

Supplemental Agenda

Fire Services Management Committee

Friday 8 July 2022

11.00 am

Item	Page
2. Fire Reform White Paper - draft LGA response	1 - 24



Government white paper: “Reforming our fire and rescue service”

Purpose of report

For decision.

Summary

The report sets out the LGA’s draft response to the Home Office’s Fire Reform White Paper proposals. Members’ views are sought on the narrative response to the White Paper and the individual responses to the questions in the White Paper set out in the appendices.

Is this report confidential? Yes No

Recommendations

Members are asked to:

- (a) Consider and comment on the LGA’s draft narrative response and answers to the individual questions in the Fire Reform White Paper; and
- (b) Agree in principle the draft narrative response and answers to the individual questions.

Actions

Members comments will be used to revise the LGA’s draft response, which will then be finalised with the Committee’s Lead Members.

Contact officer: Lucy Ellender
Position: Senior Adviser
Phone no: 07917 833058
Email: lucy.ellender@local.gov.uk

Government white paper: “Reforming our fire and rescue service”

Background

1. On 18 May the Home Office published their White Paper: “Reforming our Fire and Rescue Service: Building professionalism, boosting performance and strengthening governance”.
2. The White Paper covers a range of issues, including the Government’s priorities of People, Professionalism and Governance.

Issues

3. Following on from previous discussions at FSMC and Fire Commission, officers have put together a narrative response to the White Paper (**Appendix A**) as well as answering the questions set out in the White Paper (**Appendix B**). We also received a small number of responses from Fire and Rescue Authorities (FRAs) directly whose views we have tried to reflect where possible.
4. Members are asked for their comments on the draft responses set out in the two appendices, and to agree their content in principle. In particular members’ views are sought on the following areas within the White Paper:
5. Governance
 - 5.1. **Transfer of governance:** The response emphasises the importance of local determination around governance and our opposition to mandatory transfers of governance from existing FRAs. As members will recall the White Paper invites suggestions on how the Home Office’s objective of having a single elected individual accountable for governance can be achieved. As agreed we have included two options for how the Government could seek to undertake reform while retaining the current FRA models.
 - 5.2. **Operational independence and balanced leadership model:** The response states that we feel that appropriate schemes of delegation and constitutions are sufficient to provide operational independence. In terms of the balanced membership model the response currently emphasises the importance of local approaches towards decision making and emphasised that there will often be strategic and operational elements to decisions, with both playing an integral part of making services better. We have not given particular feedback on what’s included within the table in the White Paper on page 31, however the response states that the LGA should be involved in any further discussions on the demarcation of decision making.
 - 5.3. **Corporation sole:** The response states that the LGA does not agree with the introduction of corporation sole, as operational independence can be achieved through other means. This is especially important in a county council context. In

terms of ring fenced budgets we have received different views on that issue but have highlighted some of the positives for counties that can come as a result of being a part of county councils.

- 5.4. **Clear distinction between strategic and operational planning:** The split between operational and strategic planning has received mixed views from membership, some feel that the IRMP should remain under the purview of the FRA, some agree with the split.
6. People
- 6.1. **Industrial relations and pay machinery:** The response currently welcomes the independent review, however it also tries to provide a balanced picture of the workings of the tripartite agreements.
- 6.2. **Modern working practices:** Whilst the draft agrees that flexibility is helpful, the importance of a locally agreed CRMP based on local risks is the basis for any further work. The draft also notes that flexibility is only possible within existing terms and conditions and questions whether the proposals in the White Paper would achieve a significant difference in chief fire officers ability to deploy their services' resources.
- 6.3. **Nurturing new and existing talent:** The draft states we would wish to see that any new entry requirements are proportionate and the implications of raising entry requirements have been fully considered. We have concerns regarding their potential impact on equality, diversity and inclusion as well as on on-call firefighter recruitment.
7. Professionalism
- 7.1. **21st Century Leadership course:** The draft suggests we need to understand what skills leaders and future leaders in Fire and Rescue Services will need in the future before designing leadership courses.
- 7.2. **Core Code of Ethics:** The draft currently suggests that since legislation can take time to come into force FRAs should get on with embedding the Core Code of Ethics now to drive change. There needs to be some consideration of county staff within this as well.
- 7.3. **The Fire Service Oath:** The draft outlines some potential concerns regarding the proposed Oath, and that other mechanisms could be used to achieve the same outcomes.
8. Other key issues
- 8.1. **Funding and Pensions:** The draft outlines the impact the pension system is currently having on the ability of authorities to attract and retain senior officers including chief fire officers.

Implications for Wales

9. Fire and rescue policy is a devolved responsibility, and the White Paper predominantly only applies to English Fire and Rescue Authorities and Services. However some of the

proposals in the White Paper, such as those to reform the industrial relations and pay machinery could have UK wide implications and impact on Welsh Fire and Rescue Authorities. Where the proposals impact on Welsh FRAs we will work with the WLGA.

