

Update on the Work of Fire Services Management Committee

Purpose of report

For information.

Summary

At its last meeting Leadership Board requested an update on the work being undertaken by the LGA to support Fire and Rescue Authorities (FRAs). This report outlines the priority areas of work agreed by Fire Services Management Committee for 2019/20, and the work that will involve with FRAs.

Recommendations

Leadership Board is asked to note Fire Services Management Committee's priorities for 2019/20 and the work with Fire and Rescue Authorities associated with them.

Actions

Officers to report back to Fire Services Management Committee the comments and views from Leadership Board.

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

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Background

1. Over the last three years Fire Services Management Committee's (FSMC) work has been dominated by the government's fire reform agenda and the fire at Grenfell Tower.
2. The transfer of responsibility for fire and rescue policy from the then Department of Communities and Local Government to the Home Office in 2016 resulted in the Home Secretary at the time launching a programme designed to improve efficiency and collaboration, reform the workforce and strengthen governance and transparency.
3. Key elements of this programme have been the introduction of an inspection regime for fire and rescue services, and changes to the governance of services by allowing combined authority mayors and police and crime commissioners to take on that role from existing Fire and Rescue Authorities.

FSMC Priorities

4. At its meeting on 11 October Fire Services Management Committee (FSMC) agreed its priorities for 2019/20. The priorities were informed by suggestions made by FSMC members at its meeting in June, and a discussion at Fire Commission in September. The Commission meeting was an opportunity to seek the views of the Fire and Rescue Authorities (FRAs) present.
5. Fire Commission confirmed that the draft priorities presented to them resonated with issues FRAs are facing. A particular issue highlighted by Fire Commission members is the need to address workforce and culture issues in services. FRAs felt services need to be made more inclusive, they need to be more reflective of the communities they serve, difficulties around recruitment and retention (especially of on-call staff) have to be addressed, and further work is needed to develop managerial talent to increase the pool of staff to fill vacancies at a senior level.
6. During FSMC's discussions on 11 October, two national reports due out this autumn were felt to have such significant implications for all FRAs, they were likely to determine the Committee's work for the remainder of the year: the Phase 1 report from the Grenfell Tower Inquiry which will be published on 30 October; and the State of Fire report due to be published by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) in December at the conclusion of their inspections of all 45 English fire and rescue services. Members agreed FSMC's work on these two areas would require greater emphasis alongside that on making services more inclusive.
7. FSMC already had work streams related to services' role in a reformed building safety regulatory environment, as well as helping make high-rise residential buildings with dangerous cladding safe, and supporting FRAs respond to the outcomes of Her

Majesty's Inspectorate of Constabulary and Fire and Rescue Services' (HMICFRS) inspections. The priorities for 2019/20 set out below are therefore an evolution of those that FSMC has been working on over the last two years.

Inspections and inclusion

8. FSMC has worked closely with HMICFRS' to inform the development of their inspection programme from the time it was announced they would be inspecting fire and rescue services. Over the last 18 months HMICFRS have inspected all 45 English FRAs, doing so in three tranches. The reports from the final tranche of inspections are due to be published in December. Alongside those reports HMICFRS will also publish its 'State of Fire' report, setting out its conclusions from inspecting all the services, and what the sector needs to do going forward.
9. As would be expected the inspections found examples of good practice and areas for improvement. Unsurprisingly responding to emergencies is a strength of the sector. Common themes across services for improvement included the under-resourcing of protection teams, where a lack of national standards and legislation means services fulfil their responsibilities in varying ways such as different definitions of risk, frequency of audits, and use of enforcement action. There are also some weaknesses in prevention work with activities not always targeted at those most at risk, and services are not making the most of the benefits of technology.
10. The inspection pillar where services were most often found in need of improvement was the people pillar, covering the culture and values of services. HMICFRS found that not enough progress is being made in recruiting a diverse workforce, and reported there had been some allegations of bullying.
11. HMICFRS went on to make two recommendations at the end of the second tranche of inspections:
 - 11.1. On the need for a greater consistency of approach across four priority areas by December 2020 with significant progress across the following areas towards a common set of definitions and standards:
 - 11.1.1. Identifying and measuring emergency response standards;
 - 11.1.2. Identifying and determining risk as part of the integrated risk management plan (IRMP) process;
 - 11.1.3. Defining what high risk premises are for the purposes of fire protection;
 - 11.1.4. Setting an expectation of how frequently high-risk premises should be audited for compliance with fire safety legislation.
 - 11.2. For the sector to be supported in its reform work by investment in national capacity and capability to support change.

