

APPENDIX A

Dear Minister,

Thank you for the opportunity to provide feedback on the recommendations given by the Inspectorate. We are keen to work with you to ensure that the fire and rescue service and fire and rescue authorities are performing well and providing a good service to their communities. The Inspectorate has highlighted a number of areas where they feel further work is needed and the LGA has been considering how we can contribute towards the development of the sector. However, we are concerned that the recommendations will not necessarily help individual fire and rescue authorities and services drive the changes that they need to make to improve services.

Set out below is a consideration of each of the recommendations in turn.

Recommendation 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.

We feel that the current legislation is clear in setting out the role of the fire and rescue service, namely that service undertake firefighting, prevent fires, attend road traffic collisions, attend other emergencies and enforce the Regulatory Reform order by performing fire protection work. The Fire and rescue national framework sets out that Fire and Rescue Authorities (FRAs) must assess all fire and rescue related risks in their area and that they must put in place arrangements to prevent and mitigate these risks.

It is important that FRAs retain this flexibility to respond to locally identified risks, and we would not want any legislation to undermine this ability. Each FRA will face a unique mix of challenges and risks within their areas, this is especially true as we look towards the future and potential challenges posed by issues such as climate change. We would not want a prescribed list of activities that narrowly prescribe what FRAs can do, and which may overtime become out of date.

Illustrative of the flexibility the current approach affords is the COVID-19 response where the National Employers have secured extensions to the work firefighters can undertake in order to meet the challenges of the pandemic and support other public services where requested. Not all FRAs needed all the additional roles that were agreed, but we were able to facilitate options for FRAs to make the decisions they needed to make.

What is clear however, is that there will need to be a consideration of how the fire and rescue service role in fire protection will be understood going forward. Fire and Rescue Services currently lack trained staff to carry out the required fire protection work, this is an issue across the sector with a chronic shortage of fire engineering expertise. This shortage is exacerbated by the demand for such skills in the private sector, which means that once trained, staff can be lost to better paid jobs elsewhere. To help the sector to fulfil its role in fire protection going forwards the Government needs to act now to set up degree, conversion and apprenticeship schemes to address this.

Recommendation 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'.

The current pay negotiation machinery is necessarily complex; it also covers terms and conditions alongside pay and covers the whole of the UK, not just England.

We do not believe an independent pay review body is a necessary or appropriate solution. Pay settlements have been reached by agreement for very many years within the National Joint Council (NJC) at a level FRAs had indicated is affordable and during times when industrial action was being taken elsewhere within the public sector. This position includes during discussions on broadening the role. An independent pay review body restricts both the employer and the employee role in the process, effectively imposing decisions on the sector leaving employers subject to both the financial costs of the decision and the industrial relations consequences. The present well managed employer control over the paybill is important to maintain as is the relationship between employer and employee.

Consideration is being given to what other options are possible and whether evolution rather than revolution of the existing arrangements could achieve better outcomes.

It is clear that the Grey Book is not a barrier to successful local negotiations, with many local areas coming to an agreement with unions about changes, and HMICFRS have acknowledged that areas have managed to undertake successful local negotiations. In some cases, where local negotiation has stalled, the NJC has been able to facilitate that local agreement. Therefore, we would not agree that it is a barrier to improvement. However, we do agree that that Grey Book can be amended to provide greater clarity and the National Employers have been working on a review of the Grey Book to see how it might be improved.

Recommendation 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.

We do not believe that legislation is needed to provide chief fire officers with operational independence. Fire and rescue authorities have clear lines of accountability with their local communities in a way that chief fire officers do not. Fire and Rescue Authorities are the legally accountable body for fire and rescue services, whilst chief fire officers deliver the services. The FRA is the employer and owns the assets and estate. We therefore question whether operational independence would materially change decisions relating to budget and assets as ultimately, they would still sit with the FRA. The chief fire officer could not dispose of a fire station or change crewing arrangements as responsibility for financial decisions would still rest with the FRA.

However, we would agree that there needs to be a clear understanding by both members and officers of their respective roles in providing executive decision making on one side and operational delivery on the other. In particular, we need clear principles which underlie decision making processes. The LGA and NFCC have agreed to work together to look at these principles and agree an approach going forwards. This would ultimately need to be accompanied by training for senior leaders on both the operational and political side, which we would appreciate Government support for.

Ensuring that officers have access to and receive an appropriate range of leadership training is key to having a professional and consistent fire service. We would wish to see this training available for middle managers to ensure that they are well equipped as they progress through the service.

It is clear that fire and rescue services work best when both the chief fire officer and the FRA are working towards a shared vision, underpinned by clear principles around decision making. We feel that this is achievable without the need for legislation.

Recommendation 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.

We believe that the Nolan Principles should provide a basis for work on the code of ethics. However, we believe the work to improve the culture of services will need to go beyond creating a Code of Ethics. In particular, we would wish to ensure a continuing focus on diversity within the fire service, many areas are already undertaking work to ensure that their services are inclusive. We need to ensure that we are drawing our staff from the widest possible pool, and that once we have recruited talented people, we are able to keep them in the service.

We do have some concerns that one single code of ethics will not be possible across the whole of the sector given the complexities of the governance structures (many county services would be expected to apply the county council's code.) Alongside the NFCC we are looking at potential solutions to this issue, including whether a model code of conduct, that services can use as the basis for their own code of ethics, could be created or a core code of ethics that could be added to but not detracted from.

Alongside the above work on a code of ethics with the NFCC, the Fire Standards Board is in the process of developing a standard to set out that each fire and rescue service should demonstrate:

- A clearly articulated vision and direction for the fire and rescue service and the ethics and values against which it operates
- A clear statement of the attitudes and behaviours it expects of its employees, consistent with ethical and behavioural codes across the public sector
- That leaders and employees are both aware of and understand the Service vision and how their roles link to it; and demonstrate ethical standards, values, and behaviours in all that they do.