Financial Implications

10. There are no direct financial implications arising from the report for the LGA, as any future work related to the White Paper and the Home Office's reform programme will be taken forward through existing resources. There will be implications arising from the White Paper's proposals for individual FRAs and the sector as a whole and we will seek to address these during our work going forward.

Next steps

11. Members' comments on the LGA's draft narrative response and answers to the individual questions in the White Paper will be reflected in the final version of the LGA's response. FSMC's Lead Members will then agree the final version of the LGA's response before it is submitted to the Home Office.

Appendix A

Initial draft – overall narrative

About the Local Government Association (LGA)

The Local Government Association (LGA) is the national voice of local government, and our members include councils and fire and rescue authorities. We work with our members to support, promote and improve local government.

We are a politically-led, cross party organisation which works on behalf of councils and all fire and rescue authorities, PFCCs and Deputy Mayors for fire, to ensure local government has a strong, credible voice with national government.

The LGA will respond to the questions, however we also wished to highlight a number of issues in our response in more detail.

The White Paper

We welcome the opportunity to respond to the Government's Reforming our Fire and Rescue Service White Paper.

As with any public service we recognise that we need to evolve and build on our successful track record to continue to protect our local communities and save lives. We are committed to ensuring that local communities get the right protection, prevention and response services, which meet local needs and risks, and that our organisations are led by trusted and skilled operational and political leadership working in partnership. We wish to ensure that the fire and rescue service can continue to deliver and enhance its services into the future.

The work that the LGA, the National Employers (England) and the National Fire Chiefs Council have done on Fit for the Future outlines our ambitions on how the sector can and should improve over the next five years. It contains 12 improvement objectives covering services delivery, leadership, people and culture and national infrastructure and support. We feel these objectives will drive improvement in the sector, with the right investment and resources to support our ambitions.

We welcome some aspects of the White Paper to support us in these ambitions however, we do have a number of concerns about some of the proposals and feel further work and clarity is necessary.

Governance

We believe it should be for local areas to decide on how they should be governed, and there should be no forced transfers of governance. We note the Government's preference for a "single, elected – preferably directly elected – individual who is accountable for the service rather than governance by committee". This would represent a significant change for the majority of fire and rescue services, most of which are currently managed by combined fire authorities or metropolitan fire authorities.

As with levelling up, real change and improvement within the sector and communities will be more successful if local councils and fire and rescue services are empowered to decide what their local governance structure will be, based on the needs of their communities. Therefore, transfers of governance should only take place where there has been local agreement to the transfer.

We welcome that no mandatory transfers of governance have been proposed and local discussions will take place where there is disagreement. In discussions with the local area, local support for any change of governance should be given the principal weighting in making any determination on the future of the service, therefore empowering local decision makers.

This will not only help to ensure that local areas can determine what works best for them and their communities but will make the process less open to challenge if people can be sure that local support has been given the value that it deserves in any assessment process.

The current tests of economy, efficiency, effectiveness, and public safety provide clear criteria for any transfer of governance where there is local opposition. There should also be consideration of local performance as a part of any transfer process. It is clear from the inspection process that there are a wide variety of service performances, regardless of governance type. The LGA has also previously suggested that a panel could help to make any assessment of the business case for any contested transfers of governance. This should be given further consideration for the future.

If the Government is minded to pursue the change to executive leadership, there are alternatives that could be considered within existing structures rather than a significant reorganisation of governance. These should be given as alternatives to local areas where any disputes arise to a proposed transfer of governance to a Mayor or PFCC or local areas should be allowed to formulate their own proposals. Option 1 would require primary legislation to introduce, however, we believe Option 2 could be introduced without legislation. These are illustrative models and other ones may be more appropriate depending on local circumstances and needs:

- 1) Create a cabinet/scrutiny model for governance on both metropolitan authorities and combined authorities.
- 2) Metropolitan and combined authorities reorganise themselves to create a small management committee to exercise an authority's executive functions, which would then be scrutinised and supported by/accountable to the full authority.

If the Government does undertake a review of the Fire Framework with the intention of strengthening and clarifying the legal basis for fire and rescue authorities the LGA would wish to be included in any discussions that might affect the running of fire and rescue authorities.

In terms of scrutiny, if Police and Crime Panels (PCPs) are intended to take on the role of scrutinising fire as well as police, they need to be given appropriate resources to do so. We are aware of variations on how much funding is claimed by PCPs, however to include a new policy area under their purview will require further time, training and resources to ensure they can fulfil any new burdens appropriately. Another alternative would be to allow individual areas to create their own fire panel, separate from the PCP. This would require adequate funding from Government.

