



Fire Services Management Committee

Agenda

Monday, 6 March 2023
4.00 pm

Hybrid Meeting - Talbot Room, Crowne
Plaza Hotel, Nottingham and Online via
Teams

Fire Services Management Committee
Monday, 6 March 2023

There will be a meeting of the Fire Services Management Committee at **4.00 pm on Monday, 6 March 2023**

Political Group meetings and pre-meetings for Lead Members:

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

Attendance:

Your attendance, whether it be in person or virtual, will be noted by the clerk at the meeting.

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.

Fire Services Management Committee – Membership

[Click here for accessible information on membership](#)

Councillor	Authority
Conservative (5)	
Cllr Rebecca Knox (Deputy Chairman)	Dorset & Wiltshire Fire & 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 Nick Chard	Kent & Medway Fire & Rescue Authority
Substitutes	
Cllr Matt Dormer	Worcestershire County Council
Cllr David Norman MBE	Gloucestershire County Council
Cllr Andy Crump	Warwickshire County Council
Labour (5)	
Cllr Greg Brackenridge (Deputy Chair)	West Midlands Fire & Rescue Authority
Dr Fiona Twycross	Greater London Authority
Cllr Nikki Hennessy	Lancashire Combined Fire Authority
Cllr Carl Johnson	Tyne & Wear Fire & Rescue Authority
Cllr Jane Hugo	Lancashire Combined Fire Authority
Substitutes	
Cllr Sian Goding	Bedfordshire Fire & Rescue Authority
Cllr Darren O'Donovan	West Yorkshire Fire & Rescue Authority
Cllr Les Byrom CBE	Merseyside Fire & Rescue Authority
Liberal Democrat (2)	
Cllr Keith Aspden (Vice-Chair)	City of York Council
Cllr Jeremy Hilton	Gloucestershire County Council
Substitutes	
Cllr Roger Price	Hampshire & Isle of Wight Fire & Rescue Authority
Independent (2)	
Cllr Frank Biederman (Chair)	Devon & Somerset Fire & Rescue Authority
Cllr Luke Frost	Cleveland Fire & Rescue Authority
Substitutes	
Cllr Nigel Smith	North Wales Fire & Rescue Authority
Cllr John Shuttleworth	Co. Durham and Darlington Fire Authority

Agenda

Fire Services Management Committee

Monday, 6 March 2023

4.00 pm

Hybrid Meeting - Talbot Room, Crowne Plaza Hotel, Nottingham and Online via Teams

Item	Page
1. Welcome, apologies and declarations of interest	
2. Minutes of the previous meeting held on 9 December 2022	1 - 10
3. Fire Service Culture	11 - 20
4. Building Safety Regulator update	
Richard Fowler – Head of Service Delivery and Improvement, NFCC, to attend	
5. State of Fire & Rescue, Spotlight Report and Round 3 Inspections	
Alex Hill, HMICFRS, to attend	
6. LGA Fire Conference update	
ITEMS FOR NOTING	
7. Workforce update	21 - 32
8. Building Safety update	
Report to follow	
9. National Fire Chiefs Council update	
Report to follow	
10. Fire Standards Board update	33 - 36

11. **FSMC update**

37 - 40

Date of Next Meeting: Friday, 19 May 2023, 11.00 am, Hybrid Meeting - 18
Smith Square and Online

Minutes of last Fire Services Management Committee meeting

Fire Services Management Committee

Friday, 9 December 2022

Hybrid Meeting - 18 Smith Square and Online

Attendance

An attendance list is attached as **Appendix A**

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

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

The Chair welcomed members to the meeting.

Apologies were received from Fiona Twycross, Cllr John Shuttleworth and Cllr Darren O'Donovan. Cllr Les Byrom substituted for Fiona Twycross.

There were no declarations of interest.

The Chair congratulated Fiona Twycross on her recent elevation to the House of Lords and informed members that although she would be remaining on FSMC, she would be handing over the Labour Lead Member role to Cllr Greg Brackenridge.

2	Minutes of the previous meeting held on 23 September 2022
----------	--

The minutes of the meeting held on 23 September 2022 were agreed as an accurate record.

3	Finance update
----------	-----------------------

The Chair invited CFO Ben Ansell (BA), NFCC Finance Lead, to update members on the latest financial situation for FRAs.

BA thanked all the members who had engaged in the recent lobbying for greater funding and financial flexibilities for FRAs. The letters had been well co-ordinated and well received. The continued focus was on an inflationary (CPI) uplift in the Business Rates Multiplier and Revenue Support Grant and £5 precept flexibility for Band D properties. The recent Autumn Statement had seen some welcome movement from the Government in relation to increasing the council tax referendum threshold from 2-3% but further funding details would not be released until the Local Government Finance Settlement, due on 20 or 21 December.

Members' comments and questions:

- The Chair thanked Ben and the NFCC for all their hard work in attempting to secure additional funding for the sector.
- Was the £5 precept flexibility request landing well with decision makers? BA said that the indications were that this was the right ask of Government in terms of scale and in comparison to the Police, and it seemed to be gaining some traction.
- The issue of lack of capital grant funding for FRAs was raised and the fact that capital spending had to be raised through revenue. Could Government be lobbied on this point? BA agreed that this needed to be raised as part of a wider conversation about fire funding. In particular, the functional split between the Home Office and DLUHC on fire policy and funding was an ongoing issue.
- Was the survey of FRAs now complete? BA confirmed that the survey had been completed and had been used to back up the case put to Government. The results had been shared within the Fire Finance Network and with LGA officers.

Decision:

FSMC **noted** the update.

4 Accountability and Transparency

The Chair invited Lucy Ellender (LE), Senior Adviser, and Jonny Bugg (JB), Head of Fire Strategy and Reform Unit - Home Office, to introduce the update.

LE reported that the Home Office had originally agreed to hold a discussion on governance at the current meeting but, given that the response to the Fire Reform White Paper consultation had not yet been released, they had asked (after the agenda had been circulated) for it to be postponed to the following meeting.

JB said that the new Minister, Chris Philp, had already shown some positive engagement on the fire agenda and remained committed to reform through the White Paper response. The London Fire Brigade's Culture Review had ignited significant interest in Parliament and the Minister was keen to address the problems it had highlighted. The Minister was also focussed on the finance and productivity agenda and JB considered that this was key to future funding. Finally, contingency planning for possible strike action was an area of immediate concern for the Home Office.

Members' comments and questions:

- Was the need for additional funding for FRAs for responding to the increasing number of flooding and wildfire incidents being communicated to the Minister? JB said that the Home Office was pushing for additional funding for change programmes but he couldn't give any further details until after the Local Government Finance Settlement.
- Concern was expressed that, by putting off the debate, the Home

Office was avoiding conversations on accountability and transparency. JB sought to reassure members that this was not the case and that the conversations would be more productive when the response to the White Paper consultation had emerged.

- Concern was expressed over the Home Office's commitment to the reform agenda set out in the White Paper and whether there would be sufficient parliamentary time and priority given to fire reform legislation. JB said that his hopes were high for fire and policing legislation in the 4th session of Parliament and this remained a priority for the Home Office.
- The Chair asked if the Home Office could give some thought, ahead of the discussion at FSMC, to what they considered accountability and transparency to mean and whether this necessarily needed to involve significant changes to governance in FRAs.

Decision:

FSMC **noted** the update and the postponement of the discussion on accountability and transparency until the FSMC meeting in March 2023.

5 Wildfires

The Chair invited Paul Hedley (PH), NFCC Wildfires Lead, to deliver his presentation.

PH ran through the unprecedented extent and impact of the wildfires during the 2022 season and the measures being taken by NFCC to try to mitigate risk. He reported that he had just launched a survey of FRSs on the impact of the 2022 wildfires, and on resilience in the sector more broadly.

Following the presentation, Rebecca Johnson (RJ), Adviser, drew members attention to the recommendations in the report and asked for their views on how best FSMC could support the NFCC work on wildfires.

