

Government white paper: “Reforming our fire and rescue service”

Purpose of report

For direction.

Summary

The paper summarises the government’s White Paper on fire reform. It seeks members’ views on some of the key elements in the White Paper to inform the LGA’s draft response, which will be considered by Fire Services Management Committee in July.

Is this report confidential? Yes No

Recommendation/s

Members are asked to comment on the White Paper, and in particular respond to the questions posed in the paper on key elements of the reform package set out in the White Paper.

Action/s

Members views and comments will inform a draft response from the LGA to the White Paper.

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Government white paper: “Reforming our fire and rescue service”

Background

1. On 18 May the Home Office published their White Paper: “Reforming our Fire and Rescue Service: Building professionalism, boosting performance and strengthening governance”.
2. The White Paper covers a range of issues, including building safety as well as the Government’s priorities of People, Professionalism and Governance. The elements of the Government’s proposals on building safety will be dealt with separately within the LGA and this paper will concentrate on the people, professionalism, and governance proposals.

Issues

3. The White Paper follows the Government’s three priorities of people, professionalism and governance.

People

4. Under the people priority the Government outlined the role of the fire and rescue service in keeping the public safe through prevention, protection and response, as well as their broader role in responding to emergencies as Category 1 responders.
5. The paper states that there are barriers to firefighters being deployed as the public might expect, suggesting cumbersome industrial relations for limiting chief fire officers’ ability to use resources flexibly to meet changing risk. They suggest the Covid related tripartite agreements are an example of this and they highlight the need for the service, and its employees, to respond to terrorism in all its forms. The Paper states that chief fire officers should be “empowered to safely make decisions on the basis of risk and resources”. They ask to what extent do respondents “agree/disagree that fire and rescue services should have the flexibility to deploy resources to help address current and future threats faced by the public beyond core fire and rescue duties?”.
6. On public safety the Government has asked if fire services should play an activity role in supporting the wider health and public safety agenda.
7. The White Paper states that the Government is not looking to remove the right to strike. It sets out the specific civil protection duties conferred on fire and rescue services through the Civil Contingencies Act 2004, and the requirement in the National Framework to produce business continuity plans. It states that operational independence of chief fire officers will play a crucial role in managing risk within their services. The Government are currently reviewing the Civil Contingencies Act and will consider as a

part of the review how to strengthen the basis on which all responders, including the FRS, cooperate and support local resilience structures. The Government ask if the business continuity requirements set out in the Civil Contingencies Act 2004 provide sufficient oversight to keep the public safe in the event of a strike.

8. The paper asks if the current pay negotiation arrangements are appropriate. The paper cites previous reports that have questioned the effectiveness of the National Joint Council by Adrian Thomas and Sir Thomas Winsor. The Government state that they will consider how to take forward an independent review of the NJC, and whether the current negotiation process is dynamic enough to respond to change priorities as well as consider evidence from other employment models and sectors.
9. The White Paper queries whether there is a need for consistent entry requirements to be explored. It states that HMICFRS has found that services need to do more to support future leaders, and that diversity in senior leadership positions is more limited than in the wider workforce. The Government notes that there are no standardised national progression routes or consistent levels of education or experience required for entry into roles. There is also a question on the benefit that a direct entry and talent management scheme would have on the service.

Professionalism

10. The paper states that several reports and inspections have found leadership to be “problematical”, outlining that out of 45 inspections by HMICFRS in 2019, only 12 services were good at developing leadership and capability. The paper proposes a new statutory leadership programme for the fire and rescue service, reflecting the challenges of the 21st Century, and giving a standardised approach in how services identify and prepare leaders. The paper asks for views on whether completing the programme should be mandatory before becoming an assistant chief fire officer or above. They state that the police strategic command course provides a model for the development of this new programme. The consultation asks for views on this proposal.
11. The paper outlines the importance of clear expectations as well as ethics and culture. In discussing the Core Code of Ethics, produced by the LGA, APCC and NFCC, the paper questions whether a new statutory code of ethics should be created. The aim would be to ensure its application in every service, with a duty placed on services to follow it, specifically a duty would be placed on chief fire officers who, if operational independent, could be best placed to ensure their service is complying.
12. The paper asks about the introduction of a fire service oath. A mandatory duty would be placed on all FRA employees to take the Oath, with the need for all employees to consciously affirm ethical principles. It would not apply to members. The Oath would be specified and provided for in legislation. Any breach of the Oath would be an employment matter.