Operational independence and balanced leadership model

Through appropriate schemes of delegation and constitutional arrangements, operational independence is effectively in place across many fire and rescue services, with local circumstances playing a role in how those schemes work in individual services.

Both the operational and political leadership of the sector have distinct and complementary roles to play. There should be a clear understanding between each of what their respective

roles are, however, it should be for local areas to determine how best to resolve issues and work at a local level, based on clear principles of good governance, such as those outlined in our document "[Leading the fire sector](#)".

There should be a mature level of discussion and challenge to ensure that services are delivering for their communities. Mutual trust and honest communication should characterise the relationship between chief fire officers and their governance structures. Both will bring their own expertise and experiences into discussions on the service, which will ensure that better outcomes are achieved. As democratic representatives of their community FRAs have a duty to ensure that that voice is properly represented in decisions affecting the running of the service, whilst also having due regard for the professional expertise of their chief fire officer.

By working together with clear processes for resolving issues, and discussions over issues such as closing fire stations, staff, crewing levels, etc and their impact on budgets and the estate, this should lead to the right decisions being made at a local level. This is especially important as FRAs are the employer, not the chief fire officer, as well as holding responsibility for the estate and the budget.

There will be times when there will be both strategic and operational elements to a decision. Crewing is a particular example where there are both strategic and operational issues that should be considered – for instance a change to crewing could mean that a station changes from 24-hour crewing to day crewing plus or retained. The impact on the local community must therefore be a fully considered and appropriately represented in any decision making alongside the operational elements of any change.

We would welcome the opportunity to input further into this as the government seeks to define the balanced leadership model. For instance the proposals around who would be responsible for senior management appointments (beyond the Chief Fire Officer) are a concern.

Corporation sole

We do not believe that chief fire officers should be made corporations sole, especially as operational independence can be achieved more appropriately through other means. The White Paper states that for chief constables corporation sole means that they are a legal entity in their own right, the employers of all those who work for the police force and gives them legal authority over certain decisions and functions. This would represent significant change for the sector, especially as FRAs are the employers, not the chief fire officer.

In particular for county fire services this would cause very significant difficulties in their operation. Many county chief fire officers sit within a wider strategic management team structure within a county council, rather than at chief executive level. In county fire and rescue service there maybe challenges over the employment of staff, the ownership and disposal of the estate, difficulties may also be created for back office functions such as IT, HR and legal advice which are a part of the county council and how these would be paid for. If these issues are to be resolved new legislation would be needed to regulate and resolve these issues in advance of any introduction of corporation sole.

Ring fenced budgets could potentially also play into the difficulties facing counties as a result of this change and would need careful consideration. Integration, access to wider council funding pots, and joint working across a county council can have positive benefits to the public and this should also be weighed when looking at any changes that would potentially

restrict flexible working. Careful consideration is needed to ensure that there are no unintended outcomes from ring fencing.

Clear distinction between strategic and operational planning

We wish to ensure that there is a clear line of accountability in any proposed changes. The chief fire officer will need to provide assurance that they are meeting the strategic objectives as set out within any strategic plan, or the IRMP if this stays the same. We know that this separation is in place in Mayoral areas and PFCC areas.

People

Industrial relations and pay machinery

We welcome the opportunity to participate in the independent review proposed by the Government to review the current pay negotiation machinery and consider the potential of any alternative proposals to achieve similar results. There is always an opportunity to learn from best practice in other sectors and improve, however we are supportive of the work of the National Employers and the National Joint Council (NJC). The LGA recognises the importance of stability in the sector which existing arrangements have helped to provide over recent years.

It should also be noted that the NJC is a national body covering all four nations in the UK, rather than just an English body. This must be given due consideration when conducting any independent review of the machinery.

The White Paper suggests that the national negotiation mechanisms have been a barrier to a “rapid and flexible response” and has resulted in services “struggling to adapt”, with chief fire officers being unable to deploy resources as they see fit. The White Paper particularly mentions the tripartite agreements as an example of this in practice.

Our view is that the tripartite agreements enabled local flexibility and work, rather than hindering the process. Without the tripartite agreements, it would have meant that each local area would have had to negotiate individually with the Unions about what work they could do, taking up valuable time and resources that could have been spent elsewhere in responding to the pandemic.

Those who were engaged in work as result of the tripartite agreements were volunteering to be a part of the response to the pandemic, as this work was outside of their current terms and conditions.

Modern Working Practices

The White Paper proposes that chief fire officers should have the flexibility to deploy their resources to help address current and future threats as well as play an active role in the wider health and public safety agenda.