Members' comments and questions:

- Members discussed the pros and cons of increased regulation to restrict the sale of high-risk items such as disposable barbecues, Chinese lanterns and fireworks. It was agreed that it would be useful to develop a wider evidence-based national strategy to look at the issues involved, and the possibility of holding a summit with all interested stakeholders (e.g. local authorities, supermarkets, FRAs) was suggested as a means of taking this forward in the first instance. Stronger public education/information campaigns were considered vital in highlighting the risks. Additional resources would need to be found for local authorities to support effective enforcement if regulation was to be increased. The Australian system of linking restrictions on barbecues to weather warnings was highlighted as a good best practice example that could be followed.
- Members further discussed the resources needed for FRSs to tackle the increasing number of wildfires, including the cost

effectiveness of aerial control with helicopters.

Decision:

It was agreed that:

1. FSMC work with the NFCC to push for more national capacity to support Fire and Rescue Services (FRS) in fighting wildfires
2. FSMC support and promote NFCC's work around wildfires including an updated and enhanced Wildfire Prevention Toolkit and National Training Packages
3. That FSMC amplifies national messages around wildfire awareness and safety and encourages government to launch a national awareness campaign around the risks of wildfires.
4. Officers carry out further research to enable FSMC to develop a position on the sale of disposable barbeques and other high-risk items such as lanterns and fireworks. This work to include considering whether to hold a workshop (potentially at the LGA Fire Conference) with stakeholders to discuss the issues.

Action:

Officers to carry out further work on 4) above and report back to a future FSMC meeting.

6 Emergency Services Mobile Communications Programme (ESMCP) update

The Chair invited Ian Taylor (IT), Senior User and Business Change Lead, NFCC, and Simon Parr (SP), Senior Responsible Owner, Home Office, to introduce the update.

SP updated members on developments with ESMCP since the previous report on the Business Case in March 2021. The Competition and Markets Authority (CMA) had carried out an investigation into Motorola, the suppliers of the current Airwave system, in relation to excess profits and possible deliberate delays to the introduction of the less profitable Emergency Services Network (ESN). The CMA published provisional findings in October 2022 and concluded that Motorola were making supernormal profits – at current prices, the opportunity to earn just under £1bn of excess profits between now and 2029. The CMA announced their intention to impose a price control to restrict excess profit, to require Motorola to facilitate a workable transition between Airwave and ESN and to instruct the Home Office to fully introduce ESN by 2029 at the latest. Motorola had decided to step away from delivering ESN at the end of their current contract in 2024 and were currently negotiating early release (Dec 2022). Market engagement had begun on reprocurring the ESN contract with a view to formally launching the process in early 2023 and starting a new contract in early 2024. The network contract with EE was also due to expire in 2024 and conversations were taking place about how to proceed on this front. SP concluded that, in spite of all the problems, the strategic case for ESN remained very strong as the Airwave technology gets closer to becoming obsolete.

IT added that in the light of the Motorola contract termination, those FRSs

that had been early adopters of ESN would unfortunately have to be transitioned back off early in 2023. Finally, IT drew members attention to recommendation 2 in the report and advised FRAs not to anticipate any Airwave related savings in their budget setting due to the possibility of legal challenge by Motorola.

Members' comments and questions:

- The logic behind taking early adopter services off ESN was queried. IT confirmed that once the Motorola contract ended, the data centres that enabled the system to function would no longer be accessible and so continuing would not be possible. This was very disappointing for those FRS's as ESN had proved extremely effective.
- It was suggested that the developments with Motorola might provide an opportune moment to review the whole project and the rationale behind it. SP ran through the benefits of ESN and explained that it would combine the benefits of standard mobile phones with new robust devices with access to reliable high bandwidth broadband.
- Cllr Carter, the FSMC representative on the ESMCP Fire Customer Group, reiterated the huge potential of ESN and reassured members that, despite the setback with Motorola, everything was being done by officers to bring the system to fruition.

Decision:

FSMC:

1. **noted** the content of the report
2. **acknowledged** the advice that FRAs may be best placed not to anticipate any Airwave related savings at this time.

7 Manchester Arena Inquiry - Emergency Response report

The Chair invited Mark Norris (MN), Principal Policy Adviser, to introduce the report.

MN reported that one of the key findings from the second report of the Inquiry was that interoperability between the emergency services, in particular the Joint Emergency Services Interoperability Principles (JESIP), broke down on the night of the attack. The report recommendations were largely designed to ensure that this process worked better in practice in future. The NFCC had set up a working group to take forward the Inquiry's recommendations. Para 19 of the report set out how the FSMC could work to support FRAs to assure themselves their service was responding to the Inquiry's recommendations and successfully embedding the JESIP principles. This would include developing a guidance document for FRA members and working with the NFCC, Home Office and HMICFRS to implement the Inquiry's recommendations.

Decision:

FSMC:

1. **Noted** the publication of the second report from the Inquiry;



2. **Agreed** the work programme outlined in paragraph 19;

8 **LGA Annual Fire Conference and Exhibition 2023**

The Chair invited Rebecca Johnson (RJ), Adviser, to introduce the report.

RJ invited members to submit any ideas for conference sessions to officers by e-mail. The aim was to send out formal invites prior to Christmas.

Members' comments and questions:

- It was suggested that a session on JESIP and the role of Local Resilience Forums should be included given the Manchester Arena Inquiry report's criticisms
- It was suggested that the Local Government Minister, Lee Rowley MP, should be invited to talk about finance amongst other things
- The timing of the conference in relation to possible strike action by FBU members was raised and how this might impact on the programme
- Funding by FRAs for FSMC member attendance at the Conference was raised as an issue. Members agreed that all FSMC members should be able to attend conference if they wished to. MN agreed to speak to the LGA's political group offices to try and seek a resolution.

Decision:

FSMC **noted** the theme and draft programme for the Annual LGA Fire Conference and Exhibition 2023 and agreed to send ideas and suggestions for sessions to officers by e-mail.

Action:

MN to speak to political group offices about funding attendance at LGA Fire Conference.

9 **LGA Plan 2022-25**

The Chair invited MN to introduce the report.

MN explained that the Plan was a deliberately high level document that set the LGA's direction for the next 3 years, including several priorities around fire and rescue and building safety. The Plan had been signed off by the LGA Board in October 2022 and was presented for the Committee to note.

Decision:

FSMC **noted** the LGA Plan 2022-25.

10 **Workforce update**

The Chair invited Gill Gittins (GG), Senior Adviser (workforce and

negotiations) and Claire Hey (CH), Senior Pensions Adviser, to introduce the update.

GG updated members on the latest industrial relations situation. The FBU strike action ballot would be closing on 30 January. Only where such a ballot produced a majority in favour of strike action and at least 50 per cent of those eligible to vote had voted, would the action be lawful. Further, in the case of important public services, such as the fire and rescue service, at least 40 per cent of those eligible to vote must have voted to support the action.

Talks were still ongoing with the FBU. However, it remained the position that there was no additional money available. The employers were also open to continued discussion on the 5 other points in the pay claim. GG highlighted the support available to FRAs to help with technical matters relating to the process of industrial action ballots including the legal requirements and, for example, wider matters such as calculation of pay deductions (should strike action take place). Information was available on the website and had already been provided directly to FRA/Ss. GG urged members to direct any queries to firequeries@local.gov.uk as the quickest way of getting a response.

CH drew members attention to an e-mail sent to CFOs and Chairs advising that a number of employment tribunal claims had been lodged by FBU members in relation to a long-running retained firefighters legal issue. Officers were proposing a collective defence to those claims under the existing cost-sharing arrangements.

Decision:

FSMC **noted** the update.

11 **Building Safety update**

The Chair invited Marshall Scott (MS), NGDP trainee, to introduce the update.

MS highlighted three issues from the report: (i) DLUHC had launched its first attempt to issue a Remediation Order, in Stevenage, under the new Building Safety Act; (ii) DLUHC was working on a decant protocol around Ministerial expectations of councils and FRS's as a result of Suffolk FRS's partial prohibition of a building in Ipswich; and (iii) Treasury approval had now been given for a number of Building Safety Regulator business cases including funding for Local Authority Building Control (LABC) and NFCC.

Decision:

FSMC **noted** the update.

12 **National Fire Chiefs Council update**

FSMC **noted** the update without discussion.



13 Fire Standards Board update

The Chair invited Cllr Nick Chard, LGA representative on the Board, to introduce the update.

Cllr Chard highlighted the 3 'asks' of FRA members listed at the end of the report.