12. One of the main priorities for FSMC is to support FRAs respond to the inspection findings. This includes work to respond to the recommendations set out in paragraph 10.1 above, which HMICFRS directed at the Home Office, National Fire Chiefs Council (NFCC) and the LGA. The NFCC's Community Risk Programme, which is already underway, will address the recommendations covering emergency response standards and determining risk for the IRMP process. We have already high-lighted however, that the work around defining high-risk premises and how frequently they should be inspected, has to be informed by the wider work across government to improve building safety.
13. Other work is designed to address the findings in the people pillar:
 - 13.1. FSMC will be developing the leadership offer across the sector with NFCC and supporting implementation of the NFCC's Inclusion Strategy.
 - 13.2. We will be running additional regional diversity masterclasses for FRA members during 2019/20, following on from those run during 2018/19.
 - 13.3. To aid FRAs in their inclusion work we will be launching a new network for FRAs' diversity champions to provide a means for sharing good practice across services and provide peer support for FRA members leading this agenda.
 - 13.4. We will promote the LGA's on-line training on unconscious bias and gather information from services on their progress in increasing the diversity of their new recruits so that good practice can be disseminated more widely.
 - 13.5. We will organise a further summit with the other signatories to the Memorandum of Understanding on equality, diversity, behaviours and organisational culture which the LGA drafted in January 2017, and use the summit to identify further areas of work to support an inclusive fire and rescue sector.

Building Safety

14. Since the fire at Grenfell Tower in June 2017 improving building safety has been one of FSMC's priorities. This has included establishing a working group to develop policies around sprinklers and automatic fire suppression systems. The working group heard evidence from a range of experts in May 2018 and then submitted recommendations to FSMC and Fire Commission in the summer of last year, with both bodies approving them. These recommendations were considered and agreed by Leadership Board in March.
15. The Ministry of Housing, Communities and Local Government (MHCLG) is currently consulting on proposals to lower the height threshold at which sprinklers are required in new blocks of flats from 30 metres to 18 metres. FSMC's work on sprinklers will be used to inform the LGA's response to the consultation when it is submitted in November.

16. The Phase 1 report from the Grenfell Tower Inquiry is due to be published on 30 October and will set out a detailed description of the events on the night of 14 June 2017, and it will include findings about the nature of the building, origins of the fire, and the response of London Fire Brigade. It will include recommendations to the Government, and these will have implications not only for London Fire Brigade but all fire and rescue services.
17. There will probably be a degree of overlap between the Inquiry's conclusions and those reached by London Fire Brigade's (LFB) own review of its response on the night of the fire. This review was considered by the London Assembly on 16 October. In addition to highlighting the exceptional nature of the fire in terms of its scale and rapidity caused by the complete failure of the buildings fire safety measures, the review makes over 40 key observations and 13 recommendations, many of which are relevant to other FRAs. The recommendations covered the following areas that have implications for all services in fighting fires in high-rise residential buildings:
- 17.1. LFB should press for improvements to the regulatory regime to prevent a similar fire occurring in the future.
 - 17.2. LFB should continue to campaign for the provision of sprinklers in high-rise residential and other types of buildings.
 - 17.3. LFB should review its policies and training packages relevant to conducting visits to buildings under s7(2) of the Fire and Rescue Services Act 2004, which are carried out to obtain information relevant to firefighting and protecting life and property in that building.
 - 17.4. LFB should consider how information on identified fire safety deficiencies in a premises are made available to operational crews.
 - 17.5. LFB should consider whether to retain its own incident control framework or move to the decision making process set out in National Operational Guidance.
 - 17.6. LFB should consider the extent to which human factors affecting command and control are addressed in policy and training.
 - 17.7. LFB should consider how it can most effectively raise awareness of and reinforce the requirements to record decisions at incidents.
 - 17.8. LFB should review whether measures can be introduced to improve the accuracy of information about people self-evacuating or being rescued from buildings.
 - 17.9. LFB should consider to what extent recognition that a building is behaving unpredictably in a fire is addressed in policy and training.
 - 17.10. LFB should review the role played by policy, training and human factors in issues related to the use of breathing apparatus, identification of floor numbers, the handling of the number emergency calls and the resulting volume of information, and the compromising of the single escape route by fire and smoke.
 - 17.11. LFB should consider how situational awareness in the control room in the event of a large scale incident of this nature could be improved.
 - 17.12. LFB should consider whether any improvement in policy and training is needed to address issues resulting from the volume of hand held radio traffic, the

booking in of senior officers at the incident due to the high volume of radio traffic, the flow of information to and from the control room, and the lack of ability to communicate with all residents in a building to provide advice or instruct an evacuation.