As a part of our work on Fit for the Future we have said that local areas must have a clear understanding of the risks that they face through a high-quality and evidence-based community risk management plan, based on an assessment of risks within their area and the best way to address them. Each service will balance the deployment of its resources to match its plan and the local risks identified. Services will work to protect the most vulnerable people in their communities, tackling the health inequalities that put their wellbeing at risk,

this could include a variety of work, dependent on local circumstances and needs. It would also be subject to have the appropriate equipment, training, and resources to do so.

It must be recognised however, that asking fire service employees to undertake other work and duties is only possible within what is permitted within current terms and conditions, and any significant deviation may result in the need to negotiate changes. Fire services would also need the appropriate resources, as well as staff with the right training and equipment to do so.

We would question whether even if chief fire officers had had operational independence or were the employers (through corporation sole) during the pandemic, they would have been able to deploy their resources against employees' terms and conditions. They would still have needed to rely on volunteers or re-negotiate roles at a local level.

The strong unionisation within the sector is not likely to change, meaning that chief fire officers may need to negotiate at a local level, with unions with a strong national presence. This will require significant time and resources and may lead to greater fragmentation. Any changes to the role of chief fire officers should be carefully considered within this context.

Nurturing new and existing talent

The LGA would wish to ensure that any new entry requirements are proportionate and the implications of raising of entry requirements have been fully considered. We wish to ensure that staff have the skills, talents, and values that we need to make them effective firefighters and we would not wish to see people who have the right attributes unable to join the service due changes in entry requirements. There may be unintended consequences of an increase in entry requirements on equality, diversity and inclusion in the sector which must be carefully considered. There are also particular concerns around the introduction of different entry requirements for on-call staff. It is well documented that there are issues throughout the country recruiting on-call staff, and we would not wish to see this exacerbated any further.

We agree that an array of roles could benefit from a direct talent and management scheme, from station and area manager to senior management. The fire and rescue service should be open to talent from across different sectors, and we would not wish local flexibility to appoint the right person for the role to be hampered. This should also be considered when looking at the introduction of a new 21st Century Leadership Course.

As outlined in Fit for the Future we believe that services should focus their investment in the selection, training, and development of employees to maintain, support and improve their skills throughout their careers, underpinned by effective local strategies for workforce development with clear competence standards to workforce performance.

Professionalism

21st Century Leadership course

We agree that effective leadership plays a crucial role in driving the performance of the sector, therefore we would wish to ensure that any 21st Century leadership course takes in the whole range of leadership and managerial issues likely to face the fire service going forwards to ensure that it is fit for purpose in preparing future leaders. There needs to be consideration given to how the sector should develop in the future and therefore what skills chief fire officers need as they progress. There are a wide range of issues that could be usefully covered by such a course that would support the development of the sector and its leadership.

There are a number of existing programmes and frameworks in the sector currently that can usefully be the starting point for the development of any new Government programme.

However, we do not feel that this should be mandatory for chief fire officers. This gives no flexibility to local areas for who they might appoint as the most appropriate professional leader for their local area. There may be local circumstances which will play into this decision, based on particular challenges and issues affecting the fire service. We would not wish to see fire and rescue authorities pool of candidates for senior management positions limited.

College of fire

The LGA welcomes the Government's commitment to support the sector through a new College. We would wish to ensure however, that the College has the funding from Government that it needs to support the college into the long term.

Ethics and Culture

Code of Ethics

The LGA is committed to ensuring that the sector has an inclusive and welcoming culture, underpinned by the Core Code of Ethics and associated standards, as outlined in Fit for the Future.

The LGA, NFCC and APCC worked together to create the Core Code of Ethics, which was introduced in May 2021. It is currently being embedded in services across the country and it was developed by the sector, for the sector. Whilst we understand the reasoning for making a code of ethics statutory, legislation will take time to come into force and there are mechanisms in place such as the standard and HMICFRS to ensure that it is being adhered to currently. We would not want there be ambiguity for fire and rescue services around the importance of implementing and embedding the Core Code of Ethics whilst awaiting any new legislation.

If the Government are minded to make the Core Code of Ethics statutory, some consideration must be given for how this would work within a county council context, where there maybe different codes of conduct that staff would be expected to adhere to. It should also be noted that if the enforcement for the code is placed on chief fire officers, they are not the employer of staff (unless made corporations sole).

Fire and Rescue Oath

We have concerns about the introduction of a mandatory oath for the fire and rescue service. Whilst we support the Government's drive to ensure that the culture of the service is inclusive and welcoming, underpinned by clear ethical principles, there are other mechanisms that can be used to achieve the same outcomes. For instance the work on the Core Code of Ethics and making sure that that is fully embedded across services. FRAs will play a key role in setting expectations around the Core Code as well.

Police officers undertake an oath when appointed as servants of the crown, they are independent legal officials with personal liability for their actions, and separate from political influence over their roles. This is a different role to firefighters, who are directly employed by FRAs to carry out their duties.

