

## **Fire Services Management Committee update 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**

Members to note the update.

### **Action**

Officers to progress as appropriate.

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## **Fire Services Management Committee update paper**

### **Government Response to *Facing the Future: findings from the review of efficiency and operations in fire and rescue authorities in England***

1. Brandon Lewis wrote to Fire and Rescue Authority Chairs on 6 August encouraging FRAs to submit their responses to Sir Ken's review to CLG, with a particular focus on how FRA performance is measured and compared and where there are opportunities for greater efficiency.

### **Knight review select committee**

2. Councillor Hammond gave evidence to the Communities and Local Government Select Committee on the Knight review on 9 September alongside Paul Fuller, Vice President Chief Fire Officers Association and Matt Wrack, Fire Brigades Union (FBU). In her responses, Cllr Hammond called for greater local flexibility on precepts and delivery costs for the fire service and emphasised the importance of integrated risk management plans rather than a cost per head approach in identifying local need. She highlighted the importance of improvement coming from the sector rather than being enforced centrally, as seen in peer challenge and blue light collaboration.
3. A summary of the session can be found in **Appendix A**.

### **JESIP Joint Doctrine Consultation and Training Plans for your Service**

4. At the last JESIP strategic board it was agreed that the JESIP team would inform Chairs and Portfolio holders about the current state of the programme. This status update can be summarised as follows:
  - 4.1 A JESIP Champion has been established for each FRS to act as a single point of contact with the JESIP team.
  - 4.2 A consultation on the Joint Doctrine ran from 24 July – 19 August. All FRAs were encouraged to respond to this consultation.
  - 4.3 A Train the Trainer Programme will begin in September 2013 and a minimum of 2 trainers will be required from each FRS to attend a one day course at a location within each region. These colleagues will become licensed JESIP trainers.
  - 4.4 JESIP has identified two priority groups for interoperability training and each FRS has been asked to submit how many people this will affect in each service organisation.
  - 4.5 FRSs will need to work with local or regional partner agencies to deliver the priority JESIP Joint Training utilising Licensed JESIP trainer(s).

### **Retained Firefighters' Pensions**

5. DCLG launched a six week consultation on 23 July seeking views on the proposed terms of the Retained Firefighters' Pension Settlement to provide eligible retained firefighters with access to a modified pension scheme. In her response, Cllr Hammond reiterated the FSMC's view that the government should bear the non-employee scheme deficit costs and highlighted the significant challenges and additional costs for Fire Authorities associated with the implementation of the proposed regulations.
6. The original consultation document can be found [here](#) and the LGA response is included as **Appendix B**.

### **Outcome of Primary Authority meeting between Brandon Lewis MP and Michael Fallon MP**

7. The Minister and Michael Fallon MP met on 4 August to discuss Primary Authority and how it will progress. This was a very useful meeting resulting in ministerial agreement on taking forward the statutory scheme option and implementing it in April. The next steps will include a steering group in September where we expect BRDO to outline their plans for taking forward the legislative process including the timing of implementation.
8. The Minister also wrote in July expressing his desire to seek the views of CFOA and the LGA on implementing the pilots for both Primary Authority and the Fire Authority Partnership Scheme following the publication of the [independent evaluation report](#) in August. A copy of this letter is included as **Appendix C**.

### **Fire Control**

9. The Department for Communities and Local Government will publish an updated summary high-level national summary of the improvements being delivered by each project, timescales, projected savings and any additional benefits the project partnerships have subsequently identified on the 27 September. As well as providing a national summary, this document will also provide information on the individual Fire Control projects that are being developed by Fire and Rescue Authorities. This document will be circulated to FRAs in due course.

## **Appendix A**

### **Summary note - Communities and Local Government Select Committee evidence on the Knight Review**

**09 September 2013**

**Witnesses: Cllr Kay Hammond, Fires Service Management Committee, Local Government Association; Paul Fuller, Vice President Chief Fire Officers Association and Matt Wrack, Fire Brigades Union (FBU).**

On Monday 9 September the Communities and Local Government Select Committee took evidence from a panel of experts on the Knight Review of Fire and Rescue Services, during which the future of fire funding, the scale of efficiencies, the impact of staff reductions, the opportunities for further efficiency savings, collaboration of services, a fire inspectorate and the impact on national resilience were all discussed.

