

Fire Services Management Committee

Agenda

Friday, 5 March 2021
11.00 am

Online via MS Teams

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

www.local.gov.uk

This meeting is



Fire Services Management Committee

5 March 2021

There will be a meeting of the Fire Services Management Committee at **11.00 am on Friday, 5 March 2021** online via MS Teams.

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 3263	email: LabGP@local.gov.uk
Liberal Democrat:	Group Office: 020 7664 3235	email: libdem@local.gov.uk
Independent:	Group Office: 020 7664 3224	email: independent.grouplga@local.gov.uk

LGA Contact:

Jonathan Bryant
Jonathan.Bryant@local.gov.uk - 07464652746

Carers' Allowance

As part of the LGA Members' Allowances Scheme a Carer's Allowance of £9.00 per hour or £10.55 if receiving London living wage is available to cover the cost of dependants (i.e. children, elderly people or people with disabilities) incurred as a result of attending this meeting.

Social Media

The LGA is committed to using social media in a co-ordinated and sensible way, as part of a strategic approach to communications, to help enhance the reputation of local government, improvement engagement with different elements of the community and drive efficiency. Please feel free to use social media during this meeting. **However, you are requested not to use social media during any confidential items.**

The twitter hashtag for this meeting is #lgassc

Fire Services Management Committee – Membership 2020/2021

Councillor	Authority
Conservative (5)	
Cllr Nick Chard (Deputy Chair)	Kent and Medway Fire and Rescue Authority
Cllr Eric Carter	Shropshire and Wrekin Fire Authority
Cllr Mark Healey MBE	Devon and Somerset Fire and Rescue Authority
Mr Roger Hirst	Police, Fire and Crime Commissioner for Essex
Cllr Rebecca Knox	Dorset and Wiltshire Fire and Rescue Service
Substitutes	
Cllr David Cannon	Royal Berkshire Fire Authority
Cllr David Norman MBE	Gloucestershire County Council
Cllr Colin Spence	Suffolk County Council
Labour (5)	
Ms Fiona Twycross AM (Vice-Chair)	Greater London Authority
Cllr Nikki Hennessy	Lancashire Combined Fire Authority
Cllr Karen Kilgour	Tyne & Wear Fire & Rescue Authority
Cllr Les Byrom CBE	Merseyside Fire and Rescue Authority
Cllr Greg Brackenridge	West Midlands Fire and Rescue Authority
Substitutes	
Cllr John Robinson JP	County Durham and Darlington Fire & Rescue Authority
Cllr Sian Timoney	Bedfordshire Fire & Rescue Authority
Cllr Jane Hugo	Lancashire Combined Fire Authority
Liberal Democrat (2)	
Cllr Keith Aspden (Deputy Chair)	North Yorkshire Fire & Rescue Service
Cllr Carolyn Lambert	East Sussex Fire Authority
Substitutes	
Cllr Roger Price	Hampshire Fire & Rescue Authority
Independent (2)	
Cllr Ian Stephens (Chair)	Isle of Wight Council
Cllr Cleo Lake	Avon Fire & Rescue Authority
Substitutes	
Cllr Frank Biederman	Devon and Somerset Fire and Rescue Authority

Agenda

Fire Services Management Committee

Friday 5 March 2021

11.00 am

Zoom

Item	Page
1. Welcome, Apologies and Declarations of Interest	
2. Minutes of the previous meeting	1 - 8
3. NFCC Chair - Roy Wilsher and Mark Hardingham	
ITEMS FOR DISCUSSION	
4. Work of the NFCC's Protection Policy and Reform Unit	
Verbal report – Dan Daly, NFCC, attending	
5. Emergency Services Mobile Communications Programme (ESMCP) update	9 - 16
Ian Taylor attending	
6. Spending Review Update	
John Buckley, NFCC, attending – report to follow...	
7. Police & Crime Commissioner Review	
Verbal update	
ITEMS FOR NOTING	
8. Workforce update	17 - 28

- | | | |
|------------|------------------------------------|---------|
| 9. | Building Safety update | 29 - 36 |
| 10. | NFCC update | |
| | Report to follow... | |
| 11. | Fire Standards Board update | 37 - 40 |
| 12. | FSMC update | 41 - 44 |

Date of Next Meeting: Friday, 21 May 2021, 11.00 am, venue tbc

Note of last Fire Services Management Committee meeting

Title: Fire Services Management Committee
Date: Friday 11 December 2020
Venue: Online via Zoom

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 welcomed members to the meeting.

Apologies were received from Cllr Jane Hugo and Roy Wilsher, NFCC. Nick Collins was substituting for Roy Wilsher.

There were no declarations of interest.

2 Minutes of the previous meeting

The minutes of the previous meeting held on 16 October 2020 were agreed as an accurate record.

3 Covid-19 - lessons learned

The Chair invited Phil Garrigan, CFO Merseyside Fire & Rescue Service, to introduce the report.

Phil explained that in July 2020 the NFCC COVID-19 Committee had commissioned independent research to establish how FRS's had responded to the pandemic between March and September 2020 to draw out key learning points. The research had involved interviews with 47 CFOs, 3 trade unions, LGA, NFCC, Home Office and the AACE.

Phil took members through the themes that had emerged from the research and which were detailed in the report. These were: Planning & the Local Resilience Forum, Leadership, Operations, Fire Protection, Fire Prevention, Working from home, Communications, Data, Role of the NFCC and the Tripartite Agreement.

Phil went into more detail on the Tripartite Agreement and said that CFOs had mixed feelings about its introduction and success. Some had found it to be an enabler but others felt it had hindered their ability to respond. The

divergence of opinion was thought to reflect the context in which CFOs operated such as local governance structure, resources available and the quality of local industrial relations. However, Phil reported that all stakeholders had praised the willingness of the FRS to 'step up' and provide support.

Phil then ran through the key learning points and recommendations from the research. These covered a range of subjects from the relationship FRS's have with their Local Resilience Forums, to arrangements for coordinating a national response to a future nationally significant event. The report's recommendations would be included in the refresh of the Fit for the Future visioning document.

The Chair thanked Phil for his presentation and invited members to comment on the content:

- Pride was expressed in the manner in which the fire sector stepped up during the pandemic and delivered support for the relief effort. It hadn't been a straightforward process but lots of aspects of it had worked well.
- More detail was requested on recommendation 4 about establishing NFCC Committee structures/roles within a National Business Continuity Response Plan. Phil said that this related to the gold command structures put in place early on in the pandemic. These had worked very well and so should be retained moving forward. He added that better use of the NFCC's Central Programme Office could be made in the future.
- Cllr Nick Chard commented on the Tripartite Agreement in his capacity of Chair of the National Employers. He said that the report was well-balanced but, in his view, had downplayed the frustration felt by the National Employers and NFCC over the length of time it had taken to agree some of the additional later work activities.

The Chair thanked Phil for briefing the Committee on this important area of work.

Decision:

- Fire Services Management Committee **noted** the report.

4 Equality and Diversity in the Fire & Rescue Sector

The Chair invited Fiona Twycross, FSMC's Equality & Diversity Champion, to introduce the report.

Fiona said improving equality and diversity was a key focus for the LGA's Fire Vision 2024 which set ambitious targets, including that 30% of new firefighter recruits should be female and that FRS staff should reflect the ethnic diversity of the communities they served. It was also important that this diversity was reflected at senior levels. Fiona said that the first cycle of HMICFRS inspections of FRS's during 2019/20 had highlighted that significant issues remained around diversity and inclusion in the sector.

Fiona reminded members that in late 2019, the LGA established the [Fire](#)

[Diversity and Inclusion Champions Network](#) to bring together FRA members with responsibility for diversity and inclusion to try and address some of HMICFRS's criticisms. Fiona thanked everyone who had been involved so far and, in particular, for bringing an open and honest attitude to discussions. She also thanked Cllr Rebecca Knox who had deputised as Chair of the Network on several occasions. There had been 4 meetings of the Network during 2020 and 2 sessions on racial inequality were scheduled for January and February 2021.

Cllr Knox added that it was important for all FRA Chairs to get EDI on their meeting agendas on a regular basis in order for learning to be shared with all authority members.

Following the introduction, members raised the following points:

- There was strong support for the LGA's work on EDI and the targets in Fire Vision 2024. However, their achievability for FRS's in more rural areas was queried. Fiona said that some FRS's were already making significant progress to achieving the targets which proved it was possible. It was important to share best practice so all FRS's could get up to this standard.
- How did the LGA's work on EDI align with that of the NFCC who had recently issued 3 equality of access statements? Rachael Aldridge, Adviser, said that the LGA worked closely with the NFCC on EDI and that in addition, the Fire NJC had established and leads the Inclusive Fire Service Group, the membership of which included the National Employers, FBU, FRSA, FOA and NFCC.
- Was neurodiversity taken into account in the LGA's EDI work as this was a significant issue in some FRS's? Rachael said that she had spoken with the CFO of East Sussex FRS, where this is a particular issue and would schedule a session on neurodiversity at a future meeting of the Champions Network.
- It was suggested that one route of increasing workforce diversity was through the RDS (on-call) workforce where staff turnover was higher than fulltime. The job marketing also needed to more effectively target potential female and BAME recruits. Fiona agreed with this analysis and said that it was particularly important for services that relied heavily on RDS (on-call) firefighters – often more rural brigades. It was suggested that the NFCC's On-Call Steering Group be relaunched in order to address these issues.

Decision:

- Fire Services Management Committee **noted** the report.

Action:

- Officers to e-mail the agenda report to Cllr Byrom.
- Officers to schedule a session on neurodiversity on Fire Diversity & Inclusion Champions Network forward plan.

5 LGA Fire Conference 2021

The Chair invited Rachael Aldridge, Adviser, to introduce the report.