There are also particular concerns about whether or not staff who have been in the service for a significant period of time would be receptive to the introduction of an Oath, especially if there have never been any concerns regarding their behaviour. This would make it

challenging to introduce, especially if it was mandatory, across the whole of the service where the possibility of making it into an employment issue might undermine the intent.

Other key issues

Funding and Pensions

The service needs to ensure that it has the resources and staffing it needs to meet its ambitions for the future.

We are concerned that there are other issues it would be helpful to consider when looking at the reform of the sector. We are aware that a number of chief fire officers have felt compelled to retire due to issues around pensions tax. Pensions tax issues are reportedly having an impact on the ability of the sector to attract and retain chief fire officers and other senior officers, and we expect this issue to persist for a significant period of time prior to a new cohort of chiefs with different pensions arrangements ready to take up the reigns. We would not want to see the talent pool shrink any further, particularly where this may negatively impact on equality, diversity and inclusion

Across public sector workforces, anecdotal evidence suggests that an increasing number of scheme members are incurring year on year tax charges and potentially incurring numerous scheme pays debits. There is a growing concern across employers, that their employees are making decisions such as not pursuing promotion or opting out of the scheme to avoid further pension growth. For the smaller workforces in particular, this concern can lead to a smaller talent pool to recruit from.

In 2019, the Firefighters' Pensions (England) Scheme Advisory Board undertook a data collection exercise to seek evidence from FRAs on the impact of pensions tax within their organisations. The [summary report presented to the Board on 14 March 2019](#) clearly demonstrates the level of concern.

The position will be somewhat mitigated in the long-term due to all pension scheme members building up service in the reformed 2015 scheme from 1 April 2022, which has a less generous accrual rate, is based on career-average earnings rather than final salary and has a later normal retirement age of 60. However, individuals with a significant length of service in the 1992 scheme who achieve a substantial promotion are still likely to incur an unwanted tax charge and subsequent reduction to their pension benefits.

The Board has a long-standing action to consider whether a business case can be put forward to government to request more flexibility across the scheme to allow individuals to manage their pension growth more effectively, while noting that evidence of impact on frontline services would be essential. One suggestion would be the introduction of a 50/50 scheme as in the Local Government Pension Scheme where members pay half the contribution rate and build up half the benefit. Increased education and access to independent financial advice would also be greatly welcomed.

Appendix B

People

Modern Working Practices

Q1: To what extent do you agree/disagree that fire and rescue services should have the flexibility to deploy resources to help address current and future threats faced by the public beyond core fire and rescue duties?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Public Safety

Q2: To what extent do you agree/disagree that fire and rescue services should play an active role in supporting the wider health and public safety agenda?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Business Continuity

Q3: To what extent do you agree/disagree that the business continuity requirements set out in the Civil Contingencies Act 2004 provide sufficient oversight to keep the public safe in the event of strike action?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Pay Negotiation

Q4: To what extent do you agree/disagree that the current pay negotiation arrangements are appropriate?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q5: Please provide the reasons for your response

We welcome the opportunity to participate in the independent review proposed by the Government to review the current pay negotiation machinery and consider the implications of any alternative proposals to achieve similar results. There is always an opportunity to learn from best practice in other sectors and improve, however we are supportive of the work of the National Employers and the National Joint Council (NJC). The LGA recognises the importance of stability in the sector which existing arrangements have helped to provide over recent years.

It should also be noted that the NJC is a national body covering all four nations in the UK, rather than just an English body. This must be given due consideration when conducting any independent review of the machinery.

Nurturing New and Existing Talent

Q6: To what extent do you agree/disagree that consistent entry requirements should be explored for fire and rescue service roles?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q7: Please provide the reasons for your response.

The LGA would wish to ensure that any new entry requirements are proportionate and the implications of raising of entry requirements have been fully considered. We wish to ensure that staff have the skills, talents and values that we need to make them effective firefighters and we would not wish to see people who have the right attributes unable to join the service due changes in entry requirements.

There maybe unintended consequences of an increase in entry requirements on equality, diversity and inclusion in the sector which must be carefully considered. There are also particular concerns around the introduction of different entry requirements for on-call staff. It is well documented that there are issues throughout the country recruiting on-call staff, and we would not wish to see this exacerbated any further.

Q8: To what extent do you agree/disagree that other roles, in addition to station and area managers, would benefit from a direct entry and talent management scheme?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Professionalism

A 21st Century Leadership Offer

Q9: To what extent do you agree/disagree with the proposed introduction of a 21st century leadership programme?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q10: Please provide reasons for your response.

