions arising from the memorandum throughout 2017, adjusting them as necessary and jointly review its impact in December 2017'.
25. This was supported by the actions from the June FSMC meeting:
- 25.1. To consider the early feedback from the IFSG survey in August 2017 and whether further work was needed to gather information on progress.
- 25.2. To issue a survey to fire and rescue authorities covering the actions not covered by other monitoring and report back to the Committee meeting on 22 September.
26. Primarily as result of the demands of work arising from the Grenfell Tower fire, this has not yet happened. Not only has Grenfell reduced resource available at the LGA and NFCC but FRAs have been stretched both by the increased number of inspections required and by data requests from central government, NFCC and LGA relating to those inspections. The LGA has therefore been reluctant to add to this burden and has not carried out the survey referred to above.
27. The IFSG does not report to the LGA and has not yet produced results for discussion with LGA officers. This is due to the issues set out in paragraph 22 above and also to the need to wait for the strategies to take effect before their results can be measured.
28. The LGA committed to review the MoU with fellow signatories. Although there are good reasons why this has not yet taken place, there is a risk that despite the conference publication and ongoing IFSG work, the drive to increase the diversity of the sector's workforce may lose momentum, in particular because work around building safety and related issues looks likely to continue at its current level throughout 2018.
29. It is therefore recommended that a summit be convened between all MoU signatories to be held after Easter (the earliest realistic point given the forthcoming LGA Fire Conference) to review progress and advise on future work.



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30. We do not have information at what rate the sector is adopting any of the measures set out in the MoU, although there are examples of good practice. In practical terms. The inclusion of diversity measures in the remit of the inspectorate should drive activity and this arguably reduces the need to monitor progress against the MoU. Members therefore need to consider whether, in the current climate, a survey to determine what activity is taking place is the best option.

Implications for Wales

31. As responsibility for fire and rescue policy is a devolved matter, the work set out in the report will be limited to English Fire and Rescue Authorities.

Financial Implications

32. The proposed work will be covered by existing budgets

Issues for decision

33. Do members agree that a summit should be arranged as set out in paragraph 29?
34. Should a survey of FRAs be conducted to establish what measures are being adopted to promote diversity or are members content to leave this to the inspection process?
35. Do members wish to nominate a member champion to work with the NFCC's EDIP group?



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**Fire Services Management Committee update and outside bodies
paper**

Purpose of report

For information.

Summary

The report outlines issues of interest to the Committee not covered under the other items on the agenda.

Recommendation

Fire Services Management Committee members are asked to note the report.

Action

Officers to progress as appropriate.

Contact officer: Lucy Ellender
Position: Adviser
Phone no: 020 7664 3321
E-mail: lucy.ellender@local.gov.uk

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Fire Services Management Committee update and outside bodies paper

Parliament

Reshuffle

1. Nick Hurd MP remains as the Fire Minister following the recent Cabinet reshuffle. The new Labour Shadow Fire Minister is Karen Lee MP. Karen Lee represents Lincoln and has previously served as a councillor on Lincoln City Council. She has been invited to speak at the Fire Conference.

Autumn Budget

2. In November the LGA responded to the autumn budget, in relation to fire we particularly responded around Grenfell and pay.
3. We said that the Government needs to provide funding those councils that are removing and replacing cladding on the 45 council tower blocks, and any other essential fire safety measures that are deemed necessary to ensure residents are safe going forward. However we welcomed the additional £28 million of funding to help support the victims of the Grenfell Tower fire and the affected communities.
4. On fire service pay we said that it is disappointing that the Government has not recognised the issue of rewarding fire employees, to reflect the positive impact that the broader work of fire and rescue services (FRSs) in collaborating with health and other partners could have. We will continue to call on the Government to provide sufficient funding to deliver the best outcomes for fire and rescue services, their communities, partners and employees.
5. The LGA's on-the-day briefing can be found on our website:
<https://www.local.gov.uk/sites/default/files/documents/LGA%20On%20the%20Day%20briefing%20Autumn%20Budget%202017.pdf>.

Provisional Local Government Finance Settlement

6. The LGA also responded to the provisional finance settlement earlier on this month. This included a section on fire finance outlining the pressures facing the sector. We argued that the referendum cap on the fire and rescue service precept should be removed, additional funding should be made available to enable the FRS to drive transformation and that the capital funding issues faced by some services needed to be addressed.
7. The full response can be found on our website:
<https://www.local.gov.uk/sites/default/files/documents/The%202018-19%20Provisional%20Local%20Government%20Finance%20Settlement%20-%20response.pdf>.