Decision:

FSMC:

1. **noted** the contents of the report for information;
2. **agreed** to provide ongoing support to officers in enabling and empowering them to engage in the development and implementation of the Fire Standards both in production and when published; and
3. **agreed** to encourage the monitoring of the benefits of the Fire Standards in their services.

14 FSMC update

FSMC update

The Chair invited RJ to introduce the update.

RJ indicated that she was happy to take questions on the report.

Members' comments and questions:

- Roger Hirst reported that the APCC and NPCC had formally written to Government Ministers with some specific asks around the new Levelling Up and Regeneration Bill. These were (i) that a clause be inserted in the Bill enabling the transfer of Community Infrastructure Levy funding to emergency services, including FRAs; (ii) introducing a new 'duty to share' on councils in respect of the Community Infrastructure Levy; and (iii) that 'commencement' and 'completion' of development be defined to indicate precise timing of payment of any monies due. MN agreed to find out where conversations between LGA planning colleagues and the NFCC had got to on this issue and report back to Committee.

Decision:

FSMC **noted** the update.

Action:

MN to speak to NFCC colleagues about planning gain.

Appendix A -Attendance



Position/Role	Councillor	Authority
Chair	CLlr Frank Biederman	Devon & Somerset Fire & Rescue Authority
Vice-Chair	CLlr Keith Aspden	City of York Council
Deputy-Chair	CLlr Greg Brackenridge	West Midlands Fire and Rescue Authority
Deputy-Chair	CLlr Rebecca Knox	Dorset & Wiltshire Fire & 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 Nick Chard	Kent & Medway Fire & Rescue Authority
	CLlr Nikki Hennessy	Lancashire Combined Fire Authority
	CLlr Jane Hugo	Lancashire Combined Fire Authority
	CLlr Jeremy Hilton	Gloucestershire County Council
	CLlr Luke Frost	Cleveland Fire & Rescue Authority
	CLlr Les Byrom CBE (as sub)	Merseyside Fire & Rescue Authority
Apologies	Dr Fiona Twycross	Greater London Authority
In Attendance	CLlr Nigel Smith	North Wales Fire & Rescue Authority
	Jonny Bugg (for item 4)	Home Office
	CFO Ben Ansell	NFCC
	CFO Paul Hedley (for item 5)	NFCC
	Ian Taylor (for item 6)	NFCC
	Simon Parr (for item 6)	Home Office

Meeting: Fire Services Management Committee

Date: 6 March 2023



Fire Service Culture

Purpose of report

For direction.

Summary

This report outlines a number of media reports highlighting issues with the culture within the fire service over the last few months. It talks about LGA work so far and proposals for future work.

Is this report confidential? No

Recommendations

That Members comment on the issues highlighted within the paper, including the proposals for further work in paragraph 35.

Contact details

Contact officer: Lucy Ellender

Position: Senior Adviser

Phone no: 07917 833058

Email: lucy.ellender@local.gov.uk

Fire Service Culture



Introduction

1. There have been a number of recent media reports as well as inspection findings that have shone a light on the culture of the fire and rescue service, and in particular the actions of some employees within it. 'People' issues have been a priority for the Fire Services Management Committee (FSMC) for the last few years and this paper explores the issues and suggests a number of activities for the LGA to support our member authorities.

Background

2. London Fire Brigade, Dorset and Wiltshire FRS and South Wales FRS have all been the subject of recent media stories regarding their culture and the behaviour of some firefighters.
3. In [London's independent culture review](#), conducted by Nazir Afzal, it was concluded that the service was "institutionally racist and misogynist" due to the behaviour uncovered during the review. There were a range of other issues highlighted in the review, including the harassment and bullying suffered by some employees within watches, poor managerial and HR practices and a perceived gap between leadership and on the ground amongst others. There were 23 recommendations within the report and the Commissioner has fully accepted these. London has now entered HMICFRS's enhanced monitoring process called "Engage".
4. The [first media story on Dorset and Wiltshire](#) FRS outlined the poor behaviour of some employees including sexual harassment and sharing of inappropriate photos via WhatsApp groups. Following the media report the FRS is commissioning an independent investigation and providing all female staff with the opportunity to speak to an independent organisation. Following this story there was [a further media report](#) on the behaviour of a former Assistant Chief Fire Officer within the service, who was investigated internally and found to have committed gross misconduct but, given the length and complexities of the investigation against him, he was able to retire before he could be dismissed.
5. [Two South Wales FRS employees](#) have been found to have sexually harassed and abused women. The service will now be seeking an independent review and has had its [White Ribbon](#) accreditation suspended, pending a review.
6. There have been other media reports about the culture and behaviour within services including a recent File on 4 programme called "Firefighters on trial" as well as other stories from ITV.

HMICFRS

7. Other issues with culture, values and people have been flagged through the inspection process. Gloucestershire FRS has entered the HMICFRS Engage process. This was due to issues around its people pillar results. It was graded “Inadequate” and entered Engage due to difficulties with embedding its values and promoting a positive workplace culture as well as not improving understanding and awareness of the importance of equality, diversity and inclusion (EDI) and not removing barriers to embedding EDI in the service.
8. More recently in the third round of inspection North Yorkshire received an “inadequate” judgement under the people pillar. Several services have also received grades of “Requires Improvement” under the people pillar during Round 2 of inspection:
 - Avon
 - Buckinghamshire
 - Cornwall
 - Cumbria
 - Derbyshire
 - Devon and Somerset
 - East Sussex
 - Essex
 - Hampshire and the Isle of Wight
 - Hereford and Worcester
 - Lincolnshire
 - London
 - Norfolk
 - Northamptonshire
 - Northumberland
 - Staffordshire
 - Surrey
 - Warwickshire
 - West Sussex
9. **Appendix A** outlines the results under each question for the people pillar for the FRSs who received “Requires Improvement” judgements. There were also services that received “Good” overall for people but still scored “Requires Improvement” on one or more of the questions.

10. The inspectorate has now been asked to carry out a spotlight report on values and culture in the fire service. The report will comment on:
 - The values and culture;
 - Bullying, harassment and discrimination; and
 - Examples of promising and innovative practices we have established in respect of values and culture.
11. The spotlight report is expected to be published at the end of March. The inspectorate wrote to all Chief Fire Officers on 7 February to formally request that they share information on any allegations that call into question the culture and values of fire and rescue services, with a deadline of 14 February.
12. Andy Cooke, His Majesty's Chief Inspector, will be speaking at the LGA's Annual Fire Conference and has been asked to outline the findings from Round 2 of inspection and State of Fire with a particular focus on people.

LGA

13. The LGA is committed to ensuring that the sector has an inclusive and welcoming culture, underpinned by the Core Code of Ethics and associated standards, as outlined in Fit for the Future.
14. The LGA's policy work around people, including values and culture has mainly been focussed on the Diversity and Inclusion Member Champions Network. The Network is chaired by the Equalities Advocate for the Board, Cllr Jane Hugo from Lancashire.
15. The Network aims to provide training, case studies and opportunities to discuss issues around EDI within a safe space. We have commissioned external training providers for sessions around scrutiny and member's governance role, as well as sessions on allyship and scenario-based exercises. We have also held more informal sessions with case studies and speakers from FRAs and the inspectorate.
16. There are a number of FRAs who do not have representation on the Network. In some cases this is because previous representatives have moved on from the role, the membership of the group could therefore benefit from a refresh to ensure that we have representation from across the sector. The next Champions Network meetings are scheduled for 22 March and 9 June 2023. We have three meetings per political cycle.
17. We have also included EDI as a key part of the Leadership Essentials Programme, highlighting good practice and exploring Member's governance and leadership role in this area in particular.
18. In May 2021, working with the NFCC and the Association of Police and Crime Commissioners, we also produced the Core Code of Ethics and associated guidance. The partnership continues its work to ensure the Core Code is adopted and, importantly, embedded within each FRS. A number of workshops have been held with FRS EDI leads to ensure learning is shared and support offered. A Workplace page has also been set up through the NFCC so sharing of learning can continue in between formal initiatives. A Code of Ethics Fire Standard to underpin the Core Code

has also been produced. The partnership will also be running a workshop at the LGA's Annual Fire Conference on embedding the Core Code.

19. We also have a clear sector-led improvement offer within this area, with the [Fire and rescue service equality framework](#) and peer challenge. As members will be aware from previous discussions, we do not receive any funding from the Home Office to undertake a specific programme of sector-led improvement activity for fire and rescue authorities. We have engaged with the Home Office on this at a high level and plan further engagement.