We would wish to ensure that any 21st Century leadership course takes in the whole range of leadership and managerial issues likely to face the fire service going forwards to ensure that it is fit for purpose in preparing future leaders. There needs to be consideration given to how the sector should develop in the future and therefore what skills chief fire officers need as they progress. There are a wide range of issues that could be usefully covered by such a course that would support the development of the sector and its leadership.

We do not feel that this should be mandatory for chief fire officers. This gives no flexibility to local areas for who they might appoint as the most appropriate professional leader for their local area. There may be local circumstances which will play into this decision, based on particular challenges and issues affecting the fire service. We would not wish to see fire and rescue authorities pool of candidates for senior management positions limited.

Existing work on leadership also needs to be considered and built on as part of any leadership programme. Fit for the Future (FfF), an initiative developed in a partnership

between the National Employers (England), the Local Government Association (LGA) and the National Fire Chiefs Council (NFCC) sets out a joint picture of the future for all fire and rescue services in England. Leadership, People and Culture is a key theme of FfF and clear ambitions around this have been developed following extensive engagement across fire and rescue authorities (Chairs, Portfolio holders, PFCCs and Deputy Mayors) and within fire and rescue services (CFOs and other senior managers). This includes the development of common approaches and leadership frameworks that set out service values, expectations, and behaviours. Any work around the development of a leadership programme should be informed by and compliment FfF.

Q11: To what extent do you agree/disagree that completion of the proposed 21st century leadership programme should be mandatory before becoming an assistant chief fire officer or above?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Smarter Use of Data

Q12: To what extent do you agree/disagree that each of the activities outlined above are high priorities for helping improve the use and quality of fire and rescue service data?

- A national data analytics capability.
- Data-focused training.
- Consistent approaches to structuring data
- Clear expectations for data governance
- Securing data-sharing agreements.

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Q13: What other activities, beyond those listed above, would help improve the use and quality of fire and rescue service data? Please give the reasons for your response.

Accurate data is critical to driving improvements in the way the service is deployed, managed and evaluated. The LGA welcomes initiatives to improve this including the development of a national data analytics capability that will serve the needs of all Fire and Rescue Services.

Across all the areas of improvement identified in Fit for the Future (FfF) there is a need for current accurate data to further support change. This needs to be supported by better use of digital and technology solutions to ensure maximum benefit can be achieved in delivering the service to the public. Using data to better understand the needs of the workforce and to direct resources where they are needed to provide the best development and support to them.

An additional priority should be the replacement of the current Incident Recording System with a modern National Fire Data Collection System (NFDCS) that meets the needs of the service.

It is also important that there is a longer-term plan for investment and development in developing data and digital capabilities that supports better service delivery to the public.

We would also welcome any national efforts to improve data governance and overcome data sharing barriers between partners, particularly with health and police.

Research

Q14: To what extent do you agree/disagree that each of the activities outlined above are high priorities for improving the use and quality of fire evidence and research?

- Collaborating
- Commissioning
- Conducting
- Collating

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Q15: What other activities, beyond those listed above, would help improve the use and quality of evidence and research on fire and other hazards? Please provide the reasons for your responses.

The priorities above set out important ways to improve the use and quality of evidence and research. We would like to see research that provides greater insight into early intervention and prevention, supporting FRSs to target work effectively and identify new and innovative ways to prevent fires and other emergencies.

Additional activities could include learning from recent events and incidents, as well as debriefs from other industries and sectors and research findings from academia both from the UK and internationally and feedback from HMICFRS.

Code of Ethics

Q16: To what extent do you agree/disagree with the creation of a statutory code of ethics for services in England?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Q17: To what extent do you agree/disagree that placing a code of ethics on a statutory basis would better embed ethical principles in services than the present core code of ethics?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Q18: To what extent do you agree/disagree that the duty to ensure services act in accordance with the proposed statutory code should be placed on operationally independent chief fire officers?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Q19: To what extent do you agree/disagree with making enforcement of the proposed statutory code an employment matter for chief fire officers to determine within their services?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Fire and Rescue Service Oath

Q20: To what extent do you agree/disagree with the creation of a fire and rescue service oath for services in England?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Q21: Please give the reasons for your response.

We have concerns about the introduction of a mandatory oath for the fire and rescue service. Whilst we support the Government's drive to ensure that the culture of the service is inclusive and welcoming, underpinned by clear ethical principles, we would say this is best done through work on the Core Code of Ethics, rather than through an Oath. There are particular concerns about whether or not staff who have been the service for a significant period of time would be receptive to the introduction of an Oath, especially if there have never been any concerns regarding their behaviour.

Q22: To what extent do you agree/disagree that an Oath would embed the principles of the Code of Ethics amongst fire and rescue authority employees?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Q23: To what extent do you agree/disagree with an Oath being mandatory for all employees?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Q24: To what extent do you agree/disagree that breach of the fire and rescue service oath should be dealt with as an employment matter?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Professionalism Summary

Q25: To what extent do you agree/disagree that the five areas listed above are priorities for professionalising fire and rescue services?