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Outside Bodies

HMICFRS Consultation and External Reference Group

8. HMICFRS are currently consulting on their proposed inspection programme. The consultation has been circulated to members via email and the LGA is planning to respond.
9. The consultation is particularly seeking responses to the following questions:
 - 9.1. What do you think of the proposed approach to FRS inspection that HMICFRS proposes to conduct in 2018/19? How could this be improved?
 - 9.2. Do you agree that an integrated inspection of fire and rescue services' effectiveness and efficiency, and how they look after their people, is better than separate thematic inspections?
 - 9.3. Are there any other areas of fire and rescue services' activity that should be included in the integrated inspections?
 - 9.4. Does the [draft inspection methodology](#) include the right questions to gather evidence for a rounded assessment of fire and rescue services? How could this be improved?
 - 9.5. How else could HMICFRS adapt the way in which it acquires information to take full account of the circumstances of fire and rescue services and of risks to public safety?
 - 9.6. What, if any, new or emerging problems for fire and rescue services should HMICFRS take into account in its inspections?
 - 9.7. What else should HMICFRS consider doing to make its fire and rescue service assessments as fair as they can be?
10. The LGA's primary concerns have always been that the inspection process does not become overly burdensome on fire and rescue services. We are keen that the methodology and the inspection process looks at the statutory responsibilities of the fire and rescue service.
11. The HMICFRS External Reference Group has been involved in conversations around the judgement criteria for good as well as feeding into the methodology to date.

Professional Standards Body

12. Dave Curry handed over the PSB Project Executive role to Rod Hammerton in December. The meeting of the professional standards body project board scheduled for that month was cancelled and has been rearranged to the 5 March. We understand the business case due to be discussed at that meeting may be re-written for the re-arranged meeting.

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JESIP Interoperability Board – Cllr Nick Chard

13. At the last JESIP Interoperability Board a number of key issues were discussed including Joint Organisational Learning (JOL), the JESIP assurance process and the newly commissioned film the programme will be producing. Further information can be found in **Appendix A**.

Local Government Association

LGA Annual Fire Conference and Exhibition

14. The latest version of the draft programme for the LGA's Annual Fire Conference and Exhibition will be circulated to members in advance of the meeting.
15. When we send the agenda to members we will have provisionally allocated members chairing responsibilities for some of the sessions. If you are not attending the fire conference or if you would like to request a different workshop session please let us know.

Support to members of areas affected by contested PCC takeovers

16. The LGA has held to meetings for the FRAs affected by contested PCC takeovers, one via telephone and one in person. The meetings were an opportunity to discuss the process for the independent assessment of the business case. There were a number of concerns raised at both meetings about both the business cases and the independent assessment. It was clear that there was a local strength of feeling against the changes to governance in each of the local areas.
17. The LGA has maintained that the independent assessment is best made by a panel of experts to fully examine all aspect of efficiency, effectiveness, economy and public safety within the business cases. It is important that all aspects are thoroughly scrutinized.
18. The LGA will continue to support the affected FRAs.

LGA Annual Conference – 3-5 July 2018

19. The LGA's Annual Conference will be taking place in Birmingham in July. This year we are seeking innovative practice to showcase in our innovation zone, including practice from fire and rescue authorities. You can apply by emailing innovation@local.gov.uk by **26 January 2018**, with a brief paragraph outlining your project, and similar paragraphs on:
 - 20.1. how innovative and ground breaking it has been
 - 20.2. the difference it has made
 - 20.3. how it is addressing challenging and difficult issues
 - 20.4. its relevance to other councils



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20. FRAs are asked to provide the most comprehensive summary possible, so that the submission can be fully considered as we can only assess the details that have been provided in your submission.

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Appendix A

JESIP Meeting report.

Nick Chard

JOINT ORGANISATIONAL LEARNING (JOL)

Joint Organisational Learning is about ensuring that the emergency responder agencies can capture learning that may impact on the Joint Emergency Services Interoperability Principles (JESIP) and/or national Capabilities

NEW AND ENHANCED FUNCTIONALITY

The enhanced functionality of JOL Online (building on the previous JOL database that had been created in 2015) provides emergency responder agencies with many more facilities including the ability to identify where their respective lessons fit within any of the National Risks and where lessons or notable practice are input from anywhere in the UK.