NFCC

20. Mark Hardingham has said that he is “appalled by the recent reports into behaviour and culture in some fire and rescue services”. He also wrote an article in the FIRE magazine in late 2022 setting out on behalf of Chief Fire Officers and NFCC members his views on an Inclusive Fire and Rescue Service culture www.fire-magazine.com/an-inclusive-fire-and-rescue-service-culture-nfcc-chair-mark-hardingham.
21. The NFCC will be holding a multi-stakeholder culture and inclusion conference on the 27 and 28 March Events (www.nationalfirechiefs.org.uk) with attendance from across every fire and rescue service and partners from both inside and outside of the fire and rescue sector, including the LGA. NFCC will use the event to further inform the action plan currently in place.
22. In recent years NFCC has worked with others to ensure a range of products are available for every fire and rescue service to use and continuously improve the inclusive culture of every workplace. These products have been derived from national standards, and in particular those national fire standards for the Core Code of Ethics from 2021/22, and Leadership x 2 issued in 2023.
23. NFCC has leadership programmes at both Executive and Supervisory level, that the LGA and Home Office have contributed to and has recently started the process to establish a Middle Managers programme. These programmes have equality and inclusion running through them as a consistent theme. Further NFCC products are available in the following areas – each of which support culture and inclusion:
 - Recruitment Hub
 - Talent Management Framework
 - Maturity Models
 - Equality of Access Tools
 - Core Code of Ethics (LGA, NFCC, APCC)
 - Model Policies
 - EDI Guidance
 - Coaching and Mentoring Toolkit
 - Strategic Masterclasses

- Equality, Diversity and Inclusion – Lunch and Learn CPD events
24. Alongside this work which was already underway, NFCC are building our plans for 2023/24 and this includes increasing our work into the following areas:
- Creating a new combined Culture, People and Leadership committee – led by CFO Rob McDougall, with CFO Wayne Bowcock and CFO Kathryn Billing leading for NFCC on Leadership and EDI respectively
 - Creating a 5 year People, Culture and Leadership workplan – this will include tangible products NFCC can produce alongside sharing good practice from FRS and HMICFRS inspections
 - Producing EDI Annual Report for publication this financial year
 - Facilitating Maturity Models and Core Code of Ethics workshops alongside the rest of the partnership (LGA, NFCC, APCC)Producing the NFCC, Firefighters Charity and Nottingham Trent University Health and Wellbeing Report – to be launched next month
 - Delivering more EDI Lunch and Learn events
 - Facilitating EqIA training to services
 - Appointing a new lead Culture Officer and an EDI Specialist to work in the NFCC to support the programme
25. The NFCC is committed to working alongside LGA and other partners to lead the culture change that is necessary across the fire and rescue service. As well as tackling damaging cultures, we intend to also build on the great work already underway across all FRS and in local communities.

National Joint Council for Local Authority Fire and Rescue Services (NJC)

26. The kind of issues raised in the report were already of concern to the NJC. The NJC set up an independently chaired UK-wide Inclusive Fire Service Group (IFSG) undertaking a comprehensive piece of work in 2017. The IFSG engaged directly with fire and rescue services and their employees (through surveys, workshops and focus groups) to consider equality, diversity, cultural and behavioural issues with the purpose of developing improvement strategies which could be supported across the board and used at local level to deliver improvement. The group remains unique in the fire service in that it comprises National Employer, senior manager (NFCC) and employee representatives (FBU, FOA and FRSA).
27. As part of that work, it issued a number of [improvement strategies as well as guidance on issues such as the personal use of social media](#). The strategies received very wide support from FRSs who indicated in response the [actions each intended to take](#) and expected outcomes. The group was therefore disappointed to see HMICFRS identify the same issues and concerns sometime later as part of its inspection regime. An already planned [follow up](#) survey of FRSs along with further employee focus groups

and mixed workshops confirmed that while there had been some progress in utilising the improvement strategies FRAs and FRSs still had work to do.

28. The IFSG also worked with the Home Office in connection with a retained duty system recruitment campaign. Its most recent focus has been on seeking engagement with HMICFRS in order to inform next steps for the group.

Leadership and Governance role of members

29. It is clear that the issues around culture, speak to the wider leadership and governance role of members, including member's role in setting expectations, priorities, representing the community within their fire services and holding Chief Fire Officers to account for the delivery of services. Ensuring that services are fit for purpose in how staff are treated and the culture that they are working within is inclusive is therefore critical to member's role and the running of the service in general.
30. Members hold officers to account for the delivery of these services and officers provide assurance of what is being delivered through appropriate evidence. Equality, diversity and inclusion therefore can be understood as central within this context, with both chief fire officers and members playing a role in driving change forwards at a local level.

Implications for Wales

31. Fire and rescue related policy is a devolved matter and much of the Committee's work will focus on changes for Fire and Rescue Authorities in England, with the Welsh Local Government Association leading on lobbying for Welsh Fire and Rescue Authorities.

Financial Implications

32. We are currently finalising budgets for the next financial year therefore we can include considerations of further work within those discussions.

Equalities implications

33. The media reports and poor behaviour highlighted, show a number of troubling issues from an EDI perspective, where people within the workforce have been harassed, discriminated against, bullied or belittled on account of their protected characteristics. Equally there have been instances highlighted of inappropriate behaviour towards members of the public whilst conducting fire service business. Though this may be perpetrated by a small number of individuals the potential impact on the service is significant.
34. The next steps set out in this report aim to support fire and rescue authorities in their role.

Next steps

35. Members are asked to discuss the issues highlighted in the report and proposals for further work on this issue, including:

- A free, one-day conference for members looking at their governance and leadership role in EDI, alongside their employer role. The programme would be worked on jointly with the Workforce team and with input from the Equalities Advocate. It would be a mix between discussion and practical training sessions.
- Refresh and renew the membership and remit of the EDI Champions Network.
- Look at the wider programme of governance and leadership training for leaders in the service.
- Engage with the NFCC on the development of their action plan.
- Engage with the IFSG once its next steps are identified as well as on potentially reviewing its social media guidance.
- Prepare media lines to respond to any inquiries the LGA may receive around fire service culture.
- As relevant consider the employment law and related legal framework in which fire authorities act.
- Continue to engage with the Home Office on sector-led support and wider issues around culture.

Appendix A

FRA	People Pillar questions and grade			
	How well does the FRS promote its values and culture?	How well does the FRS get the right people with the right skills?	How well does the FRS ensure fairness and promote diversity?	How well does the FRS manage performance and develop leaders?
Avon	Good	Requires Improvement	Requires Improvement	Requires Improvement
Buckinghamshire	Requires Improvement	Requires Improvement	Requires Improvement	Requires Improvement
Cornwall	Good	Requires Improvement	Requires Improvement	Requires Improvement
Cumbria	Requires Improvement	Inadequate	Requires Improvement	Requires Improvement
Devon and Somerset	Requires Improvement	Good	Requires Improvement	Requires Improvement
East Sussex	Requires Improvement	Good	Requires Improvement	Good
Essex	Requires Improvement	Requires Improvement	Requires Improvement	Requires Improvement
Gloucestershire	Inadequate	Requires Improvement	Inadequate	Requires Improvement
Hampshire and the Isle of Wight	Requires Improvement	Good	Requires Improvement	Requires Improvement
Hereford and Worcester	Requires Improvement	Requires Improvement	Requires Improvement	Requires Improvement
Lincolnshire	Good	Requires Improvement	Requires Improvement	Requires Improvement

London	Requires Improvement	Requires Improvement	Requires Improvement	Requires Improvement
Norfolk	Requires Improvement	Requires Improvement	Requires Improvement	Requires Improvement
North Yorkshire	Requires Improvement	Inadequate	Requires Improvement	Requires Improvement
Northamptonshire	Requires Improvement	Good	Requires Improvement	Requires Improvement
Northumberland	Requires Improvement	Requires Improvement	Requires Improvement	Requires Improvement
Staffordshire	Requires Improvement	Good	Requires Improvement	Good
Surrey	Good	Good	Requires Improvement	Requires Improvement
Warwickshire	Requires Improvement	Requires Improvement	Requires Improvement	Requires Improvement
West Sussex	Requires Improvement	Good	Requires Improvement	Requires Improvement