- Leadership
- Data
- Research
- Ethics
- Clear Expectations

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Q26: What other activities, beyond the five listed above, could help to professionalise fire and rescue services?

The 'Leadership, people and culture' theme (Theme 2) in Fit for the Future sets out a range of improvement objectives including competence, attracting, and retaining employees, and inspirational and inclusive leadership. A range of activities to support these objectives have been developed and these should be considered by government as part of any future work on professionalism.

Independent Strategic Oversight

A College of Fire and Rescue

Q27: To what extent do you agree/disagree with the creation of an independent College of Fire and Rescue to lead the professionalisation of fire and rescue services?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Q28: Please provide your reasons for your response

The LGA welcomes the Government's commitment to support the sector through a new College. This should complement and build on the existing work currently happening in this space for example by the NFCC workstreams. The cost of setting up and maintaining an independent body should be fully met by government.

Governance

Governance Structures

Q29: To what extent do you agree/disagree that Government should transfer responsibility for fire and rescue services in England to a single elected individual?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Q30: What factors should be considered when transferring fire governance to a directly elected individual?

Please provide the reasons for your response.

We believe it should be for local areas to decide on how they should be governed, and there should be no forced transfers of governance. We note the Government's preference for a "single, elected – preferably directly elected – individual who is accountable for the service rather than governance by committee". This would represent a significant change for the majority of fire and rescue services, most of which are currently managed by combined fire authorities or metropolitan fire authorities.

As with levelling up, real change and improvement within the sector and communities will be more successful if local councils and fire services are empowered to decide what their local governance structure will be, based on the needs of their communities. Therefore, transfers of governance should only take place where there has been local agreement to the transfer.

We welcome that no mandatory transfers of governance have been proposed and local discussions will take place where there is disagreement. In discussions with the local area, local support for any change of governance should be given the principal weighting in making any determination on the future of the service, therefore empowering local decision makers.

This will not only help to ensure that local areas can determine what works best for them and their communities but will make the process less open to challenge if people can be sure that local support has been given the value that it deserves in any assessment process. The current tests of economy, efficiency, effectiveness and public safety provides clear criteria for any transfer of governance where there is local opposition. There should also be consideration of local performance as a part of any transfer process. It is clear from the inspection process that there are a wide variety of service performances, regardless of governance type. The LGA has also previously suggested that a panel could help to make any assessment of the business case for any contested transfers of governance. This should be given further consideration for the future.

The Mayoral Model

Q31: Where Mayoral Combined Authorities already exist, to what extent do you agree/disagree that fire and rescue functions should be transferred directly to these MCAs for exercise by the Mayor?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Police and Crime Commissioners

Q32: To what extent do you agree/disagree that Government should transfer responsibility for fire and rescue services in England to police and crime commissioners?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Other Options, such as an executive councillor

Q33: Apart from combined authority mayors and police and crime commissioners, is there anyone else who we could transfer fire governance that aligns with the principles set out above?

Yes No

Q34: If yes, please explain other options and your reasons for proposing them.

Whilst we do not agree that there should be any transfers of governance where it is not agreed and supported locally, we have considered options for how you might change the current governance structures to meet the criteria set out within the White Paper, depending on discussions locally.

Option 1: Primary legislation could be introduced to create a cabinet/scrutiny model for governance on both metropolitan authorities and combined authorities. Primary legislation would be necessary as the provisions that apply to councils do not currently apply to fire and

metropolitan and combined fire and rescue authorities. Introducing this option would enable authorities to organise themselves along the principles set out within the White Paper but would not involve a transfer of governance if that was not what the local area supported.

Option 2: alongside or as an alternative to Option 1 the LGA proposes that metropolitan and combined authorities reorganise themselves to create a small management committee to exercise an authority's executive functions, which would then be scrutinised and supported by/accountable to the full authority.

Officers' understanding is that current legislation permits this for metropolitan authorities and for combined authorities whose combination orders allow the appointment of committees or sub-committees. This option could be achieved without the introduction of primary legislation.

Q35: To what extent do you agree or disagree that the legal basis for fire and rescue authorities could be strengthened and clarified?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Q36: Please provide the reasons for your response

If the Government does undertake a review of the Fire Framework with the intention of strengthening and clarifying the legal basis for fire and rescue authorities the LGA would wish to be included in any discussions that might affect the running of fire and rescue authorities.

Boundaries

Q37: To what extent do you agree/disagree that boundary changes should be made so that fire and rescue service areas and police force/combined authorities (where present) areas are coterminous?