Rachael explained that the decision had been taken to hold this year's conference as an online event due to the ongoing Covid restrictions. It would take place between 1-4 March with 4 plenary sessions held as webinars during the mornings and interactive sessions in the afternoons. Options were being explored for holding exhibitions on digital platforms. The sessions would be free of charge for LGA members with non-members being charged £99 per session. Rachael outlined the proposed content of the sessions and asked for members' comments:

- Could the EDI session include discussion on the Core Code of Ethics, which should be close to sign off by then? Rachael agreed that this should be explored.
- Should there be a session on learning from Covid? Rachael replied that this would undoubtedly be a theme running through all the sessions.
- Could examples of how small arson incidents are being tackled be included somewhere in the programme?
- It was suggested that LGA members should be charged a small admin fee in order that some costs could be recovered. Rachael said that the LGA's costs would be very low as there was no venue hire or travel to account for.

Decision:

- Subject to the above comments, members **approved** the proposed schedule and related activity for the Annual Fire Conference 2021.

6 Building Safety Bill

The Chair invited Charles Loft, Senior Adviser, and Peter Baker, Director of Building Safety & Construction at the Health & Safety Executive (HSE), to introduce the item.

Charles explained that the Building Safety Bill, which will introduce a stringent new regime for higher risk buildings, would be starting its legislative journey through Parliament early in 2021. A key part of the Bill is the establishment of a new Building Safety Regulator (BSR) in the HSE and Peter Baker was here to explain some of the implications of the new regime for FRAs.

Peter explained the journey that had led to the creation of a new BSR from the Grenfell Tower tragedy and subsequent Inquiry to the Hackitt review and the Building Safety Bill. The Housing, Communities & Local Government Select Committee had recently published its pre-legislative scrutiny report on the draft Bill and MHCLG was currently considering the recommendations.

Peter then ran through the key functions of the BSR including delivering the new regime for buildings in scope and promoting competence and providing oversight for all buildings. He said that the key principle, which underpinned workplace health & safety legislation, but not currently building safety, was that it is the responsibility of those who create risk to manage and control it. This would be a step-change in approach for

building owners and managers and the BSR would play a key role in education and training. A new Joint Regulators Group had been established with representation from the LGA, NFCC and Local Authority Building Control which was working with the HSE to develop and pilot new approaches to regulation, in part with a group of Early Adopters from the sector.

Peter explained the proposed new 'Gateway' approach for in scope residential buildings – Planning, Preconstruction, and Building Completion – which would all need to be signed off before the building could be occupied. Gateway 1 – planning – would start to be implemented in April 2021.

Peter said that FRAs and councils were central to the success of the new regime, not only through the Joint Regulators' Group and the Fire Protection Board but also through multi-disciplinary teams that would be established by the BSR to provide specialist expertise in order to make key regulatory assessments. FRAs would have a key role in ensuring competence and capability in the sector in their areas and there would be an important interaction with new enforcement responsibilities under the reformed Fire Safety Order. Peter added that there would need to be a more sophisticated prioritisation process in terms of risks and consequences rather than one simply based on height. FRAs would also have an important role in encouraging behaviour change and enhancing the existing system before the new regime was formally introduced.

The Chair thanked Peter for his comprehensive presentation and invited members to comment:

- The new legislation was considered pivotal to strengthening regulation and preventing any more disastrous fires such as at Grenfell Tower. The ongoing Inquiry was showing that the current system was completely inadequate.
- FRAs will need to assess what the resource implications would be for them from the new regime. This will need to tie in with the LGA/NFCC work around the Spending Review.
- The expectations on FRS's around enforcement will increase significantly under the new regime. This behaviour change will be challenging for services that have traditionally taken a risk-averse approach, and training will therefore be crucial.

Decision:

- Fire Services Management Committee **noted** the presentation and the LGA's continuing work in relation to the Building Safety Bill.

7 LGA Business plan 2019-22 - 2020 review and update

Decision:

- Fire Services Management Committee **noted** the 2020/21 update of the 3-year business plan as the basis for work programmes over the coming months.

8 Building Safety Update

The Chair invited Charles Loft, Senior Adviser, to introduce the update.

Charles reported that the Fire Safety Bill had been held up in Parliament by the Brexit logjam and would not now get Royal Assent this year. Work on producing the statutory guidance to accompany the Bill was about to begin and would be overseen by a new group chaired by the Home Office and including the LGA, NFCC and Fire Sector Federation. A new group was also being set up with the NFCC to address the issues around the enhanced enforcement expected under the Bill.

Decision:

- Fire Services Management Committee **noted** the LGA's building safety related work.

9 Workforce update

The Chair invited Gill Gittins, Senior Adviser (Workforce and Negotiations) and Clair Alcock, Senior Fire Pensions Adviser, to introduce the update.

Clair reported that a policy decision by HM Treasury on its preferred choice for the age discrimination remedy was expected in early to mid-January 2021. The LGA had been part of the Treasury discussion groups and had made its preferences clear. A stakeholder group of FRA scheme manager representatives was being set up in order to have oversight of the implementation plans and progress of the remedy. Clair asked for an FSMC member to sit on the group, which would also include representation from NFCC and senior fire officer leads in HR and Finance.

Gill spoke about the Tripartite Agreement and reported that for a number of reasons it had not been possible to renew the agreement on 19 November 2020. Instead, a new agreement in relation to Covid-19 support work had been reached within the NJC, building on the Tripartite Agreement. This would be an interim, 1 month agreement (to expire on 11 January 2021) to allow time for an alternative approach to isolation to be identified in respect of some of the additional work activities.

Gill added that the NJC had also issued a statement of intent around providing support for vaccination rollout.

Following the introduction, members raised the following points:

- Cllr Nick Chard volunteered to represent FSMC on the new stakeholder pensions group, to which members agreed.
- In relation to the Tripartite Agreement, members felt it was important that the prime focus should be on what the sector could do to help local communities through the pandemic.

Decision:

- Fire Services Management Committee **noted** the update and **agreed** the nomination of Cllr Nick Chard to the new stakeholder pensions group.

10 National Fire Chiefs Council Update

The Chair invited Nick Collins, NFCC, to introduce the update.

Nick highlighted the importance of LGA engagement in the NFCC's work and agreed to speak to the Chair, Cllr Chard and Cllr Healey about the future of the RDS (On-Call) Steering Group.

Nick reported that the Fit for the Future consultation had now concluded, and conversations were taking place with the National Employers and the LGA about the next steps.

Decision:

- Fire Services Management Committee noted the **update**.

Action:

- Nick Collins to speak to Cllrs Stephens, Chard and Healey about the RDS (On-Call) Steering Group.

11 Fire Standards Board Update

The Chair invited Cllr Nick Chard and Nick Collins, NFCC, to introduce the update.

Cllr Chard reported that feedback from the consultation on the Core Code of Ethics Standard was being considered by the Board. The LGA and NFCC consultation on the Core Code itself had been run at the same time. It was now expected that the Standard would be approved in March 2021 following finalisation of the Core Code.

On the Leadership standard, Cllr Chard said that he had raised the issue of political awareness of officers moving into senior management roles and how this could be improved.

Nick Collins said that the developing standards would be a useful tool for FRAs to use for improvement work within their services.

Decision:

- Fire Services Management Committee **noted** the update.

12 FSMC Update

The Chair invited Rachael Aldridge, Adviser, to introduce the update.

Rachael reported that:

- (i) Lead Members had been briefed by Home Office officials on the implications of the Government's Spending Review for FRAs.
- (ii) The first of Andy Fry's videos covering the governance role of FRAs - '[The Role of Fire and Rescue Authority Members](#)', was

now available on the LGA website.

- (iii) MHCLG had published its [consultation on proposals to extend the Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#). The closing date for responses was 11 January 2021.

Decision:

- Fire Services Management Committee **noted** the update.

13 Any other business

No further business was raised.

Appendix A -Attendance

Position/Role	Councillor	Authority
Chair	Cllr Ian Stephens	Isle of Wight Council
Vice-Chair	Ms Fiona Twycross AM	Greater London Authority
Deputy-Chairman	Cllr Nick Chard	Kent and Medway Fire and Rescue Authority
Deputy-Chair	Cllr Keith Aspden	North Yorkshire Fire & Rescue Service
Members	Cllr Eric Carter	Shropshire and Wrekin Fire & Rescue Authority
	Cllr Mark Healey MBE	Devon and Somerset Fire and Rescue Authority
	Mr Roger Hirst	Police, Fire and Crime Commissioner for Essex
	Cllr Rebecca Knox	Dorset and Wiltshire Fire and Rescue Service
	Cllr Nikki Hennessy	Lancashire Combined Fire Authority
	Cllr Karen Kilgour	Tyne & Wear Fire & Rescue Authority
	Cllr Les Byrom CBE	Merseyside Fire and Rescue Authority
	Cllr Greg Brackenridge	West Midlands Fire and Rescue Authority
	Cllr Carolyn Lambert	East Sussex Fire Authority
	Cllr Cleo Lake	Avon Fire & Rescue Authority
Apologies	Roy Wilsher	NFCC
	Cllr Jane Hugo	Lancashire Combined Fire Authority
In Attendance	CFO Phil Garrigan (for item 3)	Merseyside Fire & Rescue Service
	Cllr John Robinson JP	County Durham & Darlington Fire & Rescue Authority
	Peter Baker (for item 6)	Health & Safety Executive
	Cllr Roger Price	Hampshire Fire & Rescue Authority
	Nick Collins	NFCC
	Cllr John Briggs	Humberside Fire Authority
	CFO Chris Blacksell	Humberside Fire & Rescue Service
	Emeka Ibeh	Home Office
	Steven Adams	NFCC/London Fire Brigade



Update on the Emergency Services Mobile Communications Programme

Purpose of report

For information.

Summary

This report provides an update on the Emergency Service Mobile Communications Programme (ESMCP), including its progress towards a revised full business case. It highlights some areas of concern around potential in life cost of the product of ESMCP, as well as progress in the implementation the early ESMCP products by Fire and Rescue Services.

Recommendations

That the FSMC note the content of the report.

FSMC to consider a joint LGA and NFCC response to the Home Office on the Full Business Case.

Actions

That FSMC seek a further update on ESMCP in the future.