Committee chairman Clive Betts (Labour) opened the session by asking for the panel's thoughts on Sir Ken's argument that the different costs per head of population for delivering the fire service was 'inexplicable'. Paul Fuller noted that the use of cost per head was a "blunt measure" as a number of issues including density can explain the significant differences. Cllr Hammond also explained that local flexibility was needed and the Integrated Risk Management Plans were vital to the future, not measures of cost per head of population. These were points supported by Matt Wrack who noted the variations in the operational nature of each fire service and highlighted the strong coalition between cost and the number of call outs, a point the LGA had answered adequately in its research.

Panellists were asked for their thoughts on what should be included in grant distribution. Cllr Hammond pointed the Committee towards the LGA's modelling of the future funding of fire services and called for authorities to be given greater flexibility to raise the tax precept above two per cent thereby allowing local government to have a "conversation with the public" about the funding of the fire service. Paul Fuller suggested that we need to identify costs for the added value of societal outcomes which the fire and rescue service deliver (such as work with young people, community safety, flooding, road traffic accidents); whilst Matt Wrack felt a better question would be to ask what we want from our fire and rescue service. "We cannot keep cutting and expect us (the fire service) to deliver" he argued.

In response to questioning from Simon Danzuck (Labour), the panel gave examples of how further efficiencies could be made. This included standardisation throughout the fire brigade, further leadership training and integrated management and risk planning. Following this line of questioning, Bob Blackman (Conservative) asked whether it was possible for fire services to be delivered from within local authorities. Cllr Hammond called for "collaboration, not merger", highlighted the important role of community budgets in enabling public service transformation and noted how many local authorities were already working with volunteers to integrate services like community safety and health. Paul Fuller also noted that some people were delivering services, fire-fighting and community safety.

Andy Sawford (Labour Co-Operative) followed this by asking about whether there would be greater collaboration between blue-light services in the future. Paul Fuller agreed that there would be, a point supported by Cllr Hammond who highlighted the work of the Surrey Public Service Transformation Network in bringing together different emergency services and sharing equipment like defibrillators.

National resilience was raised by James Morris (Conservative), who noted that Sir Ken felt that his recommendations would have little impact on it. Paul Fuller disagreed as did Matt Wrack, who felt that with less resource you must impact on resilience. Cllr Hammond noted that the LGA was “surprised” that Sir Ken said so little on the subject in his report.

Mary Glendon (Labour) then queried whether it was time for a central inspectorate. Cllr Hammond strongly rejected the need for a regime of central inspection as the LGA and CFA had led on a Peer Challenge Regime that had to date reviewed 23 Fire Authorities and complete the process by the end of 2014. She also said that scrutiny, through local politicians, was an important part of the process. Sector Led Improvement was “a good thing”.

John Stevenson (Conservative) closed the session by asking whether reform should come from central or local government. Paul Fuller argued that it should be “issues based”, so that some parts of the service were reformed from the centre and others by local discretion. Matt Wrack noted the lack of joined up thinking and fragmentation; whilst any change to the 999 service should be a matter of “national debate”. Closing this part of the session, Cllr Hammond said it was vital that any process had local involvement, to identify community need. That is why the Integrated Risk Management Plans are so important. The process, she finished should be led by the LGA on behalf of local authorities and central government.

## **Appendix B**

### **Retained Firefighters' Pension Settlement Consultation response**

**Sent 3 September 2013**

Dear Brandon

The LGA Fire Services Management Committee welcomes the opportunity to respond to the Retained Firefighters' Pension Settlement Consultation. However we are concerned that the consultation period has been confined to just 6 weeks and that the consultation document was published during the traditional summer holiday period. This will impact on the ability of Fire and Rescue Authorities to consider and respond appropriately to the consultation and is contrary to the spirit of the government guidance on public consultations.

The granting of retrospective access for retained firefighters to the firefighters' pension scheme rightly corrects the discrimination that was the consequence of government policy and presided over by successive Secretaries of State. However, Fire and Rescue Authorities have not been party to the negotiations that have taken place between the government and union representatives. We would welcome a statement from government on the extent of the equivalence between the proposed settlement and the benefits that would have accrued to retained firefighters had they had access to the Firefighters 1992 Pension Scheme during the period 1 July 2000 and 5 April 2006. Any deviation from that equivalence and any resulting impact on the costs to the pension scheme should be explained.