WHY IS JOL REQUIRED?

A significant challenge in the past for both emergency services and wider responders has been the ability to identify issues when working with other agencies.

HOW DOES JOL ONLINE WORK?

JOL Online is a unique but simple way to capture lessons identified that may impact on multi-agency working and allows us to continually improve what we do.

All debriefs should have interoperability as a core theme and any lessons identified are captured in line with JOL Guidance and inputted onto JOL Online. JOL Online is hosted on ResilienceDirect. It is a Cabinet Office secure system at official-sensitive in line with government security classifications and is the national repository for interoperability, national resilience lessons and notable practice across the UK.

WHO CAN ACCESS JOL ONLINE?

Access to JOL Online is accessible to all Category 1 and 2 responders as well as many additional sponsored organisations.

JOL ONLINE – THE FUTURE

JOL Online and its supporting governance structures now provides emergency responder agencies with a clear and standardised national process for learning.

JESIP and our stakeholders will continue to work with emergency responder agencies to increase awareness and use of JOL Online.

Resources to support JOL Online can be accessed via the JESIP website
www.jesip.org.uk.

ASSURANCE

The JESIP team spent the first 8 months of 2017 undertaking assurance visits with the Police, Fire and Ambulance services across England, Wales and Northern Ireland. During this period they managed to visit all but 5 services.



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The purpose of the visits was to act as a critical friend to services and provide an independent view of how far services had progressed with embedding JESIP models and principles into their business as usual activity.

There has been good progress made by services with most services now having M/ETHANE written into their local policies and procedures.

PROMOTION

The JESIP Group will commission a film to provide an awareness of JESIP to all responders, specifically the application of the models and principles.

The film will be shot in chapters with each one covering a specific element of the incident life cycle and will be produced in a documentary style.

Note.

M/ETHANE stands for:

Major Incident Declared

Exact location

Type of Incident

Hazards

Access

Number and type of casualties

Emergency services present and required



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Workforce Report

Purpose

To update the Fire Services Management Committee on matters in relation to fire service industrial relations and pension matters.

Summary

This paper is for information and briefly describes the main industrial relations and pension issues at present.

Recommendation

Members of the Fire Services Management Committee are asked to note the issues set out in the paper, and request further information is necessary.

Action

Officers to proceed as directed.

| | | |
|-------------------------|-------------------------------------|---------------------------|
| Contact officer: | Gill Gittins (industrial relations) | Clair Alcock (pensions) |
| Position: | Principal Negotiating Officer | Fire Pensions Adviser |
| Phone no: | 0207 187 7335 | 0207 664 3189 |
| Email: | Gill.gittins@local.gov.uk | Clair.alcock@local.gov.uk |

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Workforce Report

Pensions

Scheme Advisory Board

1. New members: Cllr Ian Stephens has been welcomed to the board. The board is now operating with full membership.

LGA Firefighter Pension Scheme Bulletins

2. From July 2017, LGA publish regular [bulletins](#) on the Firefighters Pension Schemes. This includes technical information and actions for scheme managers.

Pension tax

3. The tax awareness sessions commissioned by the Scheme Advisory Board have been well attended, with representatives from 34 fire and rescue authorities and received excellent feedback.
4. The LGA have published a [note](#) to FRAs with further guidance on Voluntary Scheme Pays (VSP) and scheme managers are required to have considered whether they will allow for VSP arrangements to pay the tax charge due in certain circumstances.

Items requiring attention

5. Compensation Scheme, Part 8 Payments:
 - 5.1. The LGA published a [technical note](#) on 17 September 2017 titled 'Taxable treatment of ill-health pension paid from the compensations scheme' to provide further information to fire and rescue authorities where certain payments paid from the Firefighters Compensation Scheme had been incorrectly taxed. HMRC have confirmed these payments as paid from the compensation scheme are not subject to tax.
 - 5.2. HMRC processes can be used to correct payroll errors up to four previous tax years, but payments beyond that period are for each individual FRA to consider their position.
 - 5.3. **FSMC to consider whether it requires a detailed paper at the March meeting to consider.**
6. Tax implications of retrospective pensionable pay corrections:
 - 6.1. Fire and rescue authorities are sometimes required to retrospectively correct pensionable pay errors, where pay has incorrectly been deemed as not pensionable. This has been ongoing since 2011 with the Norman vs. Cheshire judgement and likely to continue.