Contact officer: Ian Taylor

Position: Assistant Chief Fire Officer, Senior User and Business Change Lead (Fire) for National Fire Chiefs Council (NFCC)

Email: Ian.Taylor3@homeoffice.gov.uk

Update on the Emergency Services Mobile Communications Programme

Background

1. The Emergency Service Mobile Communications Programme (ESMCP) will provide the next generation of mission critical communications for the emergency services in Great Britain. This will in part replace the current Firelink [Airwave] provision, as well as providing secure and resilient mobile broadband capability with near universal coverage across the country. ESMCP is a cross Government Programme involving the Home Office, Department for Health and Social Care, Scottish Government and Welsh Government, but run by the Home Office as the lead Government Department.
2. The product of ESMCP, the Emergency Services Network (ESN), uses, in the main, the EE mobile network, along with other provision in areas where there is no EE coverage. Motorola provide the application that users will interface with, along with the data centres that process the information. Contracts for EE and Motorola were awarded in 2015 with subsequent contracts for supporting components such as handheld and vehicle devices, connections to control rooms etc. awarded since.
3. The National Fire Chiefs Council (NFCC) has a full time ESMCP Business Change Lead (BCL) / Senior User leading a small team of Fire Service secondees working full time at the centre on ESN on behalf of the Fire sector. Separate, but complimentary, arrangements exist for Wales and Scotland. Each English FRS region has a Regional Programme Manager working solely on ESMCP, providing coordination between FRSs in regions and the NFCC's ESN central team, as well as reporting into a regional lead, who is an FRS senior officer. These regional leads, along with representation from Wales and Scotland, in the main form the NFCC's ESMCP Fire Customer Group (FCG) chaired by the NFCC's lead for Operational Communications, Chief Fire Officer Darryl Keen from Hertfordshire. The LGA is represented on FCG by Cllr David Norman, from Gloucestershire, who joined recently, with a further vacancy on FCG for a second LGA member. FCG is the Fire Sector's strategic body singularly focussed on ESN and provides the link into wider NFCC governance through the FCG Chair and NFCC Operations Coordination Committee.
4. Locally, arrangements are in place for ESMCP governance that vary according to circumstance and need but include leadership within FRSs by means of a sponsor or senior responsible owner (SRO). A regular liaison with LGA officers is in place to ensure that they are regularly appraised on ESMCP matters. The LGA has been lobbying for a place on the ESMCP Programme Board, however this has not been fulfilled, increasing the gap in equitability especially when considering Policing representation on Programme Board.

Programme Leadership

5. Since the last ESMCP update to the FSMC in March 2020, there have been some significant changes in Programme leadership. The previous Programme Director left the Programme in March 2020 and his successor, John Black, was appointed in August 2020. Stephen Webb, the Home Office Senior Responsible Owner (SRO), who had overseen the Programme from its inception in 2011 stood down in October 2020. Following a recruitment and selection process, Simon Parr has recently been appointed as the new full time SRO is due to take up post in early to mid-March. Simon was formerly Chief Constable of Cambridgeshire Constabulary between 2010 and 2015 and has been involved with Policing technology Programmes at a national level since.
6. In addition to the direct leadership changes, ESMCP changed its reporting line in the autumn of 2020 and now comes under the purview of the Crime, Police and Fire Group of the Home Office. This move is designed to better enable closer working and engagement between the Programme, Home Office and a larger number of key stakeholders within the user communities.

Programme Reviews

7. As part of internal Government scrutiny and control of major programmes, ESMCP was the subject of a Project Assurance Review (PAR) and a review by the Major Projects Review Group (MPRG) in October 2020. Both reviews made a number of similar recommendations, which included appointing a full time SRO as ESN takes greater prominence and revising the Full Business Case (FBC) to provide better clarity in a number of areas.

Full Business Case Revision

8. In 2018 a full reset of the Programme was initiated to address a number of areas including delivery. A key component of this was the production of a revised Full Business Case (FBC) incorporating the cost associated with delay to the Programme. The FBC agreed in 2015 had a value of £5.1 Billion over a 15-year life of ESN. Work to revise the FBC has continued, including the need to factor significant changes in technical delivery.
9. At time of writing, a very early draft of the revised FBC has been shared with Senior Users and Funding Sponsor Bodies (FSB). This initial draft is recognised as work in progress and has yet to be furnished with dates or financial information. These should be incorporated in a more complete iteration for consultation due week commencing 8 March 2021. The narrative within this draft FBC shows promise at this stage as it portrays greater realism and pragmatism towards the overall achievement of ESN than has previously been witnessed, and it is hoped that this reduces or eliminates the over

optimism which has caused challenges for the FBC and the Programme throughout its life.

10. For ESMCP, the overriding challenge for Fire Authorities and Services at this juncture is having sight of realistic and credible delivery dates for ESN and clear financial information with which to plan and budget against. Senior Users have held workshops and maintained a constant dialogue with Programme leaders providing relevant information on user led activities, risks and finance which all have a bearing on the overall plan and FBC. The NFCC ESMCP team have been working with Programme finance colleagues to aid in the production of a tool with which individual organisations can better estimate and predict ESN costs over its lifetime covering both implementation and in life costs. This tool is reliant upon financial information from the FBC, which has impacted upon its completion to date. It has been impressed upon the Programme that the release of such a tool alongside each iteration of the FBC is an imperative for the Fire sector and will influence the progress of the FBC through governance channels.
11. As may be anticipated on a Programme of this magnitude, there will be some areas that are not fully known or yet delivered. Therefore, the FBC will be based on a significant number of assumptions, for which there has been analysis of risk and modelling. In some cases, Senior Users and the Programme have jointly worked through some of the assumptions, parameters and risks to better understand them and to inform the FBC.
12. The Programme's ambition is that the FBC will proceed through the various streams of governance within the three emergency services (3ES), Devolved Administrations and Funding Sponsor Bodies (FSB) by the end of May. From here the FBC should go formally into the Government's approval processes in June. Previously, the fire sector, through the NFCC's Fire Customer Group, has provided technical and operational assurance of the FBC, with formal sign off being a matter for Government Departments. It is not anticipated that this will substantially change, however as we edge closer to ESN delivery, the aspect of cost and finance as it impacts at local level will take greater prominence and the LGA may wish to consider a position.
13. Unfortunately, the timeline for FBC governance and approval does not appear to permit bringing this back to FSMC before the FBC goes into the Government approval cycle in June. It is therefore proposed that a joint LGA and NFCC response to the FBC be provided to the Home Office once a final draft is issued.
14. Despite the challenges for ESMCP, many of which are being overcome, the NFCC is still firmly of the view that ESN represents the right technology and direction of travel for next generation and future emergency services communications, and that it is achievable.

Progress with ESMCP

15. Work continues apace to develop and deliver ESN, and steady progress is being made with early products and versions of ESN along with supporting components. As previously reported, County Durham and Darlington FRS (CDDFRS) became the first user of an ESN service using the ESN Connect, a data only product, on front-line appliances in 2019. Dorset and Wiltshire FRS also implemented this product in 2020 but used differently, in this instance as a method of fallback mobilising for fire stations, helping to prove the versatility of the product. A number of other FRSs are currently on the journey to taking the ESN Connect product and are undertaking much of the work in the background to onboard onto ESN.

16. Merseyside and West Yorkshire FRS's have formally become Assurance Partners of the Programme to assist with the development, testing and assurance of ESN products ahead of mainstream roll out. In both instances they are the only emergency services organisations that have so far implemented ESN Direct 2, an early iteration of the product that will deliver mission critical voice communications [radio]. Some Police and Ambulance Services have also committed to being Assurance Partners and will implement ESN products in the future. This technical implementation has entailed considerable effort on behalf of the two services involved along with the Programme and suppliers. West Yorkshire FRS will shortly be rolling this out to operational Watch Managers, which will provide invaluable feedback on its use in incident-based situations but maintaining Airwave provisions as a back-up.

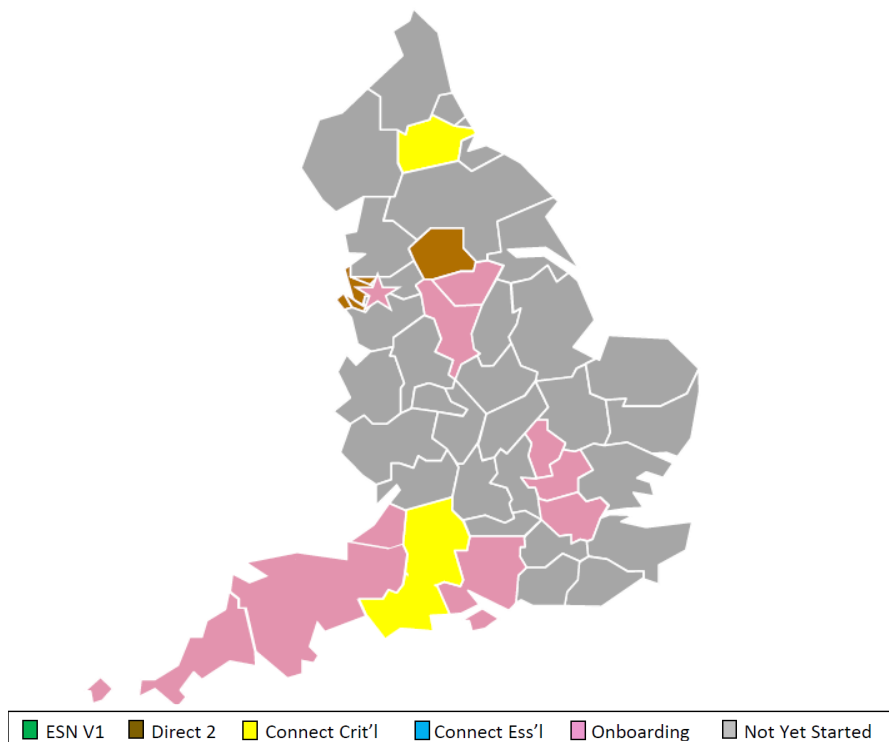


Fig 1 ESN Product Uptake in English FRSs

17. The adoption of early ESN products by FRS assists learning and aids the Programme develop products and support packages. In doing so it demonstrates that the Fire sector is well engaged and willing to take ESN products once they are fit for purpose, and consequently the fire sector is considered to be more than pulling its weight. The gratitude owed to these services for their efforts and pioneering endeavours by the wider Fire Sector is considerable, as is the onus on the Programme to ensure lessons are truly learned and applied ahead of mainstream transition.
18. Whilst dates have not yet been included within the FBC, it is unlikely that transition onto the new ESN will commence in earnest until 2023 at the earliest. This is as a consequence of a number of challenges and delays within the technical delivery arena. It must be borne in mind that this is cutting edge technology and the first of its kind in the world with other countries now following suit and many others actively watching.
19. Assurance around coverage for ESN is a high priority for users as most people are inherently aware of coverage from their own experiences as users of mobile phone technology. A product to aid coverage assurance, ESN Assure 1.1, was rolled out in 2020 and is now being used by the 3ES to assess coverage.