13. The introduction of a new College of Fire and Rescue is also outlined. The proposed College could have the following remit:
- 13.1. on Leadership, developing and maintaining courses such as Leadership Programmes and direct entry schemes
 - 13.2. on Data, providing a home for a strategic centre of data excellence
 - 13.3. on Research, housing a central research function to ensure that research is prioritised, conducted effectively, and shared
 - 13.4. on Clear Expectations, taking on responsibility for the creation of fire standards, building on the work of the Fire Standards Board
 - 13.5. on Ethics, the proposed independent body could be provided with powers to create and maintain the proposed statutory code of ethics and fire and rescue service Oath, and also keep practical implementation of the code and Oath under review
14. The paper asks if the proposed college should be given legislative powers to effect further improvement in the fire and rescue service. These could mirror the powers held by the College of Policing and could include, as an example, the power to issue statutory codes of practice. It would have some cross over with the NFCC and as such the paper states there would need to be a strong relationship between the two.
15. Other questions are also asked on how the sector might use data better, as well as undertake research more effectively.

Governance

16. On Governance the White Paper says that the committee structure in place in the majority of areas can “slow decision making and impair accountability”. The Government’s view is therefore that there is a strong case for the transfer of governance. The paper states that the Government’s preferred governance model is one that:
- 16.1. has a single, elected – ideally directly elected – individual who is accountable for the service rather than governance by committee
 - 16.2. has a clear demarcation between the political and strategic oversight by this individual, and the operationally independent running of the service by the chief fire officer
 - 16.3. the person with oversight has control of necessary funding and estates
 - 16.4. decision-making, including budgets and spending, is transparent and linked to local public priorities.
17. They have said that this could be a mayor, a council leader or a police, fire and crime commissioner. A mayor or council leader could delegate functions to a deputy mayor (for mayors) for cabinet member (for council leaders). The paper asks to what extent do respondents agree/disagree that Government should transfer responsibility to a single, elected individual and they ask what factors should be considered when transferring

governance to a single, elected individual. They then ask about transfer to the Mayoral Combined Authorities and Police and Crime Commissioners.

18. The paper also asks if there is anyone else, apart from combined authority mayors and police and crime commissioners, who the Government could transfer fire governance to that aligns with the principles set out in paragraph 16.
19. The paper states that it could take the opportunity as a part of governance changes to “strengthen and clarify the legal basis against which fire and rescue authorities operate”, putting good governance principles in statute. It gives examples of oversight and scrutiny functions, transparency targets and clarifying the relationship between political oversight and operational decision making. The paper discusses options for scrutiny, to ensure that the expertise in current committee FRAs is not lost.
20. The issues potentially posed by boundaries are highlighted, saying that boundaries of the fire service and the police force or combined authority must align. Where there is more than one fire service in a police force area the proposal is that a transfer of functions is still possible as the PCC can take responsibility for each fire and rescue service that falls within their area. The Government states it does not seek to combine services unless there is a local appetite to do so. The paper states that the Government will look to discuss options with areas in the South West where there is no coterminosity.
21. In counties the Government are proposing that, subject to the results of the consultation, operational fire budgets are ring fenced.
22. The Government also propose a possible demarcation of responsibility between the political leadership and the chief fire officer. The paper states that chief fire officers are required to engage in prolonged negotiation at a national and local level on issues that should be within their operational responsibility, they state that HMICFRS found that chiefs were prevented by their authorities from implementing operational changes.
23. The table on page 31 of the white paper sets out the possible demarcation in more depth:

Task	Responsible
Setting priorities	Executive leader
Budget setting	Executive leader
Setting precept	Executive leader
Setting response standards	Executive leader
Opening and closing fire stations	Executive leader*
Appointment and dismissal of the chief fire officer	Executive leader
Appointment and dismissal of other fire service staff	Chief fire officer
Allocation of staff to meet strategic priorities	Chief fire officer
Configuration and organisation of resources	Chief fire officer

Deployment of resources to meet operational requirements	Chief fire officer
Balancing of competing operational needs	Chief fire officer
Expenditure up to certain (delegated levels)	Chief fire officer

*Opening and closing of fire stations could be a joint decision; operationally fire chiefs could be responsible for decisions on moving teams, whilst ultimate political and executive responsibility lies with the executive leader.

24. The paper states that the intention is for there to be a “bright, clear line demarcating the nature and extent of the chief fire officer’s operational independence against the role of the executive leader”. The paper outlines that they could produce a document like the Policing Protocol to provide clarity on roles.
25. The paper sets out that the Government are considering whether to make chief fire officers corporations sole, however it does recognise that further consideration would be needed on how this could be done with county run fire and rescue services.
26. The Government is also seeking views on how to clarify the distinction between strategic and operational planning. Their suggestion is the introduction of a new strategic plan, which would be owned by the FRA, whilst the IRMP (renamed to Community Risk Management Plan) would be the operational plan owned by the chief fire officer.