18. FSMC will review the findings of both reports at its meeting on 6 December. Andy Bell, Deputy Assistant Commissioner at LFB, who lead the review has been invited to attend. FSMC will consider what action the sector needs to take to respond to the recommendations and findings from the two reports, what the LGA can support FRAs ensure that their own services learn effectively from LFB's experiences, and what joint work it will need to undertake with the NFCC and Home Office.
19. An important role for fire and rescue services after the Grenfell fire has been to ensure that other high-rise residential buildings with aluminium composite material cladding have appropriate additional fire safety measures in place until the cladding is removed. In order to provide assurance these interim measures are in place a Fire Protection Board is being established chaired by the NFCC, with Home Office, MHCLG and LGA representation. There has been considerable discussion at the Board about what assurance fire and rescue services can provide, and what FRAs report back to the Home Office. This has resulted in a pilot process involving five services and the initial results from that are being reviewed currently. FSMC has written to the Policing and Fire Minister to place on the record its view that the best way of making residents safe is for dangerous cladding to be removed from those buildings that have it.
20. Dame Judith Hackitt's review of the building regulations and fire safety set out a number of recommendations to reform the current regulatory framework, which the review concluded is not fit for purpose. MHCLG consulted earlier in the summer on its proposals for implementing the Hackitt Review recommendations, while the Home Office has issued a call for evidence ahead of a review of how the Regulatory Reform (Fire Safety) Order 2005 is working. FSMC contributed to the LGA's response to both consultations. The LGA is also represented alongside the NFCC on the Joint Regulators Group, a body convened by MHCLG to assist it in progressing the development of policy and legislative options for the new regulatory framework, and this provides a mechanism to feed in FSMC's views on the future role of fire and rescue services in ensuring fire safety in high-rise residential buildings.

Spending Review

21. Like the rest of local government FRAs have seen significant reductions in their budgets over the last few years, and face a number of cost pressures, including responding to the recommendations from the Grenfell Inquiry, Hackitt Review and HMICFRS's inspections.

22. Discussions were held with the NFCC and Home Office in the autumn of 2018 about the best way to make the case for funding needed by FRAs. This led to a decision in November 2018 by FSMC to collaborate with the Home Office and the NFCC to inform the Home Office's submission to the Treasury as part of the anticipated 2019 Spending Review. Following on from this decision the Senior Sector Group (SSG) was set up by the Home Office with FSMC and NFCC representation as a forum to provide oversight of the delivery of a comprehensive proposal for the future funding of the fire sector. The SSG met five times between January and June 2019, with additional workshops being held to look at specific elements of the proposal.
23. The SSG considered four particular themes: demand and risk; capabilities; efficiency and productivity; and funding models. The SSG also looked at the impact the Hackitt Review recommendations would have on FRAs, and the growing costs associated with the Emergency Services Network programme (which is replacing the equipment the three emergency services use to communicate with each other at an incident). In addition three fire and rescue services contributed to modelling the impact of different funding scenarios on the sector.
24. The SSG's work meant the Home Office was better placed to respond to the announcement by the Chancellor in August that there would be a one year Spending Round. The inflationary increase in the funding assessment for FRAs in the Spending Round is greater than some of the assumptions in the modelling work the SSG undertook. At this time it is not yet clear what the 6.3 per cent increase in the Home Office settlement means for FRAs as currently budgets are being allocated internally in the department. However as the collaborative process with the Home Office was felt to have been beneficial, it was agreed in September that the SSG would continue to meet to inform the Spending Review in 2020, with its remit and membership being reviewed to see if they should be expanded. The SSG will therefore be the vehicle by which FSMC lobbies for sustainable funding for FRAs.

