

HMICFRS's State of Fire and Rescue Report

Purpose of report

For discussion.

Summary

HMICFRS published the State of Fire and Rescue Report on 15 January 2020. HMI Zoe Billingham will attend Fire Services Management Committee to discuss the report, and this paper outlines the key findings from the report and the four recommendations made in it.

Recommendations

That members:

1. Note the publication of HMICFRS's State of Fire and Rescue report.
2. Agree the way forward set out in paragraph 11 in response to the four recommendations made by HMICFRS.

Actions

Officers will take forward the actions identified by members.

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HMICFRS's State of Fire and Rescue Report

Background

1. Under section 28B of the Fire and Rescue Services Act 2004 the chief fire and rescue inspector is required to submit a report to the Secretary of State on inspections carried out on fire and rescue services. This has to set out the chief fire and rescue inspector's assessment of the efficiency and effectiveness of fire and rescue authorities in England.
2. As Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) have completed each of the inspection tranches of English Fire and Rescue Services they have published a national summary of the findings from that tranche. Following the completion of the tranche 3 reports HMICFRS published its first report on the efficiency and effectiveness of fire and rescue services on 15 January 2020. Annual reports on the State of Policing have been published each summer by HMICFRS since 2014.

The State of Fire and Rescue Report

3. The report is divided into three parts. Part 1 contains Sir Tom Winsor, the Chief Inspector's, assessment of the state of fire and rescue services drawing on the inspections carried out since June 2018. It includes four recommendations to the sector, and the Chief Inspector confirms that every service will be inspected for a second time from 2020.
4. Part 2 provides an overview of the gradings and findings from the inspections, while Part 3 sets out the full list of fire and rescue and other inspection reports for the period covered by the report.

Part 1 of the Report

5. At the start of this section the Chief Inspector confirms that HMICFRS found much that services can and should be proud of. Their commitment to their profession and communities; their determination and dedication to protecting life and property, which are second to none; their life-saving prevention initiatives; their highly-skilled emergency response; and the admiration in which they are held by the public are all highlighted by HMICFRS. The ability of services to respond to all kinds of challenges is also referenced, with the work to deal with the dangerous risk of flooding by 15 services at Whaley Bridge in Derbyshire being cited as a recent notable example.
6. Much of this section of the report sets out however the areas that HMICFRS identified as in need of improvement. HMICFRS states that across every service there are barriers to becoming more effective and efficient. The report also highlights the changes that will be needed to respond to the Grenfell Tower fire. These include responding to the

recommendations from Phase 1 of the Grenfell Tower Inquiry, which have implications in the Inspectorate's view for all services. The areas highlighted include:

- 6.1. The role of the sector needs greater clarity. HMICFRS states there is lack of consensus over the role of the firefighter and what a fire and rescue service is for. While the statutory roles set out in the Fire and Rescue services Act 2004, the Fire Safety Order 2005 and the Fire and Rescue Services (Emergencies) Order 2007 are acknowledged, HMICFRS notes the decrease in the past decade in the number of fires attended and the expansion for fire and rescue services into broader work. HMICFRS is of the view that this wider public safety work should not be at the expense of services' core functions around fire prevention, protection, response and resilience. The Inspectorate is of the view government needs to set out its expectations of services.
- 6.2. National terms and conditions need reviewing. HMICFRS states discussions over the role and pay of a firefighter have been going on for several years, and that an independent review body may have brought a swifter conclusion. The report notes there is little to suggest progress in meeting the challenge made by the then Home Secretary Theresa May in 2016 to reform the National Joint Council, or that many of the recommendations on conditions of service made by the Thomas Review have been implemented. HMICFRS suggest that with services being increasingly localised that it is questionable whether the 'grey book' should be universally applied.
- 6.3. Trade union influence is not always in the best interests of the public. The report acknowledges the importance of trade union representation to protect and improve members' rights, but also notes the considerable influence in some services of the Fire Brigades Union. The Chief Inspector states in his view this goes too far and is sometimes contrary to the public interest, and goes on to cite the emergency medical response work and the provision of Marauding Terrorist Firearms Attack capability in Greater Manchester as two areas where the unions have dictated what services are provided to the public.
- 6.4. Chief fire officers need operational independence. HMICFRS note there are eight different governance arrangements in place, and while stating that variation does not matter, argue the public need to know who is responsible for their service locally and what decisions are taken. HMICFRS indicate they will be looking at governance arrangements in future years. The report also states that chief fire officers need to have operational independence, like chief constables, as the lack of operational independence creates tensions between chief fire officers and their authorities. The Inspectorate suggest chief fire officers should have operational independence to meet the priorities and commitments in their integrated risk management plans.