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6.2. In making those retrospective corrections, this results in making additional pension and lump sum payments more than 12 months after the original date of retirement, which can have potential tax consequences.

6.3. Currently, it is not known how different FRAs approach these corrections.

6.4. **FSMC to consider whether it requires a detailed paper at the March meeting to consider.**

Pay and broadening the role negotiations

7. Both sides of the National Joint Council (NJC) remain fully committed to identifying a mutually acceptable resolution and negotiations are therefore continuing with meetings taking place to scope potential changes to roles and to explore how that could be reflected in terms of pay.
8. As members are aware, the latter will be directly affected by available funding on a sustainable basis. Both sides of the NJC therefore remain committed to joint political lobbying in that regards.
9. To inform such lobbying, and building upon the independent evaluation of the medical-related trials undertaken by the [University of Hertfordshire](#), the NJS commissioned New Economy to undertake a detailed cost benefit analysis in respect of responding to category one cardiac arrest. That work was completed in early November.
10. The All Party Fire Safety and Rescue Parliamentary Group hosted an event on the New Economy research on 15 November and a larger second event on 16 January. The second event also touched upon the wider work that has been covered by the NJC work streams (for example, environmental challenges and marauding terrorist firearms attack (MTFA)). Arrangements are being made for similar events in the devolved administrations.
11. Since November, weekly meetings of the joint secretaries have been held to take this work forward. Several of these have been attended by Cllr Nick Chard, as Chair of the Employers' Side. The work has also been supported by two HR advisers from the Employers' Side's Advisory Forum. **An oral update will be provided on the agenda to FSMC on the stage these discussions have reached.**
12. Cllr Chard (as Chair of the Employers' Side), Ian Murray (as Chair of the Employees' Side), and the NJC joint secretariat are due to meet the UK Fire Minister on 29 January to brief him on the New Economy research, the potential scope for broadening the role identified to date, and to seek his support for ensuring that it can be resourced on a sustainable basis including pay.
13. Members will recall that the Employers' Side had suggested a 1.0 per cent uplift in basis pay and continual professional development payments be applied (with effect from 1 July 2017) while negotiations continue. This was agreed and communicated to FRAs on 7 December.

Note of last Fire Services Management Committee meeting

| | |
|---------------|---|
| Title: | Fire Services Management Committee |
| Date: | Friday 17 November 2017 |
| Venue: | Smith Square Rooms 1&2, Local Government House, Smith Square, London, SW1P 3HZ |

Attendance

An attendance list is attached as **Appendix A** to this note

| Item | Decisions and actions |
|------|-----------------------|
|------|-----------------------|

| | |
|----------|--|
| 1 | Welcome, apologies and declarations of interest |
|----------|--|

The Chair opened the meeting and noted apologies from Cllr Mark Healey, Cllr Jason Ablewhite and Dany Cotton. Cllr Roger Reed attended the meeting as a substitute.

There were no declarations of interest.

| | |
|----------|--|
| 2 | National Fire Chiefs Council (NFCC) |
|----------|--|

The Chair introduced Roy Wilsher, Chair of the National Fire Chiefs Council (NFCC), who gave members an update on the work of the NFCC, seven months after it was first established. Roy was clear that a strength of the NFCC was the consistency and continuity it could provide across services and to members. It was noted that the position of the Chief Fire and Rescue Adviser to the Home Office no longer existed so Roy, as Chair of the NFCC, took on this role and provided professional and technical advice to the members, the new inspectorate and the Government, particularly in response to major incidents such as Grenfell. Roy also explained that the committee structures of the NFCC were working well and that the nine committees were all up and running.

In terms of providing professional and technical advice, Roy noted that statements on various issues had been put out by the NFCC in recent months and that these included references to marauding terrorism firearms attacks, pay, sprinklers, risk and demand, national resilience and business continuity plans, amongst others. The NFCC was also providing advice to the team working on the new inspectorate, and was being represented at meetings of the Professional Standards Body, the Fire Implementers Group, JESIP and the Strategic Resilience Board. Roy also noted the impact the Grenfell Tower had had on the NFCC, and the work he had been doing as part of the expert panel advising DCLG.