Funding

20. The English and Welsh Fire Sector's core costs for ESMCP, which represent current spend for upfront and development costs, are being paid by the Home Office and Welsh Government according to an apportionment agreed some time ago. The core costs for other emergency services and Devolved Administration are funded differently.
21. At the very outset of the ESMCP journey the English FRSs, through Fire Customer Group, agreed a set of funding principles with Government Department, the then DCLG, to ensure that Fire Authorities would not be disadvantaged in the transition from Airwave to the new ESN technology. With the change of Government Department to the Home Office in 2016 the policy towards these has not changed, and the principles are:
- Funding will be available for equipment to be replaced on a like for like basis [Airwave equivalency]
 - No additional costs to be borne by FRSs for dual running (on a like for like basis)
 - Reasonable costs for transition will be provided by Government Department
22. A model for English Local Transition Resource (LTR) has been agreed with the Home Office for some time to enable staffing for transition to ESN and any necessary preparation funding in line with the above principles. This was revised in early 2020 to provide for £21.6 million for resourcing at local and regional level up to and including the 2024/25 financial year. Funding previously issued by Government for ESMCP work has been by means of Sec. 31 grant. From April 2021, the Home Office will introduce

changes to the finance monitoring returns and have asked that future LTR grant monitoring returns are sent directly by Section 151 Officers of each individual Fire and Rescue Authority instead of from the Regional Programme Managers.

23. The transition funding approach for Welsh FRSs is different and specific advice can be provided through the ESMCP Senior User for Wales

Issues

24. A delay to ESMCP involves a continued reliance on the current Airwave system. Airwave sustainability is managed by a dedicated board that includes NFCC representation to ensure that the service continues to be fit for purpose until no longer needed by the 3ES, a position confirmed previously by the Home Office Permanent Secretary.
25. As a consequence of the delay to ESN, a majority of FRS Control systems will require an interface upgrade to continue to effectively use the Airwave network. Although Airwave is responsible for support of equipment inside the network, replacement of obsolete components of the system has a knock-on effect into control rooms where an expensive upgrade to be completed by the end of 2022 is incumbent upon user organisations. This upgrade, known as Dispatch Communications Server (DCS), has an estimated cost in the region of £2M across English FRS. Due to a previous Programme assertion that ESN transition would be complete by mid-2023, Fire Authorities have not made provision for this within budgets and discussions between the NFCC and the Home Office are ongoing as to the potential for Government funding. At this juncture it cannot be guaranteed that other such matters won't emerge, although with a managed service from Airwave under the Firelink contract, the risk is somewhat reduced as items such as devices remain Airwave's responsibility.
26. NFCC representatives continue to work with the Programme to ensure that ESN will be fit for purpose. Whilst a detailed set of requirements was issued by the 3ES at the outset, and the Home Office has committed to the principle that ESN will be at least as good as Airwave, there are some emerging areas of concern. Due to the very different technologies involved in ESN, the cost of providing sufficient power resilience is considerably greater than it was for Airwave, costs that were largely borne by the Fire sector at the time. Discussions are ongoing about how resilience can be cost effectively provided, along with options for resolution should equivalency of resilience be deemed unaffordable by Government. In these instances, it is not unreasonable to expect that the Programme will pay due regard to the Government's National Risk Register in providing mitigations to reasonably foreseeable risks highlighted in the assessment, and particularly to the risks posed by significant regional or national power outage.
27. As previously highlighted, there is currently no tool or mechanism available with which Authorities can plan or budget for an ESN environment. Allied to the discontinuance of

Sec. 31 Firelink grant with cessation of Airwave, distinct concerns exist that ESN may cost more at local level than Authorities currently pay for Airwave.

28. The delays to ESMCP may well have consequential impacts on other key projects or programmes of work within FRS's which may in some way interdependent on ESN, for example the replacement or upgrade of Control Room Systems, many of which may be due for replacement during the likely deployment window for ESN.
29. Currently there is an exercise to assess the feasibility of accelerating FRS transition onto ESN. This work will also include an estimate of cost, or additional cost to achieve this, with a view that it would be provided on a pump-prime basis. The broader benefit is to work towards a collective 3ES goal of moving off Airwave at the earliest possible and safe point, and by doing so achieve significant savings for the public purse. The likelihood of all 3ES migrating off Airwave at the same time is low. Therefore, in working towards a safe and timely cessation of Airwave contracts, the Fire Sector will require some clear assurances that it won't be disadvantaged, especially financially, as individual Services and sectors migrate off Airwave.

Implications for Wales

30. Fire is a devolved function for the Welsh Assembly. There is direct representation into ESMCP through the Welsh Senior User for ESMCP working through the Welsh Joint Emergency Services Group (JESG), and who works closely with counterpart Senior Users from all user communities. Notable differences in approach from the respective Government Departments, particularly around funding, are highlighted in the paper.

Financial Implications

31. Financial implications have been discussed in detail in previous sections, however it should be noted that the Local Transition Resource (LTR) model will require greater accountability to the Home Office via Section 151 Officers and FSMC members should be aware that this may raise the prominence of ESMCP funding through Fire Authority and FRS governance.
32. As highlighted, a broad concern exists that, in the absence of grant support going forward, ESN may cost Fire Authorities more than they currently pay for Airwave.

Next steps

33. Subject to approval, LGA and NFCC representatives will work to produce a joint response to the ESMCP FBC once in its finalised state
34. NFCC ESMCP representatives will work to refine the financial and allied assumptions with the intent to present more detail on the FBC and the progress of ESMCP to a future FSMC.

Workforce Report

Purpose of Report

To update the FSMC on matters in relation to fire service industrial relations and pension matters.

Summary

This briefly describes the main industrial relations and pension issues at present.

Recommendation:

Members are asked to note the issues set out in the paper.

Action

Officers are asked to note member comments

Contact officer:	Gill Gittins (industrial relations)	Clair Alcock (pensions)
Position:	Senior Adviser (Workforce and Negotiations)	Senior Fire Pensions Adviser
Phone no:	020 7187 7335	020 7664 3189
E-mail:	gill.gittins@local.gov.uk	clair.alcock@local.gov.uk

PENSIONS

Age Discrimination Remedy

1. On 4 February 2021 the government published its [consultation response](#) on how it intends to remove the discrimination identified by the courts in the 2015 pension reforms through changes to primary legislation and Firefighters' Pension Schemes regulations. More information can be found on our [age discrimination remedy implementation](#) page.
2. The response confirms that discrimination will be addressed in two parts; the first is prospectively for future benefits from 1 April 2022, the second is retrospectively for benefits built up during the period of discrimination 1 April 2015 to 31 March 2022 (the remedy period).
3. **Prospectively**, to remove future discrimination from the schemes and ensure equal treatment. All remaining protected members who are not currently members of FPS 2015 will transfer into this scheme on 1 April 2022.
4. This means that all future service for all members will build up in the reformed CARE scheme. Final salary benefits already built up are fully protected.
5. While we expect that transferring remaining members into FPS 2015 at 1 April 2022 will be relatively straightforward in terms of process, there will be an immediate requirement to communicate to affected members what this means for them. Early indications are there are 375 members who will move into FPS 2015 at 1 April 2022.
6. **Retrospectively**, for benefits built up during the period of discrimination, 1 April 2015 to 31 March 2022. Unprotected and taper members will be credited with final salary build-up in their original scheme. At retirement, all members will be able to keep their legacy final salary benefits or choose to receive the CARE benefits that they would have built up in the same period. This is known as Deferred Choice Underpin. (DCU).
7. The conversion of CARE benefits into final salary will involve complex administrative processes with adjustments of pay, contributions, tax relief, and pensions tax liabilities.
8. Government have confirmed that to allow for the DCU process to be implemented, the retrospective amendment of benefits in the remedy period should be completed by October 2023. This confirmation of the timeline is welcomed, nevertheless implementation of the DCU is going to be a significant challenge
9. The decision to take forward the DCU option is welcomed and this was the preferred choice submitted by both the response submitted by [LGA on behalf of employers of Firefighters and Teachers](#), and by the [Scheme Advisory Board \(England\)](#)
10. The consultation response only confirms high level policy decisions, there are many more policy decisions needed to fully implement the remedies. The Home Office will consult

separately on changes needed to the Firefighters' Pension Scheme regulations to enact the remedy.

11. We are working closely and at pace across the whole of the FPS sector and with government departments to support FRAs through the remedy implementation process.

Valuation

12. At the same time as publishing the response setting out the governments approach to removing discrimination, Government also announced the position on both the paused 2016 cost cap valuation and the 2020 valuation, in the written ministerial statement [[HCWS757](#)]

2016 valuation

13. The pause on the 2016 cost cap valuation will now be lifted, and the Government Actuary (GA) will now proceed with finalising the valuations based on the DCU approach to removing discrimination.
14. The cost cap for the Firefighters Scheme was set as 16.8%¹ as at 1 April 2015, the provisional result of the 2016 valuation before the pause was affected was a cost cap cost of 11.6%² which was 5.2% lower than the cost cap set at 1 April 2015.
15. The current process sets out that any breach to the floor of the cost cap would see scheme improvements in benefits to bring the cost cap back in range, and any ceiling breaches would see reductions in scheme benefits. Floor breaches refer to a change in value by more than 2% below this figure, i.e. less than 14.8% and a ceiling breach is a change in value by more than 2% above this figure, i.e. more than 18.8%.
16. Employers are continuing to pay increased employer contributions based on improving scheme benefits because of the floor breach in the paused 2016 cost cap valuation.
17. The Government confirmed that early estimates of the cost cap taking into account the increased value of schemes to members as a result of the McCloud remedy mean that on review some schemes would now breach the ceiling, which for the Firefighters scheme would mean the cost cap once calculated would need to be above 18.8%.
18. If normal statutory procedure were followed, any ceiling breaches would lead to a reduction in member benefits to bring costs back to target. However, the Government have announced that it would be inappropriate to reduce member benefits and the effect of any ceiling breaches on the 2016 valuation would be waived.