6.5. Operational response is strong, but many services need to improve their protection work.

6.5.1. The sector's strength lies in its response. HMICFRS acknowledge that the response of services is one of its greatest strengths, but suggests there is little evaluation of whether an incident was resolved effectively and efficiently and the learning disseminated across the sector. In the second cycle of inspections HMICFRS will consider the level of fire engine availability, given some services had less engines available than the number they said they needed to meet foreseeable risks and protect the public.

6.5.2. Services are not doing enough to ensure compliance with fire safety regulations. HMICFRS state that services discharge of their duty to ensure premises are compliant with fire safety legislation has commonly fallen below the standard they would expect. It is noted this is due to a number of factors including reductions in the level of protection staff to maintain the operational response to incidents, and considerable variation in what constitutes a high-risk premises and how frequently they should be inspected.

6.5.3. The degree of variation between services is undesirable. While not advocating a return to national response standards, there is a need for greater national consistency in professional standards, training, the identification of risk and in measuring emergency response standards. HMICFRS also note that although the National Framework for England requires services to comply with the standards produced by the Fire Standards Board there is no obligation to comply, and services are still some way from implementing National Operational Guidance, and need to intensify their efforts to implement it.

6.5.4. The future of the on-call model needs attention. HMICFRS note the importance for most services of on-call firefighters, and the useful role they play in areas where demand is too low to sustain a full-time crew. However the Inspectorate note that almost every service with on-call firefighters faces problems of recruitment, availability and retention. HMICFRS suggest there needs to be concerted effort from government and services to attract enough on-call firefighters, and then to develop and maintain the skills of these firefighters.

6.6. Staff need to be treated better.

6.6.1. There is a toxic culture in too many services. The Chief Inspector states his surprise at how low some of the grades in the people pillar of the inspection framework have been. There are some outstanding examples of inclusive and diverse cultures with committed staff working to common goals. However in some services there is active bullying and harassment, diversity among

firefighters is woeful, HMICFRS received allegations of unlawful discrimination and some services do not have a defined set of values which can be used to challenge unacceptable behaviour.

- 6.6.2. Better performance and talent management is needed. In HMICFRS's view to many services are poor at performance and talent management, with low completion rates for appraisals and many on-call firefighters included in group appraisals so they did not receive individual feedback. The Inspectorate also felt services might be missing on the opportunity to bring in different talent into their senior management teams.
- 6.6.3. Watch culture. The Chief Inspector states his concern about the effect of watch culture on service's culture. While there are benefits in the watch structure in some services they have created their own sub-cultures, which can improve impenetrable to new staff and mean working practices are not modernised. HMICFRS suggests the sector should consider the future of watches and the advantages of alternative working arrangements.
- 6.6.4. Diversity must be addressed. HMICFRS conclude the lack of diversity in the sector is striking, with only 16.7 per cent of the workforce female in March 2019 and 5 per cent from black, Asian and minority ethnic (BAME) backgrounds. The Inspectorate states more needs to be done to attract, recruit and retain women and BAME people into the sector so it can choose from the widest talent pool. It also adds that services' efforts to increase their appeal have had limited tangible effect, with the number of women firefighters increasing until 2018/19 largely because more men were retiring. The barriers preventing women and BAME people seeking a career in the fire service have to be tackled for the sector to be truly inclusive. This includes revisiting fitness tests so they reflect the actual demands those responding to emergencies will face.
- 6.6.5. More and more wellbeing provision is being made available. Services are rapidly expanding the range of wellbeing support to staff, in particular for mental health problems, and services should be congratulated for this.
- 6.7. Some services are financially strapped; others are inefficient. HMICFRS note that Buckinghamshire, Northamptonshire and Northumberland are operating in a very tight financial environment, which impacts on the services they can provide, but it is note the case that everywhere is short of money. HMICFRS suggests government should review the financial model against which services operate against as it has created a degree of financial disparity. Services also lack long-term financial certainty due to financial settlements being limited to a year. However the Inspectorate notes the increase in the level of reserves held by services and says they need to make sure their workforces are more productive, and to collaborate

more around procurement. Set against that HMICFRS notes the decline in the sector's workforce between 2011 and 2019 and says services need to maintain enough firefighters to make sure they can respond to incidents when they occur.