Members were told that the National Operational Guidance team were moving to a central program office, which sits within the London Fire Brigade, and would help manage projects in all areas and would work alongside CFOA staff who had transferred to the West Midlands Fire and Rescue Service, while national resilience

work was led by Merseyside Fire and Rescue Services. Consideration was also being given to ensuring efficiency and value for money, with a particular focus on fire kit procurement and the Fire Commercial Transformation programme led by Ann Millington.

Finally, Roy spoke to members about the work done on the National Fire Chiefs Strategy, which the NFCC had worked closely with LGA officers on. The strategy for UK fire and rescue services was designed to complement the Fire Vision and was looking at five key areas: community risk, governance, workforce, finance and a new digital platform.

Members made the following comments:

- A member asked what mechanisms were in place to influence or discuss conversations held between members, officers and other attendees at outside body meetings. Roy noted that all papers for NFCC meetings were available to the public and LGA officers noted that they were happy to circulate reports from meetings where possible. There would also be a standing item on each agenda for members to provide feedback following their attendance at outside body meetings.
- A brief discussion was had about funding and Paul Hancock's previous attendance at an FSMC meeting as CFOA President where he was optimistic that CFOA was moving towards a more independent source of funding. Roy said that in order to have a national group which works, help was needed from fire authorities. He said that a funding agreement needed to be in place by this time next year and while he could not put a figure on it, he said that the aim was to reduce the amount sourced from fire and rescue authorities as far as possible. Roy said he would update the Committee on this at future meetings.

Decision

Members noted the update.

Action

Officers to circulate any relevant reports to members following meetings with outside bodies.

3 Fire service funding

The Chair introduced Phil Hales, Deputy Chief Fire Officer at West Midlands Fire and Rescue Service and Chair of the NFCC's Finance Coordination Committee (FinCC), who set out the work the NFCC had been doing around fire finance.

Phil explained that the FinCC was established in an effort to ensure that technical expertise and advice on finance within the sector was joined up and to reflect the strategic plans of the NFCC. He noted that the NFCC represents the whole of the UK so the FinCC was available to provide advice and assistance to all devolved administrations, and would take into consideration the individual challenges they all faced.

The structure of the FinCC was outlined to members and they were told that the Chair of the Fire Finance Network was the Vice Chair of the Committee. Nine chief fire officers from different governance models also provide scrutiny and strategic advice for the Committee and the Home Office lead on fire policy also attends the meetings to ensure that their work is not done in isolation but that conversations were also had with key policy makers. A consultancy firm, Somerset Technical Team, which works with counties and shire district councils was also working on gathering data, the aim of which was to help provide a more professional response when working with the Home Office.

Phil discussed the FinCC's key areas of work such as responding to the consultation on the Local Government Finance Settlement, considering a response to the Fair Funding Review and establishing a funding formula fit for a modern fire and rescue service. The Committee had also been looking into the recent changes brought in by the Local Government Finance Act and they were seeking a sector-wide view on dealing with its implications. The NFCC was keen to establish common positions of fire and rescue services and was trying to capture data on this. Phil also mentioned the NFCC funding mechanism and activities being carried out to ensure that where the NFCC was funding work, proper quality assurance checks were being undertaken. The FinCC was keen to ensure that recourses were focused as far as possible on underpinning the strategic priorities of the NFCC.

Following the presentation, members raised a few points:

- There was a discussion about whether fire service funding should be based on risk or demand. Some members felt that there was not a binary choice but that it should be based on a combination of risk and demand, with consideration given to the change of the role and the inclusion of factors such as prevention work, work with other services, additional inspection requirements and the impact this had on resources. It was also noted that both risk and demand varies across the country, and rural areas, for example, had a different type of risk from urban areas. Other members felt more strongly that funding should come from identified risks because demand could only be measured in arrears and it was not possible to assess what the demand would be in the future.
- Members spoke about Police and Crime Commissioners' (PCCs) ability to increasing funding through council tax precepts but it was noted that police budgets are generally much larger than fire budgets so it could not necessarily work in the same way for fire authorities. Concerns were also raised about a cap on precepts and the potential for PCCs' using this in their business cases to promote themselves as being able to raise the precept for fire services.
- Leading on from this, members discussed the current rules prohibiting fire services from raising funding from precepts without a referendum. Members supported the LGA's position that referendum requirements should be abolished for all local authorities. Members also highlighted the need for capital funding for some FRAs.
- A conversation was had about the transformation fund and members were clear that it should not be funded by topslicing FRA budgets. Members wanted to see genuinely new money which had not been topsliced from other grants allocated to the service. Phil Hales agreed with this position and said there

was work to do around data and the analysis of fire finance as it currently stands. He said that it would be crucial to put clear numbers in front of the Treasury when trying to influence them and that support from the FSMC would be useful.