¹ <https://www.legislation.gov.uk/ukxi/2015/465/regulation/5/made>

² Table 3.6 - <https://www.fpsregs.org/images/Valuation/Valuation2016FV.pdf>

2020 valuation

19. In July 2020 Government announced³ a review to the mechanism to control the cost of public service pensions for future valuations, while this review will not affect the process of the 2016 cost cap valuation which will continue on the current mechanism, the 2020 valuation will be subject to any recommendations as a result of this review.
20. The Government announced in [[HCWS757](#)] that due to interactions with wider pension policies, in particular the implementation of the McCloud remedy reforms, completion of the 2016 valuation process and the review of the cost control mechanism, that any changes to employer contribution rates resulting from the 2020 valuations will therefore be delayed from April 2023 to April 2024.
21. That has the effect that employer contributions will remain at the same rate as set in the 2016 valuation until 2024. Further updates on any changes to that position will be made when information becomes available.

Immediate Detriment Guidance

22. Following the decision of the EAT on the FRAs schedule 22 appeal as discussed in paragraph 54 below, FRAs will now want to consider their decision with regards to payments under the [immediate detriment guidance](#), which was issued from Home Office at the request of the Fire Brigades Union directly to Fire and Rescue Services (FRSs) via the finance leads on 21 August 2020.
23. The six page note from Home Office is labelled as informal guidance only. There has been no update from HMT or Home Office on this note, despite a more cautionary note included under [question 10 of the Home Office FAQs](#) that the legislation that allows schemes to do this is limited in effect (we believe that is a reference to section 61 of the equality act), which does not allow for all consequential matters to be dealt with satisfactorily in all cases. For example, in cases where there are interactions with the tax system, perhaps where members have incurred or will incur tax charges or where contributions differ between the schemes.
24. The LGA published an [immediate detriment information note for FRAs](#) which gave further clarification of the technical issues yet to be commented on by Home Office or HMT and the issues that would need to be decided by FRAs in their decision making on making any immediate detriment payments.
25. Decision making is likely to be on a case by case basis and a [matrix](#) was included to help FRAs identify whether they have all the information necessary to make a payment.
26. FRAs now need to determine whether they have the necessary information available to them to make decisions and understand the risk to their organisation, to do this they may want to consider:

³ <https://questions-statements.parliament.uk/written-statements/detail/2020-07-16/HCWS380>

- 26.1. Is the six-page note provided by Home Office and in-house scheme knowledge sufficient guidance to enable accurate calculations for members
- 26.2. What risk is there to the member on accepting payments without key policy decisions being made on how to apply interest on contributions due and how they might be taxed on any pension, and what legislation is in place to deal with these issues bearing in mind the note of caution in question 10 of the FAQs.
- 26.3. What governance might they put in place to assure themselves that
 - The correct benefits are being paid to members
 - Members have been satisfactorily been made aware of any changes such as future payments due to interest being collected on contributions.
 - Necessary processes will be in place to calculate and record the payments due bearing in mind that no automated processes or systems are available for the calculation until the significant software development has been completed.

KEY CURRENT WIDER WORKFORCE ISSUES

Pay 2021

27. The Government recently announced, as part of the Spending Review, its approach to pay in 2021 for public sector employees for whom it has responsibility.

“In order to ensure fairness between the public and private sectors and protect public sector jobs and investment in services as Covid-19 continues to impact the public finances, the government will temporarily pause headline pay awards for some workforces. Pay rises for over 1 million NHS workers and the lowest paid* will continue despite the challenging economic context.”

* earning less than £24,000 who will receive a minimum £250 increase

28. The announcement does not have direct effect on fire and rescue service employees that fall within the scope of the NJC for Local Authority Fire and Rescue Services (Grey Book), NJC for Brigade Managers (Gold Book) and NJC for Local Government Services (Green Book) all of whom have their own national collective bargaining arrangements in respect of pay awards. Therefore, while a factor in pay considerations, it should not be assumed that the same approach will automatically apply.

29. The only one of the three bodies to have yet received a claim for 2021 is the NJC for Local Government Services (usual settlement date 1 April). The very recently received trade union side claim (Unison, Unite and GMB) seeks:
- A substantial increase with a minimum of 10% on all spinal column points
 - Introduction of a homeworking allowance for all staff who are working from home
 - A national minimum agreement on homeworking policies for all councils
 - A reduction of the working week to 35 hours with no loss of pay, and a reduction to 34 hours a week in London. Part-time staff to be given a choice of a pro rata reduction, or retaining the same hours and being paid a higher percentage of FTE
 - A minimum of 25 days annual leave, plus public holidays and statutory days, for all starting employees, plus an extra day holiday on all other holiday rates that depend on service
 - An agreement on a best practice national programme of mental health support for all local authorities and school staff
 - A joint review of job descriptions, routes for career developments and pay banding for school support staff, and completion of the outstanding work of the joint term-time only review group
 - A joint review of the provisions in the Green Book for maternity / paternity / shared parental / adoption leave
30. Councils across England, Wales and Northern Ireland will be consulted during March at the usual round of (now virtual) regional pay consultation briefings. The National Employers will then consider feedback from those events before responding formally to the unions, which will be after the local elections in May.
31. As far as the NJC for Local Authority Fire and Rescue Services (Grey Book) is concerned the usual pay award settlement date is not until 1 July. General informal discussions have commenced which to date have largely focused on issues around pay structure with the employees' side raising matters such as the current flat pay structure, period from trainee to competent and the Continual Professional Development scheme.

LGA and NFCC Core Code of Ethics

Background

32. The HMICFRS State of Fire & Rescue report 2019 recommended that by December 2020, the Local Government Association and the National Fire Chiefs Council, should produce a Code of Ethics for fire and rescue services, which should be adopted by every service in England.
33. In initial feedback to HMICFRS, both the National Fire Chiefs Council (NFCC) and the Local Government Association (following discussion with members) indicated the potentially

inadvertent difficulty in imposing a single prescriptive code, with no local flexibility, upon FRAs and FRSs. There should also be recognition that most services have an established ethical framework, and where these are well embedded, the culture has improved, compared with FRSs that had not embedded such frameworks.

34. Accordingly, joint work to respond to the recommendation focused on a Core Code of Ethics (Core Code), which reflects best practice principles and has been designed to underpin the way we serve our communities, carry out our role and work together. It is intended to become the common foundation across all services in England. However, the Core Code approach recognises the differing positions within FRSs currently, as well as differing governance arrangements. Whilst all the principles within the Core Code should be adopted and embedded within each FRS, it also has the flexibility to add to (but not detract from) those principles at local level. This will help local FRAs/FRSs to reflect their local values, behaviours, and governance arrangement. Examples include where:
- an FRS is part of a county council and is likely to still have obligations placed upon it to evidence it also complies with the council's code.
 - an FRS has a well-developed local ethical framework and/or related policies, which should be reviewed against the Core Code.
35. A joint consultation on the Core Code was undertaken towards the end of last year. It was open to all interested parties, though within FRAs/FRSs it targeted FRA Chairs, PFCCs, CFO/CEs and HR Directors / Strategic Leads. Outcomes from the consultation indicated a high level of support for the approach taken with an average of 84 per cent of respondents across the seven sections being content.
36. Given the level of interest, including from the Home Office, Fire Standards Board and HMICFRS we, together with the NFCC, approached HMICFRS to extend the recommendation deadline to the end of March 2021. This would allow time to build upon that engagement further to ensure we have the best possible code going forward and to support the need to then embed it at local level.

Current position

37. Since then that further engagement has taken place and comments and suggestions for further improvement taken on board. Feedback on the resulting revised Core Code was very supportive. FSMC lead members were also supportive.
38. Since 19 January the APCC has joined the LGA and NFCC as co-authors of the Core Code. LGA, NFCC and APCC discussions have taken place to explore amendments suggested by the APCC and by far the majority incorporated into a revised draft.

39. Each of the three organisations will need to seek approval of the Core Code through their own governance arrangements in time to be ready to launch at the end of March. Therefore, the intention for today's meeting is to consider a final draft with a view to securing FSMC members approval. As further comment is awaited from the APCC it is not possible to provide a copy of the final draft at the time of writing this report. It will therefore be issued separately in advance of the meeting.

Next steps

40. Work is also underway on guidance to accompany the Core Code and on how we can best support implementation. As part of the implementation work the LGA and NFCC had already undertaken a workshop with seven services to explore with them how it can best be achieved and what we can do to assist. The intention is to hold a further three workshops on the same basis to capture all FRSs. We can then, for example, develop and provide toolkits, further specific workshops (such as discussing with staff) and the sharing of good practice.

Fit for the Future

41. Members will recall receiving updates on the development of an agreed improvement narrative, Fit for the Future, which includes improvement objectives that will give a national sense of direction to the future of Fire and Rescue Services in England.
42. Initially the NFCC and the National Employers (England) worked in partnership to develop the narrative and objectives based on analysis of the evidence available from a wide variety of sources, including the recommendations of the Grenfell Tower Inquiry (GTI) and the outcomes of inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS). Following discussion within the FSMC it was resolved that the LGA would be directly included, supporting the Fit for the Future approach and becoming the third partner in this work.
43. A consultation open to all interested parties has taken place and work is currently underway considering an analysis of the responses and how they can best inform future work and further engagement.

Pension Scheme Transitional Protection Arrangements Discrimination Cases

44. These cases concern the issue of whether the transitional protections in the 2015 Fire Pension Scheme (FPS), which provide protections based on age allowing older members to remain in their former final salary scheme, are age discriminatory (other claims were made but it is the age discrimination claim which is the primary one).
45. As they were named as respondents in the case, Fire and Rescue Authorities (FRAs) had to submit a defence to the legal challenge. This defence continues to be managed

collectively on behalf of the FRAs by the LGA under the auspices of the National Employers and decisions have been taken by a central steering group which is comprised of a number of legal and HR advisers from varying types of fire and rescue services across the UK, the Advisory Forum legal adviser, employers' secretariat, and from the LGA its Corporate Legal Adviser and a Senior Employment Law Adviser.