Meeting: Fire Services Management Committee

Date: 6 March 2023



Workforce report

Purpose of report

For information

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

Summary

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

Is this report confidential? No

Recommendation/s

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

Contact details

Contact officer: Gill Gittins (Industrial Relations)

Position: Senior Adviser (Workforce and Negotiations)

Phone no: 07775 538917

Email: gill.gittins@local.gov.uk

Contact officer: Claire Hey (Pensions)

Position: Senior Pensions Adviser

Phone no: 07825 731 924

Email: claire.hey@local.gov.uk

Workforce report - FSMC



PENSIONS

Legal cases related to pension matters

1. Members are aware of the range of legal cases brought against FRAs (supported by the FBU) that fall broadly under the category of the McCloud/Sargeant litigation. As they were named as respondents in the cases, Fire and Rescue Authorities (FRAs) had to submit defences. The defences continue 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 national employers' Advisory Forum legal adviser, national employers' secretariat, and from the LGA its Corporate Legal Adviser and a Senior Employment Law Adviser.
2. The details of each category have been covered in previous reports. Therefore, each category is covered in short below, together with the current positions:
3. McCloud/Sargeant – this is the main category and concerns 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).
 - 3.1. 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 (a request to appeal was rejected by the Supreme Court).
 - 3.2. Current position - an [interim Order on remedy](#) was agreed by all parties. It does not bind the parties beyond the limited interim period before the final declaration. 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 1992 FPS. While the Order anticipated that the final determination on the remedy issue in regard to membership of the 1992 FPS would be resolved in 2020, legislation to provide the main remedy needs to be put in place. Pending the legislation, which is expected to come in force on 1 October 2023, an Order in substantively the same form as the interim Order remains in place.
 - 3.3. The injury to feelings Employment Tribunal hearing which was scheduled to take place from 14 – 28 October was vacated, the parties having agreed provisional settlement arrangements.
 - 3.4. The injury to feelings claims were made as part of the Sargeant (age discrimination) litigation and are claims for compensation for non-financial loss.
 - 3.5. Vacation of the hearing followed agreement in principle as to issues of non-financial loss, and to provide further time to negotiate the full settlement details between all parties (including FRAs) through their respective legal representatives. In the case of

FRAs, approval will then be needed by the Steering Committee before final agreement is reached.

- 3.6. The compensation amounts are based on the established principles (often referred to as 'Vento' bands) and will have appropriate interest applied. The cost of compensation will be fully met by the Government, on the basis that FRAs are in funds before any payments are required to be made.
- 3.7. In respect of the claimants this applies to, it is all the named original 2015 claims in England and Wales brought by the FBU (but not claims in Scotland or Northern Ireland). This does not settle the further claims served last year, the Fire Officers' Association (Slater and Gordon) claims nor any of the reverse discrimination claims.
- 3.8. There still needs to be negotiation between the respective legal representatives on the details, including timescales and practicalities around making payments. The parties can apply for a tribunal hearing if matters are not fully resolved by 23 April 2023, so it is anticipated that discussions will be concluded by then. We continue to keep FRAs updated on any material developments through their nominated contacts.
4. Another related category of employment tribunal claims has been issued by the FBU against fire and rescue authorities on behalf of firefighters. 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.
 - 4.1. Current position – Working together with Bevan Brittan, the solicitors acting for FRAs, we are coordinating the defence of those claims on behalf of FRAs. The claims are currently stayed pending the outcome of the main FBU claims.
5. The FBU has also issued another batch of employment tribunal claims for its members who had not brought claims before. Those claims are broadly of the same type of claims that have been brought previously
 - 5.1. Current position – Working together with Bevan Brittan, we are coordinating the defence of those claims on behalf of FRAs. The claims are currently stayed pending the outcome of the main FBU claims.
6. Claims 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. 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.
 - 6.1. Current position – Working together with Bevan Brittan, we are coordinating the defence of those claims and the cases are currently stayed, pending the outcome of the main FBU claims.
7. Matthews & others v Kent & Medway Towns Fire Authority & others:
 - 7.1. 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. 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. The LGA acted for FRAs through the auspices of the National Employers.

- 7.2. Defence of the pensions aspect of the case was led by 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"). A time-limited options exercise took place between 2014 and 2015 to allow eligible individuals to join the FPS. While the benefits awarded to special members largely mirrored the benefits under the FPS 1992, the FPS 2006 was amended as the FPS 1992 was closed.
- 7.3. 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.
- 7.4. Current position - On 9 March 2022, after an extended period of negotiations, a [Memorandum of Understanding](#) (MoU) was agreed between the government, the Fire Brigades Union, the Fire & Rescue Services Association, and FRA employers.
- 7.5. It was confirmed that remedy for retained firefighters affected by the O'Brien judgment will be provided by way of a second options exercise allowing in-scope individuals the opportunity to purchase pension entitlement as a special member of the FPS 2006. Under the terms of the MoU it was agreed that the Employment Tribunal proceedings should be stayed for 18 months to enable that options exercise to progress.
- 7.6. A further issue arose during negotiation of the MoU around an inability to aggregate periods of pensionable service in the FPS as a retained firefighter with periods of service as a wholetime firefighter ("aggregation"). This has been addressed by affected retained firefighters (or their representatives) having the ability to give written notification to the GLD (on behalf of the Home Office) and FRAs prior to the commencement of the second options exercise of:
 - i. their identity; and
 - ii. details of the factual and legal basis of any aggregation claims
- 7.7. with a view to discussions for six months from the MoU date on a resolution of those claims. If agreed resolution of the aggregation issues was not reached by then it has been agreed that those Claimants can ask for the stay on their tribunal claims to be lifted so the tribunal can determine outstanding issues in relation to them. As resolution was not reached within this time, a number of claims were submitted and we proposed an approach to the collective defence of those claims.
- 7.8. As all FRAs agreed that they were content with the approach, a joint defence of the claims commenced, continuing to use DAC Beachcroft to represent FRAs on a cost sharing basis. A significant number of individual, and later group, claims were responded

to on this basis while DAC Beachcroft sought to secure a preliminary hearing to discuss the issues raised. DAC Beachcroft also sought for the requirement to file all other responses to be paused in the interim.

7.9. The Employment Tribunal judge granted this application in respect of claims in England and Wales, and the requirement to file responses has been stayed until at least 20 April 2023, the date the preliminary hearing is listed for. The equivalent claims in Scotland have been sisted pending the outcome in England and Wales.

8. Legal costs in relation to the above cases are currently shared between FRAs. 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, and a formal letter was sent to UK governments on behalf of FRAs. Discussions are ongoing between the Home Office and LGA officers as representatives of the FRAs to discuss the costs issues.

Matthews and the second options exercise

9. The LGA continues to assist the Home Office with its policy development in this area. Project management meetings are held between the LGA, the Home Office and the Government Actuaries Department (GAD) every four weeks.
10. The LGA has published a [Matthews Project Implementation Document](#) (PID) which sets out the scope, deliverables, and high-level timeline for the project. The PID also includes a communications plan and draft terms of reference for the Scheme Advisory Board working group.
11. There are a number of steps which FRAs should be taking now to establish the data needed to implement the second options exercise. We have issued a [factsheet on pre-work](#) that authorities can undertake before October 2023.
12. A consultation on the draft regulations is expected to take place commencing mid-March and lasting for 10 weeks.

Immediate Detriment Framework for McCloud/Sargeant type cases

13. The proposed amendments to the Framework remain with the respective legal representatives for agreement. The amendments would also require final approval from the Steering Committee before the revised Framework is published.
14. In the meantime, the technical guidance to FRAs has been updated to include clarity around the proposed treatment of contributions and add the technical/ practical issue and proposed resolution (if any), and potential risk and liability, to each element. At such point that the amendments to the Framework are agreed, the guidance will be updated to reflect those changes.
15. The Framework will also be reviewed in light of the publication of the Treasury Directions which were published on 14 December 2022.
16. We have asked FRAs to be alert to the receipt of future claims brought on behalf of scheme members, and to inform the LGA immediately on such receipt.