- 6.7.1. The sector is missing opportunities to use data and technology effectively. HMICFRS states that services vary hugely in how they use data, and they look forward to seeing what the National Fire Chiefs Council (NFCC) work in this areas delivers.
- 6.7.2. Significant savings could be achieved through combining services. The Chief Inspector states that in his view one of the most significant opportunities for future savings may be a reduction in the overall number of services. The report questions why Thames Valley is served by one police force but has three separate fire and rescue services.

Recommendations

7. Part 1 of the report concludes by making four recommendations:
 - 7.1. By June 2020, the Home Office, in consultation with the fire and rescue sector, should review and with precision determine the roles of: (a) fire and rescue services; and (b) those who work in them.
 - 7.2. By June 2020, the Home Office, the Local Government Association, the National Fire Chiefs Council and trade unions should consider whether the current pay negotiation machinery requires fundamental reform. If so, this should include the need for an independent pay review body and the future of the 'grey book'.
 - 7.3. By September 2020, the Home Office should consider the case for legislating to give chief fire officers operational independence. In the meantime, it should issue clear guidance, possibly through an amendment to the Fire and Rescue National Framework for England, on the demarcation between those responsible for governance and operational decision making by the chief fire officer.
 - 7.4. By December 2020, the National Fire Chiefs Council, with the Local Government Association, should produce a code of ethics for fire and rescue services. The code should be adopted by every service in England and considered as part of each employee's progression and annual performance appraisal.
8. As the LGA is the subject of two of the recommendations, the chair of FSMC was consulted in confidence about the proposed recommendations by HMICFRS in the week of the general election. The LGA's response was similar to our response to publication of the State of Fire and Rescue report when it was published – a copy of the response is

attached at **Appendix A**. In addition to these comments we also stated our belief that the principal role of fire and rescue services is clearly defined and that HMICFRS's own findings, along with the recommendations in the Phase 1 report from the Grenfell Tower Inquiry along with the recommendations made by Dame Judith Hackitt for reforming the building regulations system, would require services to devote considerable additional resources to fire protection work.

9. We also questioned the need to give chief fire officers operational independence, when chief constables had been given this as a means of ensuring the continued independence of the office of constable and to safeguard civil liberties. We also highlighted the difficulties of defining what operational independence means in practice, and the anomalous position chief fire officers in 'county' services will have compared with other senior officers in the council.
10. For information a copy of the NFCC's response to publication of the report is set out at **Appendix B**.
11. We expect to be consulted by the Home Office as it reviews the roles of fire and rescue services and those who work in them, with colleagues from the LGA's workforce team contributing to this work as well. The LGA's representatives on the employers' side of the National Joint Council will clearly have an important contribution to make to the discussions to be held before June on whether the current pay negotiation machinery needs fundamental reform. Ahead of Home Office consideration of the case for giving chief fire officers operational, it is proposed the LGA write to the Policing, Crime and Fire Minister to explain our concerns about giving chief fire officers operational independence. While the LGA and NFCC are tasked with producing a code of ethics for fire and rescue services, it may be something that sits more appropriately with the Fire Standards Board and its work. It is therefore proposed the LGA and NFCC engage with the Fire Standards Board about this recommendation, and discuss who is best placed to take this work forward over 2020.

Parts 2 and 3

12. Part 2 of the report sets out the findings from each inspection conducted by HMICFRS, and includes the grading for each service against the three pillars of effectiveness, efficiency and people. The issues highlighted in this section of the report differed little from those identified in the two previous national reports published at the same time as the individual inspection reports from tranches 1 and 2, and the main findings are set out in Part 1 of the report in the Chief Inspector's assessment of fire and rescue services. Part 3 of the report details the other reports and documents published by HMICFRS of relevance to the inspection of all 45 fire and rescue services.

Implications for Wales

13. Responsibility for the fire and rescue services in Wales is a devolved responsibility of the Welsh government and HMICFRS only inspected English fire and rescue services.

Financial Implications

14. There will be financial implications for Fire and Rescue Authorities in addressing the findings made by HMICFRS in its inspections. There are no financial implications for the LGA from this report.

Next steps

15. Members are asked to note publication of the State of Fire and Rescue report, and to agree the way forward set out in paragraph 11. Officers will then take forward the actions identified by members.

Appendix A

LGA RESPONDS TO HMICFRS FIRE SERVICE INSPECTION REPORT

Responding to recommendations in the State of Fire and Rescue report published today by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services, Cllr Ian Stephens, Chair of the Local Government Association's Fire Services Management Committee, said:

"This report reaffirms that the key strengths of fire and rescue services are their dedicated staff who respond effectively to emergencies to help save lives and prevent fires, the public's great respect for them, and the increasing priority given to support services for their workforce who have to deal with traumatic incidents.