46. The Court of Appeal found that the transitional protections unlawfully discriminated on age and the case has now returned to the Employment Tribunal for it to determine remedy. Members will be aware that in common with its approach to a request from Government, the Supreme Court rejected the fire authorities' application to appeal.
47. A case management preliminary hearing on remedy was held on 18 December 2019. An interim Order was agreed by all parties and the detail is contained in circular [EMP/8/19](#). The Order does not bind the parties beyond the limited interim period before the final declaration.
48. Paragraph 2 of the Order in effect provides that pending the final determination of all of the remedy issues, those that brought claims in England and Wales (the claimants) are entitled to be treated as if they remained in the in 1992 FPS.
49. The Order anticipated that the final determination on the remedy issue in regards to membership of the 1992 FPS would be resolved in 2020. That year has passed but in any event the outcome will be affected by what the ultimate outcome is on the FRA's Schedule 22 appeal (see paragraph 50 below). It should be noted that irrespective of the Schedule 22 issue it may be some time before this remedy can be put into effect fully for all claimants. Furthermore, there may be other issues relating to remedies to be resolved, for example in regards to claims for injury to feelings. It should also be noted that the Order does not cover those who did not bring claims (non-claimants). However, discussions are taking place on how to provide a remedy for those non-claimants as appropriate.
50. In addition, the FRAs had the separate appeal to the Employment Appeal Tribunal (EAT) in relation to their potential defence under Schedule 22 (which is that the FRAs had no choice but to follow the Government's legislation) which again was fully considered with the Steering Committee and legal representatives. The appeal was heard at the EAT on 16 December 2020 and the judgment was issued on 12th February. The EAT held that the FRAs cannot rely on the Schedule 22 defence. Consideration is now being given with the Steering Committee and legal representatives to whether it is appropriate to appeal the judgment to the Court of Appeal. For legal privilege reasons, further information has been provided to the person nominated by your service to receive communications in respect of this, and related, legal cases.
51. Since the outset, the position of FRAs that any costs arising from these cases should be met by governments has been made clear. Work continues with legal representatives on appropriate approaches to reinforce that position. Most recently, a formal letter has been sent to government on behalf of FRAs. The same action has been taken in respect of Wales, Scotland and Northern Ireland as the National Employers is a UK-wide body. Substantive responses are awaited, and several reminder letters have been sent.

Defence of other categories of claims

52. Another related category of employment tribunal claims has been issued by the Fire Brigades Union against fire and rescue authorities on behalf of firefighters. In short, the claims relate to members of the 2006 Scheme who were not transferred to the 2015 Scheme (and never will be), which they claim would have provided them with better benefits.
53. We approached FRAs to seek their views on whether they would like the LGA, along with the Steering Committee to coordinate the defence of the new claims on their behalf, as we have done for the original claims. This would be on a cost-sharing basis, based on headcount, as they are for the original claims. The overwhelming majority of respondents were in favour and defences have now been submitted on behalf of the FRAs who have to date received claims.
54. Furthermore, another related category of employment tribunal cases has emerged. These have been issued by Slater and Gordon solicitors against fire and rescue authorities on behalf of firefighters. Slater and Gordon is working with the Fire Officers Association. In short, the claims are of the same type as the main claims brought by the FBU on behalf of their members in that they allege that the transfer of younger firefighters to the 2015 pension scheme amounts to age discrimination. We anticipate the claims have been brought in order to protect these particular claimants' position in relation to any injury to feelings award.
55. We again asked FRAs if they would like the LGA, along with the Steering Committee made up of representatives from fire authorities, to coordinate the defence of these new claims on their behalf, as we have done for the original claims. The overwhelming majority of respondents were in favour and we have therefore taken this forward and submitted defences. Once submitted the claims have been stayed pending developments in the original proceedings.

Matthews & others v Kent & Medway Towns Fire Authority & others

56. This case relates to application of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 to retained duty system employees. Those Regulations were brought into force to implement the EU Part-time Workers Directive.
57. Members may recall that following a protracted legal process up to and including the House of Lords judgment, settlement agreements were reached in respect of terms and conditions in 2015 with both the RFU (now FRSA) and the FBU in regard to the many thousands of Employment Tribunal cases relating to potential discrimination under those Regulations. The LGA acted for FRAs through the auspices of the National Employers on the basis of a cost-sharing arrangement with FRAs similar to the arrangements in place for the legal cases already referred to in this report.
58. Defence of the pensions aspect of the case was led by central government. The House of Lords judgment allowed those who were serving during the period 1 July 2000 (the date the Regulations came into force) to the date on which they elected to join the 2006 Scheme, to have special provisions which generally reflect the rules of the Firefighters' Pension Scheme

1992 ("FPS 1992"). An options exercise took place to provide for those who qualified for membership of the modified Scheme, to elect to join by no later than 30 September 2015.

59. More recently, work has again had to take place on the pensions aspect of this case. This is because of a European Court of Justice judgment involving part-time judges (O'Brien), which in effect held that remedy could extend back before the Part-time Worker Regulations were implemented in July 2000. This also impacts on the fire service as the impact of the judgment and its interpretation of part-time workers' rights applies across all employers.
60. Consequently, together with legal representatives, discussions are continuing with the government's legal department and legal representatives for the FBU and FRSA. As you would expect, we have also raised the concern that this will be unbudgeted expenditure for FRAs, should central government not provide them with the necessary funding.

Coronavirus

61. Members will be aware that both sides of the National Joint Council and the NFCC developed a series of tripartite statements on additional areas of work that firefighters could undertake to alleviate pressure on ambulances services and other partners during the COVID-19 pandemic.
62. Following the breakdown of that arrangement the NJC put in place an agreement (effectively carrying over the tripartite arrangement) to allow a period of one month during which it was hoped agreement could be reached with the FBU on an alternative to a particular control measure. The end date was identified in the agreement – 11 January 2021. Despite best endeavours and intense joint discussion, it was not possible to do so and the agreement therefore expired.
63. The National Employers did continue to engage with employee representatives to see if an agreed way forward could be identified building upon the first draft of an agreement the employers had provided on 7 January. It was made clear that amendments incorporated after the employees' side detailed response on the evening of 11th, represented the employers' final position. Given the interim agreement had ended, an urgent response was sought. The employers were clear that it would need to communicate with FRAs and FRSSs advising them of the outcome one way or the other by 5.00p.m. on 13 January.
64. In order to assist communications with staff and others [FAQs](#) were provided to FRA/FRSSs.
65. The employees' side has indicated it would still wish to see a nationally agreed position. In response, the National Employers has agreed to meet to discuss COVID support arrangements, which could include exploration of the potential for a replacement agreement.

Implications for Wales

66. Each of the wider workforce matters in this report have the same implications for Wales as for England and we are working with WLGA, Welsh FRAs and FRSs as appropriate. The exceptions in this report are the Core Code of Ethics and Fit for the Future, which apply in England only. The WLGA is one of the four employer stakeholder bodies on the NJC for Local Authority Fire and Rescue Services.
67. The HMT consultation on age discrimination applies across all the devolved Fire and Rescue Authorities, however separate responses will be made. References in this report to the age discrimination consultation response are in relation to English FRAs only, Wales has its own advisory board who [responded](#) separately to the government consultation on reform.
68. The immediate detriment matters raised are the same in Wales where the matter of Section 61 of the Equality Act also applies. Welsh Government are dealing with immediate detriment cases arising from the guidance.



Building Safety update

Purpose of report

For discussion.

Summary

This report updates FSMC members on the LGA's building safety related work since its last meeting.

Recommendation

That members note and comment on the LGA's building safety related work.

Actions

Officers to incorporate members' views in the LGA's ongoing building safety related work.

Contact officer: Charles Loft
Position: Senior Adviser
Phone no: 020 7665 3874
Email: Charles.loft@local.gov.uk

Building Safety update

Remediation

Progress

1. [MHCLG statistics](#) show that by the end of January 2021, 91% (419) of all identified high-rise residential and publicly owned buildings in England had either completed or started remediation work to remove and replace unsafe Aluminium Composite Material (ACM) cladding (93% of buildings identified in December 2019) – an increase of two buildings since the end of December 2020. During 2020, 159 buildings started works, compared to 90 in 2019 and 111 in 2018
2. There are no social sector residential buildings that have yet to begin remediation; 144 (92%) have had their ACM cladding removed.
3. 84% (178) of private sector buildings have either completed or started remediation. Of these, 115 (54%) have had their ACM cladding removed. 46 Student blocks have completed with 8 underway and none yet to begin.
4. While these statistics suggest a positive direction of travel ACM buildings represent around a sixth of the total number of buildings over 18m with dangerous cladding and the improved rate is the result of significant official effort and ministerial pressure on owners.

Joint Inspection Team (JIT)

5. MHCLG has confirmed that the JIT will continue working next year with a remit that expands to cover non-AM dangerous cladding, although the details have yet to be signed off.
6. The team's inspections were suspended in January due to Covid. However with the fall in the numbers of infections inspections resumed in February.

Waking watch relief fund

7. In December the Government announced that it would provide £30m to cover the cost of installing fire alarms in buildings that currently have a waking watch because they have dangerous cladding.



8. The fund was launched on 31 January, it applies to private sector buildings over 18m¹ in England only. To be eligible a building must have an unsafe cladding system with a waking watch in place where these costs have been passed on to leaseholders.
9. Social sector buildings where the Registered Provider can evidence that waking watch costs have been passed to leaseholders and the costs of installing an alarm will fall on leaseholders will also be eligible.
10. The fund will only cover the cost of alarms installed on or after 17 December 2020.
11. There will be a staged roll out of the fund with a six-week period in which applications must be made. This begins on 31 January 2021 and ends on 14 March 2021 for all buildings except private sector buildings in London, where arrangements for administering the fund have yet to be completed.
12. Installation costs that are above a £1500 per dwelling threshold will require additional scrutiny and may require additional evidence from the applicant to show whether the costs are necessary and reasonable.
13. £22 million of the £30 million funding available has been allocated to the eight metropolitan areas estimated to have the largest number of eligible buildings across England based on [Building Safety Fund: registration statistics](#) with adjustments made to account for social sector funding. These allocations are:

Local/Combined Authority	Allocated Funding (£m)
Greater London	16.1
Greater Manchester	2.1
Birmingham	1.1
Leeds	0.7
Liverpool	0.5
Bristol	0.5
Newcastle	0.5
Sheffield	0.5
Total	

¹ Actually, over 17.70m in height when measured according to diagram D6 of Approved Document B (Annex A).