17. In the meantime, we remain in continuous dialogue with the Government on potential alternative solutions.

HM Treasury Directions for Remedy

18. On 14 December 2022, HM Treasury (HMT) made the [Public Service Pensions \(Exercise of Powers, Compensation and Information\) Directions 2022](#). They came into force on 19 December 2022 and apply to England, Northern Ireland, Scotland, and Wales.
19. The Directions set out how certain powers in the Public Service Pensions and Judicial Offices Act 2022 must be exercised. The Act gives relevant government departments powers to rectify Sargeant/ McCloud discrimination by making secondary legislation.
20. Further detail can be found in the [HMT Remedy Directions coffee morning presentation](#).

Tax rules for 2015 Remedy laid

21. In November 2022, HMRC published a technical consultation on a draft statutory instrument, which would ensure that the pensions tax framework will apply as intended to pension scheme administrators and members affected by the public service pensions remedy.
22. Following that consultation, on 6 February 2023, [The Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) Regulations 2023](#) were laid. They apply to relevant public service pension schemes in England, Wales and Scotland and come into force on 6 April 2023, but some provisions will have retrospective effect.
23. The regulations setsout changes to how the pensions tax rules will apply to pension scheme administrators and members of public service pension schemes because of the 2015 remedy. The regulations make changes to how pensions tax legislation operates in certain circumstances, including changes to how schemes will need to report and pay extra tax charges or reclaim overpaid tax and ensure that schemes can pay pension benefits as authorised payments.

FPS Contribution Bandings for 2023-24

24. The [contributions banding factsheet](#) which confirms the contribution rates that apply for 2023-24 as set out in the scheme regulations is now available and confirms that there are no changes to the relevant rates for 2023-24.

Public Service Pension Indexation and Revaluation 2023

25. On 20 February 2023, HM Treasury (HMT) issued [written statement HCWS566](#) confirming the Public Service Pension Indexation and Revaluation for 2023.
26. Public service pensions will be increased in line with the annual increase in the Consumer Prices Index up to September 2022. The statement confirms that the increase from 10 April 2023 is 10.1 per cent. This will apply for FPS deferred pensions and pensions in payment.
27. The statement also confirms that the FPS 2015 will use the figure of 7 per cent for the earnings element of revaluation for active members to be applied at one second after midnight on 31 March 2023.

LGA staffing updates

28. Claire Hey is leaving the LGA on 23 April 2023. Recruitment for the Senior Pension Adviser role is ongoing, with interviews expected to take place on 13 March 2023.
29. We are delighted to announce that Tara Atkins has been appointed to the Pensions Team in the role of Firefighters' Pensions Adviser (Communications) and will join the LGA on 20 March 2023.
30. Tara has over 23 years' public service pension experience, including the LGPS, Police, Teachers, NHS, and Firefighters' Pension Schemes. Tara commenced Local Government employment in July 1999 at West Sussex County Council, where she commenced in the Pensions Administration Team, working her way up to Team Leader until she moved into the County Council's Subject Matter Expert Role in 2012, when the Administration Team were outsourced to a third party.
31. Tara's role at the LGA is to provide support to FRAs and FPS practitioners and she will lead the development of national FPS communications.

SCHEME ADVISORY BOARD (SAB)**SAB meeting 23 January 2023**

32. The SAB last met on 23 January 2023 and discussed the following areas:
 - 32.1. Temporary in the context of the FPS
 - 32.2. Retrospective correction of pensionable pay
 - 32.3. PDD engagement sessions to date
 - 32.4. Remedy timetabling
 - 32.5. Commutation in the FPS 1992 Scotland
 - 32.6. HMRC tax consultation
33. Additionally, the SAB were pleased to invite Angela Bell and Lucy Stone from The Pension Regulator to the meeting to give an [update on pension dashboards](#).

SAB remedy engagement sessions

34. The SAB has been invited by the Home Office to take part in a series of joint engagement sessions with the Police SAB to consider scheme specific versions of the Provision Definition Documents (PDDs) which define the provisions of the PSPJOA 2022 for each area of the 2015 Remedy.
35. One session is taking place per month between June 2022 and February 2023, with two topics discussed at each meeting. These discussions will help to inform the drafting of secondary legislation, ahead of formal consultation. Formal consultation is now expected to commence during February 2023.
36. The most recent session considered Annual Allowance and bereavement.

KEY CURRENT WIDER WORKFORCE ISSUES

Pay

NJC for Local Government Services (Green Book)

37. Support staff in fire and rescue services tend to be employed on NJC for Local Government Services terms and conditions (Green Book). Its scope is England, Wales, and Northern Ireland. Employee representatives on that NJC are Unison, Unite and GMB. The usual pay settlement date each year is 1 April.
38. The [claim](#) for 2023 covers:
 - 38.1 RPI (10.70 per cent¹) + 2.0 per cent on all pay points
 - 38.2 Consideration of a flat rate increase to hourly rates of pay in order to bring the minimum rate up to £15 per hour within two years
 - 38.3 A review and improvement of NJC terms for family leave and pay
 - 38.4 A review of job evaluation outcomes for school staff whose day-to-day work includes working on Special Educational Needs (SEN)
 - 38.5 An additional day of annual leave for personal or well-being purposes
 - 38.6 A homeworking allowance for staff for whom it is a requirement to work from home
 - 38.7 A reduction in the working week by two hours
 - 38.8 A review of the pay spine, including looking at the top end, and discussions about the link between how remuneration can be used to improve retention
39. In response the employers' side of the NJC for Local Government Services, which once again has had to take into account the National Living Wage pressures, decided to make the following one-year (1 April 2023 to 31 March 2024), full and final offer to the unions representing the main local government NJC workforce:
 - 39.1. With effect from 1 April 2023, an increase of £1,925 (pro rata for part-time employees) to be paid as a consolidated, permanent addition on all NJC pay points 2 to 43 inclusive.
 - 39.2. With effect from 1 April 2023, an increase of 3.88 per cent on all pay points above the maximum of the pay spine but graded below deputy chief officer (in accordance with Green Book Part 2 Para 5.42)
 - 39.3. With effect from 1 April 2023, an increase of 3.88 per cent on all allowances (as listed in the 2022 NJC pay agreement circular dated 1 November 2022)
40. A copy of the full [response](#), which also covers the other points in the claim, has been circulated to FRAs.

NJC for Local Authority Fire and Rescue Services

41. The scope of this UK-wide NJC is uniformed employees (other than those in Brigade Management roles). The usual settlement date for this (Grey Book) group is 1 July.

42. The pay claim for 2022-3 was circulated to FRA/Ss via circular [EMP/1/22](#) at the end of June.
43. During negotiations updates have been provided to FRAs and FRs through a series of communications including meetings with FRA Chairs, Police, Fire and Crime Commissioners and chief fire officers. Additional information has been provided including an employers' media statement (updated when appropriate), key messages and FAQs to assist communications at local level and help to ensure a consistent approach. The NJC's media work is informed by a cross-organisation group of media specialists drawn from the LGA, WLGA, Scottish Fire & Rescue Service and the Northern Ireland Fire & Rescue Service. The information is kept under review and updated as and when appropriate. Furthermore, [advice](#) was provided in respect of preparation for, and if necessary, during industrial action.
44. Previous reports to the Fire Services Management Committee have set out the various points of consideration as the negotiation has progressed. The current position is that a further [offer](#) was made to the employees' side of the NJC on 8 February:

- A 7 per cent increase on all basic pay rates and Continual Professional Development payments with effect from 1 July 2022
- A 5 per cent increase on all basic pay rates and Continual Professional Development payments with effect from 1 July 2023

In addition, the employers' side of the NJC remained committed to exploring the additional points in the claim proposing a way forward on each – pay progression and use of the continual professional development scheme/payments, control staff pay differential, retained duty system pay and reward and new roles.

45. The Fire Brigades Union is currently consulting its members alongside a recommendation to accept the offer and also committed to not providing notification of strike dates to FRAs during the consultation period, which it had originally intended to do on 9 February. The consultation closes on 6 March.