Decision

Members **noted** the report.

Action

Officers to proceed as directed, taking members' comments on funding into consideration.

4 Fire safety in high rise buildings update

Mark Norris, Principal Policy Adviser, updated members on the LGA's work in the wake of Grenfell and the efforts to identify the financial impact on both councils and fire and rescue authorities. Mark noted that the Department for Communities and Local Government (DCLG) had asked local authorities to provide details of the number of private high-rise buildings in their area, the deadline for which had passed the previous week and he gave an update on the number of privately owned or managed buildings identified as having ACM cladding on their exteriors. One issue that had come up in conversations with directors of housing across London was that insurers in the private sector were asking how long interim fire safety measures needed to be in place and concerns were noted about capacity issues within the supplier system.

Mark advised members that the interim report from the Dame Judith Hackitt review would be published in early December and that her initial view was that the regulatory system currently in place was not fit for purpose. It was suggested that specific paragraphs which needed to be changed would not be identified and the report would not provide advice to building owners about what materials were needed. The report was likely to look at competency and skills, as well as expertise and training at construction stage. It was thought that the report would look to ensure there were duty-holders with a role in making sure a building had been constructed properly in place in the future, and that there would need to be periodic inspections of buildings. Consideration was also likely to be given to whether fire safety related regulations should apply retrospectively to a building, and that there should be greater clarity between the Fire Safety Order and the Housing Act 2004 with a clearer division in responsibilities between the fire service and local authorities.

Mark said that a further update would be given to members at the next meeting, after the interim report had been published.

In the discussion which follow, a number of points were raised:

- Members felt that the Government had pushed responsibility for the funding of works required in the wake of Grenfell back to housing providers and councils, despite the Secretary of State previously stating that public safety was paramount and that money should not be an impediment to ensuring residents' safety. Members felt that the Government should be held to account over the

funding issue and that the LGA should be stronger in challenging the decision not to provide any additional resources.

- A conversation was had about sprinklers and how little action had been taken on this despite the Lakanal House inquest recommending more widespread installation of sprinkler systems. Members acknowledged the cost associated with installing sprinklers in new buildings or retrofitting them but it was also noted that some buildings could not be altered significantly enough to install them at all so demolition of those buildings could be considered where it would be financially viable to do so. It was also suggested that one London council had charged leaseholders for sprinklers so concerns were discussed about there being a postcode lottery in terms of funding this work. Members also discussed the proposed working group on sprinklers and agreed that membership should not extend past the Fire Commission.

Decision

Members **noted** the report.

Action

Officers to take steps to establish a working group on sprinklers.

5 Workforce report

Clair Alcock, Firefighters' Pensions Adviser, updated members on the progression of the pensions Scheme Advisory Board and suggested that details of the new employer contribution rates would be set in 2019. She said that the Board was working with GAD on a number of consultations and had advised GAD that FRAs and elected members were trying to agree to mid-long term financial forecasting and that FRAs would be sent further information as soon as possible.

Cllr Nick Chard and Gill Gittins, Principal Negotiating Officer, spoke briefly to members about the NJC meeting with the All Party Fire Safety and Rescue Parliamentary Group and the discussion had around the New Economy report. The APPG had agreed to sponsor a wider event, due to take place in January, to which all MPs would be invited. Members suggested that it would be interesting to have an agenda item on the New Economy report at the next meeting. Cllr Chard suggested it could be covered in an update at that time on the negotiations as well.

On pay, members were told that discussions were ongoing about the National Employers suggestion to the Employees Side that while negotiations continue there could be a 1 per cent uplift to basic pay effective from 1 July 2017. The Employees' representatives were consulting on the suggestion.

Decision

Members **noted** the update.

Action

Officers to proceed as directed by members.

6 Outside bodies - oral update from members

The Chair advised members that he had attended a meeting of the Strategic Resilience Board, noting that the Home Office representatives had declined the offer for an LGA officer with detailed NJC knowledge to attend on this occasion. Discussions were ongoing and a further update would be provided at the next FSMC meeting.