14. In Manchester the Combined Authority will administer the fund; in London the GLA is expected to take on the role. In the other six areas local authorities have agreed to administer it.
15. The remaining £8 million of the fund will be centrally administered and is available to buildings across all other areas of England.
16. Guidance and application forms are available [here](#).
17. The fund has been developed very quickly. While this has drawbacks (e.g. it is not large enough to meet demand) it is understandable given that delivering the fund quickly is essential if it is to be of any value.
18. LGA was consulted by MHCLG as part of its development of the fund. However, MHCLG tended to discuss the matter directly with the councils involved. At the time of writing the greater difficulty posed by administering the fund in London has not been overcome.

Leaseholder costs

19. In January the LGA published [a position statement on leaseholder costs](#).
20. On 10 February, the Secretary of State announced further measures in response to the cladding crisis. This consisted of:
 - 20.1. **£3.5bn to pay for cladding remediation over 18m.** This is simply an increase (a very substantial one) in the £1bn already announced for the non-ACM Building Safety Fund. There is a 30cm tolerance in the 'over 18m' requirement, meaning that buildings over 17.7m can apply. The fund only covers external wall systems but does cover insulation as well as cladding. The Government website implies that the new money will be subject to the same limitations as the existing non-ACM fund, which would mean that it will [not cover balconies](#), but would cover render-based systems and cavity barrier issues within cladding systems. We are checking these details with MHCLG.
 - 20.2. **Low interest loans for cladding remediation for buildings of 4-6 stories or 11-18m.** Interest payments will be capped at £50 per month for each leaseholder. We understand that costs that cannot be met through the repayments will be met by the taxpayer. It is unclear what effect this might have on the value of a flat. We are seeking further information from the Government
 - 20.3. **Measures to make the industry pay.** This comes in two parts:
 - 20.3.1. A 'Gateway 2' developer levy. This will be payable when developments pass through Gateway Two of the new Building Safety system (GW2). GW2 will not exist until the Building Safety Bill becomes law at some point in 2022 and will only apply to 'high risk' residential buildings (currently defined as those over 18m). GW2 is the beginning of construction. It is likely that this announcement will encourage developers to seek planning permission as soon as possible and seek to technically commence work before the levy can be introduced. This

would be unfortunate, given that the purpose of GW2 is to ensure buildings are built safely. The LGA will raise this with MHCLG.

20.3.2. A new tax will be introduced for the UK residential property development sector. This will raise at least £2 billion over a decade to help pay for cladding remediation costs. The tax will ensure that the largest property developers make a fair contribution to the remediation programme, reflecting the benefit they will derive from restoring confidence to the UK housing market. The government will consult on the policy design in due course.

21. We understand the Government is not going to help social providers with remediation costs except where these might fall on leaseholders or where a provider's viability is threatened.

Will this solve the problem?

22. The initial reaction from cladding campaigners has been negative, based on two arguments about fairness.

22.1. Why should cladding issues be covered when other fire safety issues are not? The Government has previously indicated that cladding poses a particular risk because it spreads fire, while compartmentation issues are simply a failure of measures that resist the spread of fire. While this is a valid safety distinction that could usefully be taken into account when considering the need for remediation, once remediation is deemed necessary the financial consequences of these building/regulatory failures for leaseholders are the same.

22.2. Why should buildings over 18m have all their costs covered while those in blocks of 4-6 storeys only get low-interest loans and those in blocks under 4 storeys get nothing? Again, the Government argues that the higher blocks pose a greater danger (which is broadly true) and once again, although this might mean remediation is less likely to be required in lower blocks, it is irrelevant once remediation is deemed necessary.

23. Aside from arguments about fairness, the success or failure of this initiative is likely to rest on whether it resolves the problems of mortgage lending and unblocks the housing market – as indicated in the Government's stated aims.

24. These measures will not in themselves remove the demand for EWS1 forms, because buyers will want a clear indication of what the position in relation to a given block is. The difficulty in obtaining these forms derives from a lack of qualified surveyors and the difficulty of obtaining professional indemnity insurance, so in that respect the measures above are unlikely to have any effect.

25. It is conceivable that in blocks of 4 storeys and higher, where the only remediation required is covered by the new arrangements (i.e. only cladding is affected), flats will be mortgageable and sellable once the funding is in place – whether a grant or a loan (whether buyers will be found before remediation is complete must be open to question).

26. However it is unclear what the impact of remediation loans on prices will be for blocks between 4 and 6 storeys and how mortgage lenders will react to clients whose flats have been reduced in value by the effect of remediation loans but whose outgoings are now increased by the cost of those loans.
27. A key unknown is what proportion of blocks *only* have cladding issues. Our understanding is that in one major city half the blocks with interim measures do not have cladding issues and would therefore not benefit from these measures. Moreover, some of the buildings with cladding issues will have other issues *as well* and so will only derive partial relief from the new arrangements.
28. If this is a typical scenario it seems likely that a significant proportion of flats will remain unmortgageable for the foreseeable future, even if the EWS1 issues are resolved and that the measures outlined may not bring relief even to all leaseholders over 18m with cladding issues. However, this is very much an initial impression and members may have additional points.

Fire Protection Board

29. The Building Risk Review programme overseen by the Board, remains ahead of its target schedule to ensure all residential buildings over 18m have been assessed or inspected by the end of 2021.
30. The Board has begun to discuss the need to bring together the work on identifying and regulating buildings with fire safety defects in the run up to the establishment of the Building Safety Regulator. This work includes
 - 30.1. Ensuring effective local partnerships exist and facilitating them where they do not.
 - 30.2. Ensuring those partnerships are supported by relevant national guidance (The Protocol that was designed to govern councils/FRS partnerships in this area is being updated, but there also needs to be assurance that guidance is not issued to the FRS without thought to the role of the LA and vice versa).
 - 30.3. Establishing effective national/local relationships – in particular in the data field.
 - 30.4. Establishing reasonable enforcement expectations at a general level.
 - 30.5. Maintaining oversight of the whole to ensure we learn from/share experience and to identify any areas in need of additional support.
 - 30.6. Joining up government departments to avoid duplication/contradiction.
 - 30.7. Provide a forum for liaison between those overseeing the remediation programme and those (HSE) developing the future regime.

Reform

Building Safety Bill

31. The Government has still not responded to the HCLG Select Committee's pre-legislative scrutiny of the Bill (nor has it responded to the PAC report). Our understanding remains

that the Bill will be introduced to Parliament before the summer with the intention that it receives Royal Assent around Easter 2022.

Fire Safety Bill

32. The Bill returned to the House of Commons for the start of ping pong on 24 February. The LGA [briefed on the Bill](#) ahead of this debate. The latest estimate we have is that it will commence in late April.
33. The LGA continues to be involved in producing guidance to accompany the commencement of the Bill.
34. Officer will be able to provide a verbal update on the Bill's progress at the meeting.

Letter to Minister

35. The lead members of the Fire Services Management Committee wrote to Lord Greenhalgh, the Minister for Fire and Building Safety, to ask that officials discuss with the LGA measures to ensure that extension of Permitted Development Rights does not undermine fire safety. We have yet to receive a reply.

Implications for Wales

- 36 Building regulations and fire and rescue services are devolved responsibilities of the Welsh Assembly Government, and the main implications arising from the recommendations of the Hackitt Review and the government's response to it are on building regulations and fire safety in England. However the Welsh government has announced that it will be making the changes recommended in the report to the regulatory system in Wales, and the LGA has been keeping in contact to ensure the WLGA is kept informed of the latest developments in England.

Financial Implications

- 37 Although the LGA has set up the Joint Inspection Team, the cost of doing so is being met by MHCLG. Other work arising from this report will continue to be delivered within the planned staffing budget, which includes an additional fixed term post in the safer communities team to support the LGA's building safety work.

Next steps

- 38 Officers to continue to support the sector's work to keep residents safe and reform the buildings safety system, as directed by members.

Title of Paper	Fire Standards Progress Report
Decision or Information	For information
Title and Date of Meeting	LGA Fire Services Management Committee 5 March 2021
Attachments	None

Summary

This paper provides members of the Fire Services Management Committee with a summary of the progress on Fire Standards since the last report in December 2020.

The first four Fire Standards have now been published, they are available on the [Fire Standards Board website](#).

Work is progressing with the remaining Fire Standards that formed part of the Phase One Delivery Plan and a second phase of Fire Standards is being considered by the Fire Standards Board. The table below shows the publication dates for the first phase of Fire Standards.

Fire Standard	NFCC Lead	Due to be published
Emergency Response Driving (the pilot Fire Standard)	ACO Paul Stewart (NFCC Operations Committee)	Published
Operational Response: <ul style="list-style-type: none"> Operational Preparedness Operational Competence Operational Learning 	CFO Chris Lowther (NFCC Operations Committee)	Published
Community Risk Management Planning	CFO Phil Loach (NFCC Community Risk Programme)	March 2021
Code of Ethics	CFO Becci Bryant (NFCC People Programme – Leadership Project)	Likely April 2021 subject to finalising the underpinning Core Code of Ethics
Fire Protection	CFO Gavin Tomlinson (NFCC Protection and Business Safety Committee)	May 2021
Prevention	CFO Neil Odin (NFCC Prevention Committee)	May 2021
Leadership #1 – (well-led and managed service)	Coordinated through the NFCC CPO	Sep 2021
Data requirements and management (subject to agreement on scope)	CFO Lee Howells NFCC Digital and Data Programme	Now deferred to Phase Two

Recommendation

Members are asked to note the contents of this report for information.