NJC for Brigade Managers of Local Authority Fire and Rescue Services

46. The scope of this UK-wide NJC is senior uniformed managers at chief, deputy chief and assistant chief officer levels. The usual settlement date for this (Gold Book) group is 1 January. The employee representative body is the Fire Leaders Association. Its pay claim originally sought '...an unconditional pay increase for all Brigade Managers, with effect from 1 January 2022, that is commensurate with all other fire and rescue staff in the UK'. The claim has since been clarified and revised on 26 January to focus solely on Grey Book employees as a comparator group and that '...any multi-year offers made to such employees should also be offered to this (Gold Book) senior manager group of employees.'
47. The Gold Book provides a two track approach to pay:
- '10. There is a two-track approach for determining levels of pay for Brigade Manager roles. At national level, the NJC shall review annually the level of pay increase applicable to all those covered by this agreement. In doing so, the NJC will consider affordability, other relevant pay deals and the rate of inflation at the appropriate date. Any increase agreed by the NJC will be communicated to fire authorities by circular.

11. All other decisions about the level of pay and remuneration to be awarded to individual Brigade Manager roles will be taken by the local Fire and Rescue Authority, who will annually review these salary levels. ‘

48. Discussions have taken place with the FLA on a potential national pay award and updates periodically provided to FRA Chairs and Police, Fire and Crime Commissioners. At the time of writing this report a further meeting of the joint secretariat (the lead negotiators for each party) is planned. The National Employers will meet again shortly thereafter to consider the outcome of those discussions and the registration of a trade dispute by the Fire Leaders Association (which is the only employee representative body on this National Joint Council).

LGA, NFCC and APCC Core Code of Ethics

49. The [Core Code of Ethics](#) has been promoted and welcomed across the groups the partnership bodies represent - NFCC, LGA and APCC - since its publication in May 2021. The Core Code and its accompanying guidance was welcomed by the Home Office, as well as by HMICFRS and the Fire Standards Board. A supporting Fire Standard was also launched at that time.
50. Following such widespread support, work has taken place, and is continuing to take place, to ensure the Core Code is adopted and embedded within all fire and rescue services in order to ensure consistency and delivery of improvements.
51. Since release of the Core Code the partnership bodies have jointly undertaken several well attended workshops with fire and rescue services, initially to complement awareness activities and to support adoption of the Core Code. Workshops then moved on to progressing implementation and embedding the principles of the Core Code within services. The partners have also agreed that sharing of good practice going forward will be hosted through Workplace, which is operated by the NFCC and open to fire and rescue service employees working in this area. Partnership work will continue to support delivery of improvement and a workshop will take place at the Fire Conference on 7 March.
52. In its most recent State of Fire report HMICFRS said it was ‘encouraged by the progress many have made in implementing this (the Core Code)’. It also indicated it would continue to consider how well services have adopted the Core Code of Ethics for Fire and demonstrate it in their cultures in its third round of inspections.

Minimum service levels

53. The Strikes (Minimum Service Levels) Bill, covering England, Wales and Scotland, provides a power for the Secretary of State to specify in regulations the relevant services, which are subject to ‘minimum service regulations’. This includes fire and rescue services.
54. The government proposals set out the essential services that it considers the MSL should cover, and it is seeking views and options on how it could be applied. For fire and rescue services, it proposes to implement an MSL that would focus on public safety as well as ensure that firefighters are operating at safe levels when numbers are reduced due to strike action. This MSL will be introduced to FRSs to ensure that crews can respond to incidents to sustain the safety of the public during strike periods. It argues that MSLs would ensure that the employers are able to plan for adequate staffing cover to be maintained for emergency response and that employers will be able to do this through issuing work notices to appropriately trained staff irrespective of their membership of a union.

55. The [consultation](#), which closes on 3 May, seeks views on:
 - 56.1 appropriate MSL which should apply during strike action in relation to FRSs.
 - 56.2 the relevant services provided by FRSs' workforces to which the MSL should apply.
 - 56.3 how to reasonably mitigate risk where possible to ensure public safety whilst maintaining workers' rights.
56. The main focus is on Grey Book employees with the consultation indicating it is less likely that Green Book would be subject to an MSL. Gold Book staff could be subject to an MSL.
57. The intention of UK government is that MSLs will also apply to a number of other workforces for example health, education and transport. The original LGA intention had been for the Resources Board to prepare a single general response. However, the UK government has now decided to issue separate consultations.
58. Many of the questions in the fire and rescue sector consultation, not unsurprisingly, are operational in nature. Accordingly, it is suggested that:
 - 59.1 officers prepare a letter in response to the fire and rescue sector consultation, for consideration by lead FSMC members which would then go to the Resources Board for clearance and consistency of approach
 - 59.2 the letter would comment upon general matters particularly in connection with the relationship between employers and their workforces and employer responsibilities. This could cover concerns such as those from an employment law perspective covering legal risk and potential costs to employers, as well as the potential effect on the working relationship from an industrial relations perspective
 - 59.3 discussion take place with the NFCC to ideally share draft responses with the intention of supporting respective responses where possible to do so.

Implications for Wales

59. The immediate detriment matters raised are the same in Wales where the matter of Section 61 of the Equality Act also applies. Given the work to agree a Framework took place under the auspices of the National Employers, it is also available to Welsh FRAs.
60. The remaining pension matters do not apply to Wales as Firefighters' Pensions are devolved to Welsh Government.
61. 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 exception in this report is the Core Code of Ethics which applies in England only. The WLGA is also one of the four employer stakeholder bodies on the NJC for Local Authority Fire and Rescue Services and the NJC for Brigade Managers.

Financial Implications

62. There will be financial implications for FRAs in respect of the pay awards referred to.
63. There will be financial implications arising from the legal remedies in Sargeant and Matthews in the following areas: administration, software, legal, and operational costs. Representations

will continue to be made to the Government to seek to recover all costs arising as a direct result of the remedies.

Equalities implications

64. Equalities issues are central to the McCloud/Sargeant litigation.

Next steps

65. The pension and wider workforce issues will continue to be progressed as set out above.

Title of Paper	Fire Standards Progress Report
Decision or Information	For information
Title and Date of Meeting	LGA Fire Services Management Committee 6 th March 2023
Attachments	None

Summary

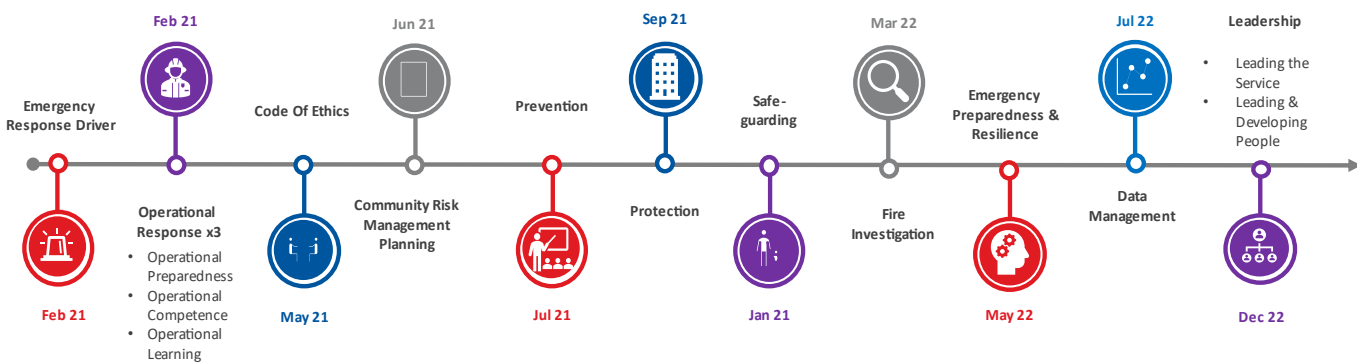
This paper provides members of the LGA Fire Services Management Committee (FSMC) with a summary of the progress on the Fire Standards. The Fire Standards Board last met formally on 21st December 2022 and they next meet on 30th March 2023.