"However, the report's recommendations will not help individual fire and rescue authorities and services drive the changes they need to make. Unnecessary tinkering with the governance of the fire services and pay negotiation machinery would distract authorities from keeping residents safe and improving the quality of service they receive.

"There is no evidence to support the suggestion to give chief fire officers operational independence. It would only serve to confuse the democratic accountability of fire and rescue services and could lead to important decisions, such as whether to close a fire station, being made by officials rather than a local community's elected representatives, who review all aspects of public safety, based on local knowledge and accountability.

"HMICFRS makes several references to the building regulations and the role of services in enforcing fire safety. Primary responsibility for complying with the building regulations and ensuring a building is safe under the Fire Safety Order lies with the responsible person, and they should be doing all they can to ensure their buildings are safe.

"Pay agreements have been reached each year under the current negotiation arrangements. A pay review body is therefore unnecessary and unlikely to be supported by the employers or the unions as it would effectively exclude both from the pay negotiation process. This may unnecessarily trigger industrial unrest as a result. The Grey Book, which provides standard terms and conditions for firefighters, already allows for local flexibility as evidenced by the fact that some services have done exactly that.

"We want to work with the Government to help it understand the challenges facing fire and rescue services, and how it can use the Budget to ensure they are properly resourced and funded so they can continue to be responsible employers and protect the public in all circumstances."

ENDS

Appendix B

15-01-20

NFCC responds to the first national State of Fire report

The first [State of Fire](#) report has been published today with a number of recommendations for fire services across England.

The report, written by Her Majesty's Chief Inspector of Constabulary and Fire & Rescue Services, Tom Winsor, is the culmination of the first independent inspections carried out for well over a decade.

The National Fire Chiefs Council Chair, Roy Wilsher, acknowledges the recommendations while stating that the fire and rescue service is not influenced by the inspectorate's recommendations alone and HMICFRS is one of several influential stakeholders.

There are other factors to consider, including the Grenfell Tower Inquiry recommendations, national operational learning, government and employers' aims. It is important to note the recommendations all have interdependencies and require a joined-up approach.

The report highlights that the sector has many strengths and states: 'The determination and dedication to protect life and property are second to none'. Operational response is highlighted as a strength and the report references the public perception survey, which shows 98% of people are satisfied with their fire service.

The four recommendations in the State of Fire Report are:

The Home Office, in consultation with the fire and rescue service, should determine the role of a fire and rescue service and a firefighter: NFCC believes this should be risk and evidence-based as lists of activities do not help.

The Home Office with the Local Government Association, NFCC and trade unions to review whether the current pay negotiation machinery needs fundamental reform: NFCC is happy to be engaged in this work as we are working much closer with employers.

Considering the case for legislating to give chief fire officers operational independence: There is some thought that the operational independence given to chief constables is a suitable operational model. This could make operational decision making clearer in often complex governance structures.

Produce a code of ethics for the fire sector: Once again, NFCC is very happy to be engaged in this work and will work with the LGA on this recommendation.

24 January 2020

Mr Wilsher commented: “I am pleased to see the first State of Fire report which highlights fire services’ unique strengths, while outlining areas for improvement. However, work must be joined-up and not carried out in isolation.

“Reduced protection capacity is an area which has been highlighted consistently by HMICFRS, which is directly related to austerity and the subsequent 23 per cent reduction in whole-time firefighters since 2010. This needs addressing, but it cannot be at the cost of essential duties such as prevention.”

Mr Wilsher added: “Building regulations are referenced throughout HMICFRS’s report, but a degree of caution needs to be shown as overall responsibility lies with government and local authorities, not fire services. The repercussions of the failure of buildings regulations system is clear. It is imperative the failure of the building regulations system is not placed at the door of the FRS.

“There should be more recognition of NFCC’s National Resilience capability, rather than it being referenced as FRSs working ‘side by side’. There are processes and frameworks in place to support both national and international deployments.

“While culture is a theme running throughout the report, NFCC feels this area needs a stronger evidence-base to further understand if there is a culture of bullying in a small number of services, or whether it is actually something else such as resistance to change or national factors such as pay and pensions. We are not complacent about this; we already have a national People Programme to look at these areas and to ensure we are nurturing and attracting the best talent to the sector.

“In earlier recommendations from HMICFRS, I was pleased to see that the role of NFCC was highlighted and the recognition that the majority of our work is carried out on a voluntary basis, which is again mentioned in the State of Fire Report.”

Mr Wilsher thanked all services for all their hard work preparing for the inspections and will continue to work with HMICFRS to shape future inspections, which are due to start this year.

Ends.