Background Information

The Fire Standards Board continues to meet regularly to review the progress made on Fire Standards. Membership of the Board includes the NFCC, employers (both the LGA and the APCC) and the Home Office. The LGA representative on the Board is Cllr Nick Chard.

Following the publication of the first four Fire Standards, the Fire Standards Board would welcome and appreciate the support of fire authority chairs and members as Chief Officers and their teams work to implement and achieve the Fire Standards.

The Fire Standards Board also encourage fire authorities to ensure their organisations engage as new Fire Standards are developed through the network of the National Fire Chiefs Council, and more formally once Fire Standards reach consultation.

All details about the approved Fire Standards, along with current consultations, can be found on the [Fire Standards Board website](#).

Progress to Date

Four Fire Standards (as listed below) have now been approved and are published:

- [Emergency Response Driving](#)
- **Operational Response**
 - [Operational Competence](#)
 - [Operational Preparedness](#)
 - [Operational Learning](#)

Progress on the remaining Fire Standards in this delivery phase is summarised below:

Code of Ethics

- This Fire Standards and the underpinning Core Code are designed to support building more positive working cultures within fire and rescue services. This is in response to the findings of the HMICFRS State of Fire 2020 Report.
- The consultation on the Code of Ethics Fire Standard and the underpinning Core Code of Ethics closed in November 2020.
- Feedback from the consultation on the Core Code concluded changes to the Core Code were required, the Fire Minister held a meeting with key stakeholders to discuss and agree a way forward.
- Final changes to the Core Code have been proposed and are awaiting final agreement by all parties before this Fire Standard can progress.
- It is anticipated this work will be concluded in March and the Fire Standard progress to approval at this stage.

Community Risk Management Planning Fire Standard

- The consultation on this Fire Standard closed 7 December 2020 and analysis of the findings during January led to some minor changes being made.
- The post-consultation draft of the Fire Standard was reviewed by the Fire Standards Board in February 2021 and it was signed off for quality assurance.
- The Quality Assurance exercise will be completed during March and subject to the results of this, it is anticipated this Fire Standard will be finally approved and published by the end of March 2021.

Fire Protection Fire Standard

- Scoping and planning work was completed in November followed by a period of peer review starting December 2020.
- Consultation is about to be launched alongside the Prevention Fire Standard and will be open until Friday 9 April 2021.
- It is anticipated that this Fire Standard will be ready for publication by May 2021.

Prevention Fire Standard

- Scoping and planning work was completed in November followed by a period of peer review starting December 2020.
- Consultation is about to be launched alongside the Fire Protection Fire Standard and will be open until Friday 9 April 2021.
- It is anticipated that this Fire Standard will be ready for publication by May 2021.

Data Requirements and Management

- Initial scoping work took place in January 2020 which concluded that work to define and underpin the Fire Standards was dependant on the progression of the NFCC Digital and Data Programme.
- This programme has been subject to a requirement for funding which could not be confirmed by the NFCC until its funding for 2021/22 is confirmed which is anticipated imminently.
- A further update will be provided in the next report.

Leadership

- The requirements of the Leadership Fire Standards have been re-defined resulting in two overarching Fire Standards which will now be developed.
- These Fire Standards are:
 1. **Well-Led Organisation** – to encapsulate what leadership of a well-led and managed fire and rescue service looks like
 2. **Developing and promoting good leadership** – to encapsulate what is required to develop and promote good leadership at all levels within the fire and rescue service
- Both Fire Standards will reference the core responsibilities and required behaviours of leaders linking to the NFCC Leadership Framework already in place.
- The timeline for the NO 2 – Developing Leaders Fire Standard is being re-considered now the scope and requirements of the Board have been considered. This work will be coordinated through the NFCC People Programme.

Agenda Item 11

- Development work on the No 1 - the Well-Led Organisation Fire Standard has commenced, initially engaging leaders from services across the country to inform the draft Fire Standard.
- Given the importance and nature of the Well-Led Organisation Fire Standard and with wider interest shown by many stakeholders, a revised timeline has been proposed and approved by the Fire Standards Board to allow sufficient time for wide engagement, peer review and then full consultation.
- It is envisaged that this Fire Standard will be ready for consultation in the summer and, subject to that consultation, be ready for approval and be published in the late summer 2021.
- The NFCC CPO will be coordinating this work.

An update regarding the second phase of Fire Standards will be provided to the FSMC at their next meeting.

Any queries about Fire Standards can be directed to the Fire Standards team via contact@firestandards.org

Fire Services Management Committee Update paper

Purpose of report

For information.

Summary

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

Recommendation

That members of the Committee note the report.

Actions

Officers to continue to provide updates to members.

Contact officer: Rachael Aldridge
Position: Policy Adviser
Phone no: 020 7664 3370
Email: Rachael.Aldridge@local.gov.uk

Fire Services Management Committee Update paper

HMICFRS COVID-19 Inspection National Report

1. In August 2020, HMICFRS were commissioned to inspect how fire and rescue authorities in England responded to the COVID-19 outbreak and the various challenges it presents. Virtual inspections of England's 45 fire and rescue services were conducted during September to November 2020, with inspection activity focussed on their response during the initial phase of the pandemic. On 15 January 2021, HMICFRS published its national inspection report, [Responding to the pandemic: The fire and rescue service's response to the COVID-19 pandemic in 2020](#) (the Report).
2. Overall, HMICFRS found that fire and rescue services responded very well to the outbreak. This included maintaining their ability to respond to fires and other emergencies in these extraordinary times, whilst also supporting communities in ways that extended far beyond their statutory duties.
3. In the Report, HMICFRS did take issue with the tripartite agreements, taking the position that they were too prescriptive and, in some cases, a hindrance. They did outline, however, that emergency responses were not compromised by the pandemic. HMICFRS has also again called for legislative updates to give Chief Fire Officers operational independence.
4. The 14 headline findings outlined in the Report include:
 - i. There was strong multi-agency working in every area, supported and facilitated by LRFs
 - ii. All services maintained their ability to respond to fires and other emergencies
 - iii. The prioritisation of response was, in some cases, to the detriment of protection and prevention activity
 - iv. Access to data on vulnerable individuals from partners varied
 - v. The oversight and scrutiny of fire and rescue authorities varied
 - vi. Some services were more prepared for the pandemic than others
 - vii. The fire and rescue sector were able to come together effectively during the pandemic
 - viii. The intent behind the tripartite agreement was pragmatic, but it was too prescriptive in practice
 - ix. On-call firefighters further demonstrated their enormous value to fire and rescue services
 - x. Services could have done more to ensure the efficient and productive use of their staff

- xi. Most services put effective measures in place to protect control room functions
- xii. More could have been done by services to consider if their risk profile changed as a result of the pandemic
- xiii. The additional costs services incurred when responding to the pandemic were mainly covered by government grants
- xiv. Wellbeing provision offered to staff during COVID-19 was good but varied.

Fire Diversity and Inclusion Champions Network

- 5. In December 2020, the FSMC was updated on the current work of the Network, brings together elected representatives who are responsible for diversity and inclusion issues in their fire and rescue authorities. This included the Network's upcoming focus on the topic of 'racial equality', and engagement of a specialist facilitator to deliver these sessions. In January 2021, the LGA commissioned Kemi Labinjo, Barrister and Director, Amber and Greene, to deliver a two-part meeting series on 'Racial Equality in the Fire and Rescue Sector'.
- 6. The first meeting was held on 22 January 2021, during which the fundamental concepts related to racial equality and anti-racism were explored. The Network also heard a presentation from Wayne Brown, Deputy Chief Fire Officer and Phil Loach, Chief Fire Officer, West Midlands Fire and Rescue Service, regarding the work they have been doing with their workforce and in their local area more generally, in response to the Black Lives Matter movement. The next meeting is scheduled for 23 March 2021, during which Kemi Labinjo will deliver a two-hour session on 'anti-racism in practice'.
- 7. Officers are currently exploring options to expand this critical work beyond the Network, with Members more broadly in 2021, and will report back to the FSMC in June.
- 8. The [video recordings and transcripts](#) for previous sessions held in 2020 are available on the Champions Network webpage.

Fire Member Development Offer

- 9. In 2020, the LGA commissioned Andy Fry, ex-Chief Fire Officer and former HM Inspector of Fire Services in Wales, to deliver a series of instructive videos covering various topics associated with the governance role of Fire and Rescue Authority (FRA) members. The webinar series aims to provide an introduction to governance issues for those who are new to FRAs, as well as the support the development of existing members.
- 10. The first two webinars, ['The Role of Fire and Rescue Authority Members'](#) and ['Political Oversight of Fire and Rescue Service Performance'](#) are available on the LGA website. The third webinar, 'Effective Fire and Rescue Authority governance for times of crisis' will be made available in March 2021.

Fit for the Future

11. Throughout January and February, the LGA has continued to work in partnership with the NFCC and the National Employers to review feedback from the initial engagement exercise on the proposed Fit for the Future improvement objectives. We received a range of feedback from stakeholders across the Fire and Rescue sector during this initial engagement exercise. We are working with the NFCC and National Employers to determine next steps and Officers will continue to engage with the sector as we further develop the document.

Outside bodies update

12. Strategic Resilience Board (SRB): On 25 January, Cllr Les Byrom attended the SRB, during which the fire and rescue sector's response to COVID-19, and industrial action and business continuity were discussed. The next meeting is yet to be scheduled.
13. Fire Standard Board (FSB): The FSB convened on 16 February 2021 and was attended by Cllr Nick Chard. A range of topics were discussed, including: the [publication of the first four Fire Standards for England](#) on 16 February; and progress updates on the development of remaining Fire Standards for this tranche, including the Fire Protection Standard and Fire Prevention Standard. The next FSB meeting has not yet been scheduled.
14. HMICFRS External Reference Group (ERG): The ERG last met on 16 December 2020, where a summary of initial findings from the HMICFRS COVID-19 inspections was provided. The next meeting is scheduled for 15 March 2020.
15. HMICFRS Chiefs and Chairs Event: On 25 January, HMICFRS convened this event to discuss a range of topics including the key priorities of the Government's fire reform programme and the HMICFRS COVID-19 Inspection National Report.