Recommendations

Members are asked to:

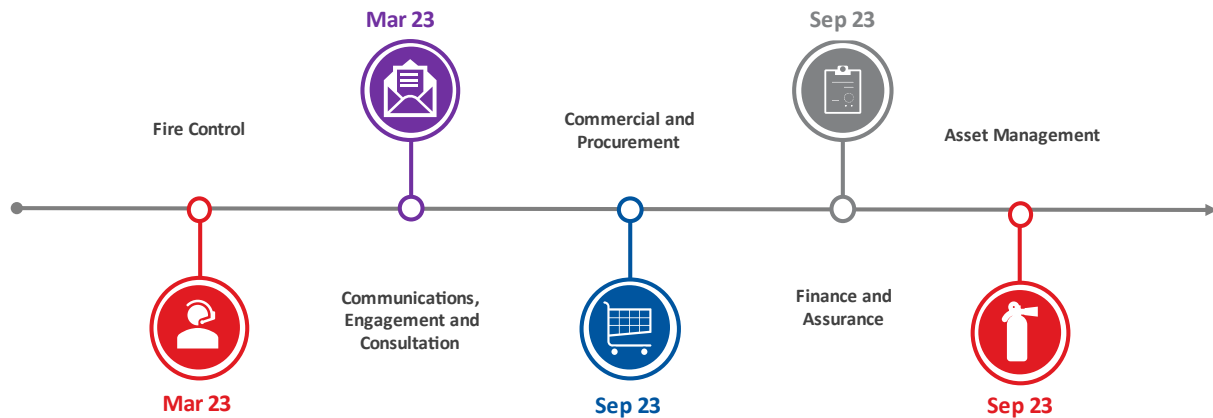
- note the contents of this report for information;
- provide ongoing support to officers in enabling and empowering them to engage in the development and implementation of the Fire Standards both in production and when published; and
- encourage the monitoring of the benefits of the Fire Standards in their services.

Current Status



There are now fourteen approved and published Fire Standards which are available on the [Fire Standards Board](#) (FSB) website and shown in the timeline figure below.

The second and third phases of Fire Standards development is progressing with the remaining standards underway shown on the timeline diagram below, with a summary of the current status by standard:



Development Update

Leadership and People Fire Standards

- The **Leading the Service** and **Leading and Developing People Fire Standards** opened for consultation in June 2022 and closed in September 2022.
- The Fire Standards Board approved the publication of the two standards on 21 December 2022.

Phase Three Fire Standards

A third phase of development work was approved by the FSB at the Board meeting on 15th June 2022. The Board agreed to the following standards for production as part of phase three:

No.	Activity / Potential Fire Standard	Activity Framework Category
1	Fire Control	Service Delivery
2	Communication, engagement, consultation	Cultural and Enabling
3	Commercial and Procurement (Resources)	Enabling
4	Finance and Assurance (Resources)	Enabling
5	Asset Management (Resources)	Enabling

Fire Control Fire Standard

- Development on this standard commenced in September 2022, with Ben Norman, NFCC Lead for Fire Control supporting this work.
- Peer review on the Fire Control Fire Standard took place in October 2022 and the Board approved the revised standard to commence consultation in December 2022.
- Consultation on the standard closed on 6 February 2023
- Subject to consultation feedback, the Fire Control Fire Standard is expected to be published in March 2023.

Communications, Engagement and Consultation Fire Standard

- Development on this standard commenced in September 2022, with Neil Odin, NFCC Lead for Prevention supporting this work.
- Peer review on the Communications, Engagement and Consultation Fire Standard took place in October 2022 and the Board approved the revised standard to commence consultation in December 2022.
- Consultation on the standard closed on 6 February 2023
- Subject to consultation feedback, the Communications, Engagement and Consultation Fire Standard is expected to be published in March 2023.

Resources Fire Standards: Commercial and Procurement, Finance and Assurance, Asset Management

- Work on these three standards is commenced in February 2023
- Further updates on this will be provided in the next report.

It is anticipated that the full suite of standards will total approximately 21.

The FSB has a defined periodic review process in place following publication of a Fire Standard but can initiate an exceptional review should the need arise.

Implementation support

The FSB, through the NFCC Fire Standards and Implementation Teams, will be continuing to support services as they work to achieve the Fire Standards. Implementation tools are provided with all published Fire Standards.

Impact and Benefits Realisation

The FSB are keen to understand the impact of the Fire Standards now that the first standards have been published. As part of both the development process and the consultation on each Fire Standard we ask services about potential impacts.

The FSB has engaged with services across England between July and November 2022 to help better understand impacts and review progress to date. They have gathered a wide range of feedback from services and are currently in the process of using that feedback to develop a number of tools to support services alongside a long-term communications and engagement plan.

Background notes for information

The Fire Standards Board (FSB) is responsible for the identification, organisation, development and maintenance of professional standards for fire and rescue services in England. Led by an independent Chair and Vice Chair, 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.

The FSB continues to meet regularly to review the progress made on Fire Standards development. Its next meeting is scheduled for 30th March 2023.

Given the various stages of development required and the time needed for engagement with services in the early stages, as well as through formal consultation, development work and publications are staggered. This is primarily done to align capacity and resources in a considered way, but also to pace the rate at which standards are released to services.

Once approved, Fire Standards are shared on the [Fire Standards Board website](#).

Services should now be aware of the requirements being placed upon them through these Fire Standards. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) will be referencing the standards in their inspection arrangements and therefore services should be prepared to evidence their progress towards achieving them.

The Fire Standards Board would welcome and appreciate the support of fire authority chairs and members in:

1. Ensuring their services are enabled to engage in Fire Standards by releasing their subject matter experts to support development work and peer review through the NFCC where appropriate and feasible.
2. Responding to the Fire Standards consultations as they are published; and,
3. Supporting activities to achieve those Fire Standards through implementation once approved and published.

Meeting: Fire Services Management Committee

Date: 6 March 2023



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.

Is this report confidential? No

Recommendation

That the Committee note the report.

Contact details

Contact officer: Rebecca Johnson

Position: Adviser

Phone no: 07887 568807

Email: Rebecca.johnson@local.gov.uk

Fire Services Management Committee Update Paper



Fire and Rescue Leadership Essentials

1. Our next Fire and Rescue (Leadership Essentials) course will take place between **Monday 13 and Tuesday 14 March** at [Warwick Conferences, University of Warwick, Scarman Road, Coventry CV4 7SH](#).
2. This fully subsidised course is aimed at chairs and members of fire and rescue authorities and aims to provide an induction to the fire sector. It will be a great opportunity to network with other fire authority members; so, both new and existing members are encouraged to attend. For more information or to book, contact Grace Collins on 020 7664 3054 or at grace.collins@local.gov.uk

Fire Inclusion and Diversity Member Champions Network

3. The next EDI Champion network meeting is on Wednesday 22 March between 10am-12pm and will be held on Teams.
4. We encourage all authorities to make sure that they have a representative on the Committee's Member Champions Network. Please get in touch with Rebecca Johnson for further information Rebecca.johnson@local.gov.uk

State of Fire and Rescue 2022

5. His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) has released the following publications:
 - [State of Fire and Rescue – the Annual Assessment of Fire and Rescue Services in England 2022](#)
 - [results of fire and rescue service inspections 2021/22](#) – tranche 3 as well as 'cause of concern' revisit letters
 - [fire and rescue services inspection programme and framework commencing January 2023](#) for 'round 3' inspections of all 44 fire and rescue authorities in England.
6. HMICFRS has also announced its intention to produce a spotlight report on values and culture in all 44 fire and rescue services in England, based on existing evidence collected from its second full round of inspections, which took place in 2021 and 2022. The report will look at:
 - values and culture

- bullying, [harassment](#) and [discrimination](#)
- examples of promising and innovative practices established in respect of values and culture.

Statistics

7. In February, Home Office published [Fire and rescue incident statistics for England for the year ending September 2022](#). Figures show there was a significant increase in incidents in the year ending September 2022 with FRSs attending 620,758 incidents, a 16% increase compared with the previous year (537,423).
8. Of these incidents, there were 185,437 fires which was a 28% increase compared with the previous year (145,313). These increases can be attributed to the 44% increase in secondary fires and 63% increase in outdoor primary fires following the hot, dry summer in 2022. Also contributing were large increases in the non-fire incident categories collaborating incidents and road traffic collisions, as well as the fire false alarm category due to apparatus.

Leadership

9. '[Pathways and barriers to leadership in fire and rescue services](#)' is a new research report commissioned by the Home Office which highlights lived experiences and perceptions from fire and rescue professionals relating to support, and barriers to promotion, within the workforce.

Implications for Wales

10. None.

Financial Implications

11. None.

Equalities implications

12. HMICFRS's inspection reports highlighted a range of issues that impact on equality, diversity and inclusion within the fire and rescue sector. The LGA's Fire Diversity and Inclusion Champions Network has been specifically established to assist authorities in improving equality, diversity and inclusion in fire and rescue services.