Governance, transparency and standards

25. A significant focus for FSMC since the Policing and Crime Act 2017 came into force has been the potential transfer of governance of fire and rescue services to Police and Crime Commissioners (PCCs). Four transfers to Police, Fire and Crime Commissioners (PFCCs) have taken place voluntarily; Essex, Northamptonshire, North Yorkshire and Staffordshire. Of these, all but North Yorkshire are now associate members of the LGA, and the Essex PFCC, Roger Hirst, is a member of FSMC. The business case to take over governance of the fire and rescue service from Hertfordshire County Council was withdrawn by the PCC, so has not taken place.
26. The bids to take over governance of their local fire and rescue services by the Cambridgeshire and West Mercia PCCs have however been legally contested. The LGA

provided initial support to the FRAs affected by the contested PCC takeovers including arranging meetings with the affected FRAs in late 2017 and early 2018. Following on from these meetings Cambridgeshire and Shropshire FRAs sought independent legal advice and brought judicial reviews of the Home Office decisions to make the transfers. The judicial reviews were heard in June 2019, with the court ruling the government was able to proceed with the transfers of governance. However Shropshire FRA is pursuing an appeal against the court's decision, and FSMC will continue to provide whatever support is required. There are no further proposals at this stage for transfers of governance, although the Policing and Fire Minister has indicated he would support the submission of other business cases by PCCs. In the event there are any additional bids to take on governance of their fire and rescue services by PCCs, the LGA would assist the affected FRAs.

27. The 2017 legislation provides an alternative to transfers of governance to PCCs, by allowing PCCs to sit and vote as members of existing FRAs. The way the legislation was drafted meant that while this approach could proceed in metropolitan and county authorities, the combination schemes setting up combined FRAs had to be amended. The LGA highlighted in discussions with Home Office officials some of the key issues that would need to be addressed.
28. The Home Office consulted on changes to secondary legislation to allow PCCs to sit on combined FRAs in 2018. 20 of the 22 combined FRAs supported the approach but highlighted a number of questions that need resolving, including whether allowances should be paid to PCCs, and the right of a PCC to appoint a deputy to attend FRA meetings on their behalf. These questions were answered in the Home Office's response to the consultation published in May 2018.
29. An inquiry was held into the objections raised by the two combined authorities that had not agreed with the proposed approach. This concluded that these objections did not carry sufficient weight to prevent changes being made to the combination orders to allow PCCs to sit on those authorities. The Home Office is therefore committed to bringing forward secondary legislation to amend the combination orders for all combined FRAs so PCCs can sit and vote on these types of FRA where the FRA invites them to do so.
30. With there being such an emphasis in the Home Office's fire reform agenda around improvements in governance, and in light of HMICFRS's inspections, the LGA has also reviewed and expanded its improvement support offer to FRAs. The peer challenge offer to FRAs has been refreshed, with one of the three challenges carried out in 2018/19 including a bespoke pre-inspection challenge for Essex FRS, and four peer challenges have already booked for 2019/20. We have also continued to offer two leadership essentials courses for FRA members a year, and in June 2019 offered a one day training event for new FRA members. In 2019/20 FSMC is also running two masterclasses on

governance and scrutiny in November, and is looking to publish guidance for FRAs on their role in providing governance and oversight of the service in the next month.

31. In addition to improving governance, a related strand of the fire reform programme has been a focus on driving up standards and professionalism. It was originally thought this might be through a body similar to, or linked to, the College of Policing which has responsibility for standards in police services. Through FSMC and NFCC involvement in the Home Office's work this became a proposal to establish a stand alone Fire Standards Board. The Board was established in 2018 with an independent chair and vice-chair, and is responsible for oversight of the identification, organisation, development and maintenance of professional standards for fire and rescue services. There is already an existing body of standards for the fire and rescue service such as the extensive range of National Operational Guidance, so part of the work of the Board is commissioning work to fill gaps in the existing body of standards, with the NFCC's central programme office undertaking the work of drafting new standards. FSMC is represented on the Board as are the Home Office and NFCC.

Workforce development

32. Broadening the role of firefighters, and making the workforce more flexible has been a consistent theme of the fire reform agenda. This work has been taken forward through the National Joint Council for Local Authority Fire and Rescue Services, with LGA workforce officers leading it. However given its implications for the finances of FRAs, FSMC has been regularly kept informed of developments in this area.

Implications for Wales

33. Responsibility for the fire and rescue services in Wales is devolved to the Welsh Assembly Government. Welsh FRAs are members of Fire Commission, but the WLGA takes the lead on policy work related to the Welsh authorities.

Financial Implications

34. FSMC's work programme is supported from existing LGA budgets and there are no financial implications arising from the report.

Next steps

35. FSMC will deliver the priorities agreed at its meeting on 11 October during 2019/20.