The Chair suggested that those sitting on outside bodies provided officers with a few lines after each meeting they attended, which officers could include in a short paper for each FSMC meeting's agenda.

Decision

Members **noted** the update.

Action

Officers to commission a short contribution from members sitting on outside bodies for an agenda paper for the next FSMC meeting.

7 Update paper

The Chair introduced the update paper and invited comments from members:

- Members sought an update from officers about the Fire Conference and whether it would be filmed so that members of authorities who could not travel to Gateshead could have an idea of the topics and conversations covered. Officers confirmed that the events team were looking into this, and copies of the draft programme were circulated to the members.
- Members asked whether the Shadow Ministers for Fire from the Labour and Liberal Democrat parties ought to be invited and agreed that they should be invited.

Decision

Members **noted** the update paper.

Action

- 1) Officers to confirm with the LGA's events team whether the conference could be filmed.
- 2) Officers to look at the possibility of inviting the Shadow Ministers for Fire.

8 Minutes of the previous meeting

The minutes of the previous meeting were approved.

Appendix A -Attendance

| Position/Role | Councillor | Authority |
|-----------------|----------------------|--|
| Chairman | Cllr Ian Stephens | Isle of Wight Council |
| Vice-Chairman | Ms Fiona Twycross AM | London Fire and Emergency Planning Authority (LFEPA) |
| Deputy-chairman | Cllr Rebecca Knox | Dorset and Wiltshire Fire and Rescue Service |
| | Cllr Keith Aspden | North Yorkshire Fire & Rescue Service |
| Members | Cllr John Bell | Greater Manchester Fire and Rescue Authority |
| | Cllr Nick Chard | Kent and Medway Fire and Rescue Authority |
| | Cllr Simon Spencer | Derbyshire Fire and Rescue Authority |
| | Cllr David Acton | Trafford Metropolitan Borough Council |
| | Cllr Les Byrom CBE | Merseyside Fire and Rescue Authority |
| | Cllr John Edwards | West Midlands Fire and Rescue Authority |
| | Cllr Judith Hughes | Kirklees Metropolitan Council |
| | Cllr Thomas Wright | Tyne and Wear Fire and Rescue Authority |
| Apologies | Cllr Jason Ablewhite | Huntingdonshire District Council |
| | Cllr Mark Healey MBE | Devon and Somerset Fire and Rescue Authority |
| In Attendance | Roy Wilsher | National Fire Chiefs Council |
| | Phil Hales | National Fire Chiefs Council |
| | Penny Pender | National Fire Chiefs Council |
| | Steven Adams | National Fire Chiefs Council |
| | Chloe Dunnett | Home Office |
| | Karen Lancaster | Home Office |
| | Stuart Harwood | Home Office |

LGA location map

Local Government Association

18 Smith Square
London SW1P 3HZ

Tel: 020 7664 3131

Fax: 020 7664 3030

Email: info@local.gov.uk

Website: www.local.gov.uk

Public transport

18 Smith Square is well served by public transport. The nearest mainline stations are: Victoria and Waterloo: the local underground stations are

St James's Park (Circle and District Lines), **Westminster** (Circle, District and Jubilee Lines), and **Pimlico** (Victoria Line) - all about 10 minutes walk away.

Buses 3 and 87 travel along Millbank, and the 507 between Victoria and Waterloo stops in Horseferry Road close to Dean Bradley Street.

Bus routes – Horseferry Road

507 Waterloo - Victoria

C10 Canada Water - Pimlico - Victoria

88 Camden Town - Whitehall - Westminster - Pimlico - Clapham Common

Bus routes – Millbank

87 Wandsworth - Aldwych

3 Crystal Palace - Brixton - Oxford Circus

For further information, visit the Transport for London website at www.tfl.gov.uk

Cycling facilities

The nearest Barclays cycle hire racks are in Smith Square. Cycle racks are also available at 18 Smith Square. Please telephone the LGA on 020 7664 3131.

Central London Congestion Charging Zone

18 Smith Square is located within the congestion charging zone.

For further details, please call 0845 900 1234 or visit the website at www.cclondon.com

Car parks

Abingdon Street Car Park (off Great College Street)

Horseferry Road Car Park
Horseferry Road/Arneway Street. Visit the website at www.westminster.gov.uk/parking