People and Professionalism

27. Members are asked to consider whether there are any particular points under the people and professionalism priorities that the LGA should consider making in our response to the White Paper.
28. In particular we are interested in members views on issues such as:
- 28.1. Entry and promotion requirements: Would it be beneficial to introduce consistent entry and promotion requirements? Would there be unintended consequences of such a move? What would the impact be on equality and diversity within the sector?
 - 28.2. Statutory Code of ethics: Would members wish to see a new code of ethics introduced on a statutory footing? The Core Code of Ethics was produced in May 2021, supported by the Home Office, and FRA/FRSs are currently working hard on embedding the principles of the core Code to ensure improvements in equality, diversity and inclusion.
 - 28.3. Fire Service Oath: Do members feel that the proposed Fire Service Oath would drive improvements in ethics within the sector?
 - 28.4. Operational independence: Are there any barriers to chief fire officers deploying resources, if given operational independence?
 - 28.5. Ring fencing of budgets for fire in county fire services: would this pose particular difficulties for a county service?

28.6. NJC Review: The current collective bargaining approach to management of national level pay and terms and conditions has achieved industrial relations stability and ultimately affordable pay awards over many years. Would you support a view that an independent review could be beneficial in suggesting improvements to its operation, however consideration of any alternative arrangement would need to ensure industrial relations, pay and terms and conditions arrangements at least as good as those achievable through the current mechanism?

28.7. NJC Review: Given the high density of trade union membership in the fire sector are there alternative mechanisms that would also deliver reasonable pay awards in agreement with employee representatives and provide industrial relations stability?

29. We would also welcome members comments on any other issues that are of interest within the paper under these headings.

Governance

30. The LGA's view on governance is that it is best determined at a local level, with local circumstances, authorities and priorities deciding what governance structure would work best locally. The delivery of a good service to the public is at the heart of the fire and rescue service and we recognise that both the political and operational leadership of the sector have distinct and complementary roles to play in delivering that service.

31. The White Paper outlines the criteria that the Government see as necessary for good governance (see paragraph 16). As previously stated the White Paper also asks if there are any alternative governance systems that would follow that criteria that they have not considered.

32. An option for the LGA would be to suggest alternative models of governance that move towards the criteria set out by the Government in the White Paper, but which retain a committee structure. The most obvious model would be one based on the division of functions in councils where an executive is held to account by a scrutiny committee or committees. Having taken initial legal advice officers understand there are two options which would achieve a greater separation between executive and scrutiny functions in committee-based fire and rescue authorities:

32.1. **Option 1:** the LGA could propose that primary legislation is introduced to create a cabinet/scrutiny model for governance on both metropolitan authorities and combined authorities. Primary legislation would be necessary as the provisions that apply to councils do not currently apply to fire and metropolitan and combined fire and rescue authorities. Introducing this option would enable authorities to organise themselves along the principles set out within the White Paper but would not involve a transfer of governance if that was not what the local area supported.

32.2. **Option 2:** alongside or as an alternative to Option 1 the LGA could propose that metropolitan and combined authorities reorganise themselves to create a small management committee to exercise an authority's executive functions, which would then be scrutinised and supported by/accountable to the full authority. Officers' understanding is that current legislation permits this for metropolitan authorities and for combined authorities whose combination orders allow the appointment of committees or sub-committees. As this option could be achieved without the introduction of primary legislation it may have some attractions for Government as a model, especially as the earliest we might expect a Bill to implement the White Paper is 2023, and that may not come into effect until 2024 or later.

33. We would welcome members views:

33.1. On whether the LGA's response to the White Paper should suggest any alternative models of governance that move towards meeting the criteria laid out in it; and

33.2. If it's agreed the LGA should suggest alternative models whether one or both of the options set out in paragraph 32 should be included in the LGA's response. these options, and whether or not we should develop these proposals further.

34. Other questions are also posed in the governance section which members may wish to consider further include:

34.1. **Balanced Leadership Model:** the paper outlines a possible demarcation of responsibility between the FRA and the chief fire officer, set out in the table under paragraph 23. Do members feel that this demarcation is appropriate? Is there anything that members feel that there will be need to be further governance oversight on?

34.2. **Legal entity of Chief Fire Officers:** What impact would corporation sole for chief fire officers have on the sector, in particular for county services?

34.3. **Strategic/operational planning:** Do members agree with the demarcation of strategic and operational planning, with the proposed introduction of a new strategic plan, separate from the Community Risk Management Plan?

Fit for the Future

35. Members will also be aware of the work done by the LGA, the NFCC and the National Employers England on Fit for the Future, which will help to inform how we respond to the White Paper. Following the strategic engagement sessions undertaken in November and December last year and the operational engagement sessions undertaken in February this year, discussions at the Fire Services Management Committee, and the other partner's governance meetings, Fit for the Future has been revised.

36. The revised final version of Fit for the Future is attached at **Appendix A**. This will become an online document supported by an evidence base providing the background for each of the 12 improvement objectives contained within Fit for the Future.

Implications for Wales

37. The White Paper is applicable in England only.

Financial Implications

38. None.

Next steps

39. Members are asked for their initial comments on the white paper to inform the LGA's next steps. The deadline for responding to the consultation is **26 July**. The FSMC will have a further chance to discuss the submission on 8 July