Strongly agree / Agree / Neither agree nor disagree / Disagree/ Strongly disagree

Fire Funding

Q38: To what extent do you agree/disagree with ring-fencing the operational fire budget within fire and rescue services run by county councils and unitary authorities?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

Q39: Please provide the reasons for your response.

Integration, access to wider council funding pots, and joint working across a county council can have positive benefits to the public and this should also be weighed when making any consideration on changes. Ring fenced budgets would need careful consideration to ensure that there are no unintended outcomes.

A Balanced Leadership Model

Q40. To what extent do you agree with this proposed approach (as outlined in the table above)?

Strongly agree *Agree* *Neither agree nor disagree* *Disagree* *Strongly disagree*

Q41. Do you have any other comments to further support your answer?

We would welcome the opportunity to input further into this as the government seeks to define the balanced leadership model. For instance the proposals around who would be responsible for senior management appointments (beyond the Chief Fire Officer) are a concern. We would wish to ensure that there is still local flexibility and discretion in any leadership model

Q42. Are there any factors we should consider when implementing these proposals?

Q43: What factors should we consider when giving chief fire officers operational independence?

Please provide the reasons for your opinions.

Through appropriate schemes of delegation and constitutional arrangements, operational independence is effectively in place across many fire and rescue services, with local circumstances playing a role in how those schemes work in individual services.

Both the operational and political leadership of the sector have distinct and complementary roles to play. There should be a clear understanding between each of what their respective roles are, however, it should be for local areas to determine how best to resolve issues and work at a local level, based on clear principles of good governance.

There should be a mature level of discussion and challenge to ensure that services are delivering for their communities. Mutual trust and honest communication should characterise the relationship between chief fire officers and their governance structures. Both will bring their own expertise and experiences into discussions on the service, which will ensure that better outcomes are achieved. As democratic representatives of their community FRAs have a duty to ensure that that voice is properly represented in decisions affecting the running of the service, whilst also having due regard for the professional expertise of their chief fire officer.

By working together with clear processes for resolving issues, and discussions over issues such as closing fire stations, staff, crewing levels, etc and their impact on budgets and the estate, this should lead to the right decisions being made at a local level. This is especially important as FRAs are the employer, not the chief fire officer, as well as holding responsibility for the estate and the budget.

There will be times when there will be both strategic and operational elements to a decision. Crewing is a particular example where there are both strategic and operational issues that should be considered – for instance a change to crewing could mean that a station changes from 24-hour crewing to day crewing plus or retained. The impact on the local community must therefore be a fully considered and appropriately represented in any decision making alongside the operational elements of any change.

As the ones who set the strategic direction for the service, there should be consideration made for councillor/governance involvement in a wider range of appointments than just the chief fire officers. This is especially important for the wider strategic management team, who will deliver on the strategic priorities of the FRA, therefore there should be a degree of member involvement in their appointment to ensure that the FRA has confidence in their ability to deliver on their strategic priorities.

We would welcome the opportunity to input further into this as the government seeks to define how the balanced leadership model would work.

Legal Entity of Chief Fire Officers

Q44: What factors should we consider should we make chief fire officers corporations sole?

We do not believe that chief fire officers should be made corporations sole, especially as operational independence can be achieved more appropriately through other means. The White Paper states that for chief constables corporation sole means that they are a legal entity in their own right, the employers of all those who work for the police force and gives them legal authority over certain decisions and functions. This would represent significant change for the sector, especially as FRAs are the employers, not the chief fire officer.

In particular for county fire services this would cause very significant difficulties in their operation. Many county chief fire officers sit within a wider strategic management team structure within a county council, rather than at chief executive level. In county fire and rescue service there maybe challenges over the employment of staff, the ownership and disposal of the estate, difficulties may also be created for back office functions such as IT, HR and legal advice which are a part of the county council and how these would be paid for. If these issues are to be resolved new legislation would be needed to regulate and resolve these issues in advance of any introduction of corporation sole.

Clear Distinction Between Strategic and Operational Planning

Q45: To what extent do you agree or disagree that the responsibility for strategic and operational planning should be better distinguished?

Strongly agree *Agree* *Neither agree nor disagree* *Disagree* *Strongly disagree*

Q46: To what extent do you agree or disagree that the strategic plan should be the responsibility of the fire and rescue authority?

Strongly agree *Agree* *Neither agree nor disagree* *Disagree* *Strongly disagree*

Q47: To what extent do you agree or disagree that the operational plan should be the responsibility of the chief fire officer?

Strongly agree *Agree* *Neither agree nor disagree* *Disagree* *Strongly disagree*

Q48: Please provide the reasons for your response.

We wish to ensure that there is a clear line of accountability in any proposed changes. The chief fire officer will need to provide assurance that they are meeting the strategic objectives

as set out within any strategic plan, or the IRMP if this stays the same. We know that this separation is in place in Mayoral areas and PFCC areas.