### **Financing arrangements**

The consultation document states that "any scheme deficit will be recovered from employers by adjusting contribution rates over a period of 15 years". We wrote to the then Fire Minister Bob Neill MP on 30<sup>th</sup> August 2012 setting out FSMC's position on the question of allocating the responsibility for the non-employee scheme costs associated with retained firefighters' retrospective access the firefighters' pension scheme. FSMC expressed its concern about the allocation of these potentially large costs to Fire and Rescue Authorities. In the view of FSMC the government should bear the non-employee scheme deficit costs. As you stressed in the recent teleconference on pensions, the Firefighter Pension scheme "is statutory and the government stands behind it".

In summary, our main arguments for this position are:

- The terms of the firefighter pension schemes are set by ministers. There was no discretion locally to admit retained firefighters to the scheme during the period in question. If pension costs are to be borne by those responsible for the decision relating to them, then logically they should in the present case fall on central government, as it was the Secretary of State who decided that retained firefighters should not have access to the 1992 Scheme.

- The scheme deficit costs would not have been borne by employers had retained firefighters had access to the 1992 firefighters pension scheme between 1 July 2000 and 5 April 2006, as is acknowledged in your letter to Cllr Heaster on 15<sup>th</sup> November 2012. Instead, as your letter makes clear, the costs would only have accrued to Fire and Rescue Authorities as part of pension payments, and a substantial proportion of these costs would have been paid by government through the formula grant.
- The allocation of non-employee scheme deficit costs to employers would represent a new burden for fire and rescue authorities. It would be a new burden for those authorities that employed retained firefighters, because during the period in question fire and rescue authorities did not have responsibility for scheme deficit costs.
- In the case of fire authorities that did not employ retained firefighters, a proposal that they should contribute to the non-employee costs associated with the implementation of the Employment Tribunal Judgement is a new burden because those fire authorities did not employ any firefighters covered by regulation 5 of the Part-time Workers Regulations, which only imposes obligations on employers of part-time workers.

## **Implementation**

There are significant challenges and additional costs associated with the implementation of the proposed regulations. Fire and Rescue authorities will be required, under Rule 5A paragraph 4 of the draft order, to use reasonable endeavours to notify existing and former employees who may be entitled to join the scheme as a special member. "Reasonable endeavours" is not defined in the regulations which means that Fire and Rescue Authorities will need to take legal advice on this matter and could be subject to subsequent legal challenge.

Rule 5A Paragraph 9 of the draft order, which makes provision for Fire and Rescue Authorities to estimate pensionable pay, implicitly acknowledges the challenge that Fire and Rescue Authorities and individual firefighters could have in confirming the basic facts of the relevant employment histories. In such cases the process of determining pensionable pay will be problematic. It is not clear what dispute resolution, if any, might apply in such cases, but the process of determining entitlement in such cases will add to the burden on Fire and Rescue Authorities.

The regulations will allow those eligible to join the modified scheme to choose the start date, which can be the date first employed as a retained firefighter within the mandatory special period or some other date from within the relevant period. It is not clear whether or not Fire and Rescue Authorities will be required to provide to eligible individuals costed options for a range of possible start dates. If this is the case, it will add to the administrative costs associated with implementation.

The administrative costs for Fire and Rescue Authorities in implementing access to the modified pension scheme will be high, particularly for those Fire and Rescue Authorities that have traditionally had a large proportion of retained staff. As set out, the Order seems to

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allow for a high level of flexibility for eligible persons in taking up the opportunity to join the scheme; this might be appropriate and will be welcomed by eligible individuals. However, the level of proposed flexibility, taken together with the lack of clarity around certain aspects of the implementation process, as set out above, will add to the administrative and risk mitigation costs. The government should provide additional funding to Fire and Rescue authorities to support the implementation of the modified scheme.

**Conclusion**

Fire and Rescue Authorities are already facing substantial challenges in addressing funding reductions, leading to staffing reductions, fire station closures and fewer fire safety checks. Placing additional financial burdens on Fire and Rescue Authorities in the form of additional employer contributions and the costs associated with implementing the modified scheme will further exacerbate an already very difficult financial situation. In the view of the FSMC the government should bear these costs.

Yours sincerely,



Cllr Kay Hammond  
Chairman, LGA Fire Services Management Committee