

Appendix A

Initial draft – overall narrative

About the Local Government Association (LGA)

The Local Government Association (LGA) is the national voice of local government, and our members include councils and fire and rescue authorities. We work with our members to support, promote and improve local government.

We are a politically-led, cross party organisation which works on behalf of councils and all fire and rescue authorities, PFCCs and Deputy Mayors for fire, to ensure local government has a strong, credible voice with national government.

The LGA will respond to the questions, however we also wished to highlight a number of issues in our response in more detail.

The White Paper

We welcome the opportunity to respond to the Government's Reforming our Fire and Rescue Service White Paper.

As with any public service we recognise that we need to evolve and build on our successful track record to continue to protect our local communities and save lives. We are committed to ensuring that local communities get the right protection, prevention and response services, which meet local needs and risks, and that our organisations are led by trusted and skilled operational and political leadership working in partnership. We wish to ensure that the fire and rescue service can continue to deliver and enhance its services into the future.

The work that the LGA, the National Employers (England) and the National Fire Chiefs Council have done on Fit for the Future outlines our ambitions on how the sector can and should improve over the next five years. It contains 12 improvement objectives covering services delivery, leadership, people and culture and national infrastructure and support. We feel these objectives will drive improvement in the sector, with the right investment and resources to support our ambitions.

We welcome some aspects of the White Paper to support us in these ambitions however, we do have a number of concerns about some of the proposals and feel further work and clarity is necessary.

Governance

We believe it should be for local areas to decide on how they should be governed, and there should be no forced transfers of governance. We note the Government's preference for a "single, elected – preferably directly elected – individual who is accountable for the service rather than governance by committee". This would represent a significant change for the majority of fire and rescue services, most of which are currently managed by combined fire authorities or metropolitan fire authorities.

As with levelling up, real change and improvement within the sector and communities will be more successful if local councils and fire and rescue services are empowered to decide what their local governance structure will be, based on the needs of their communities. Therefore, transfers of governance should only take place where there has been local agreement to the transfer.

We welcome that no mandatory transfers of governance have been proposed and local discussions will take place where there is disagreement. In discussions with the local area, local support for any change of governance should be given the principal weighting in making any determination on the future of the service, therefore empowering local decision makers.

This will not only help to ensure that local areas can determine what works best for them and their communities but will make the process less open to challenge if people can be sure that local support has been given the value that it deserves in any assessment process.

The current tests of economy, efficiency, effectiveness, and public safety provide clear criteria for any transfer of governance where there is local opposition. There should also be consideration of local performance as a part of any transfer process. It is clear from the inspection process that there are a wide variety of service performances, regardless of governance type. The LGA has also previously suggested that a panel could help to make any assessment of the business case for any contested transfers of governance. This should be given further consideration for the future.

If the Government is minded to pursue the change to executive leadership, there are alternatives that could be considered within existing structures rather than a significant reorganisation of governance. These should be given as alternatives to local areas where any disputes arise to a proposed transfer of governance to a Mayor or PFCC or local areas should be allowed to formulate their own proposals. Option 1 would require primary legislation to introduce, however, we believe Option 2 could be introduced without legislation. These are illustrative models and other ones may be more appropriate depending on local circumstances and needs:

- 1) Create a cabinet/scrutiny model for governance on both metropolitan authorities and combined authorities.
- 2) 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.

If the Government does undertake a review of the Fire Framework with the intention of strengthening and clarifying the legal basis for fire and rescue authorities the LGA would wish to be included in any discussions that might affect the running of fire and rescue authorities.

In terms of scrutiny, if Police and Crime Panels (PCPs) are intended to take on the role of scrutinising fire as well as police, they need to be given appropriate resources to do so. We are aware of variations on how much funding is claimed by PCPs, however to include a new policy area under their purview will require further time, training and resources to ensure they can fulfil any new burdens appropriately. Another alternative would be to allow individual areas to create their own fire panel, separate from the PCP. This would require adequate funding from Government.

Operational independence and balanced leadership model

Through appropriate schemes of delegation and constitutional arrangements, operational independence is effectively in place across many fire and rescue services, with local circumstances playing a role in how those schemes work in individual services.

Both the operational and political leadership of the sector have distinct and complementary roles to play. There should be a clear understanding between each of what their respective

roles are, however, it should be for local areas to determine how best to resolve issues and work at a local level, based on clear principles of good governance, such as those outlined in our document "[Leading the fire sector](#)".

There should be a mature level of discussion and challenge to ensure that services are delivering for their communities. Mutual trust and honest communication should characterise the relationship between chief fire officers and their governance structures. Both will bring their own expertise and experiences into discussions on the service, which will ensure that better outcomes are achieved. As democratic representatives of their community FRAs have a duty to ensure that that voice is properly represented in decisions affecting the running of the service, whilst also having due regard for the professional expertise of their chief fire officer.

By working together with clear processes for resolving issues, and discussions over issues such as closing fire stations, staff, crewing levels, etc and their impact on budgets and the estate, this should lead to the right decisions being made at a local level. This is especially important as FRAs are the employer, not the chief fire officer, as well as holding responsibility for the estate and the budget.

There will be times when there will be both strategic and operational elements to a decision. Crewing is a particular example where there are both strategic and operational issues that should be considered – for instance a change to crewing could mean that a station changes from 24-hour crewing to day crewing plus or retained. The impact on the local community must therefore be a fully considered and appropriately represented in any decision making alongside the operational elements of any change.

We would welcome the opportunity to input further into this as the government seeks to define the balanced leadership model. For instance the proposals around who would be responsible for senior management appointments (beyond the Chief Fire Officer) are a concern.

Corporation sole

We do not believe that chief fire officers should be made corporations sole, especially as operational independence can be achieved more appropriately through other means. The White Paper states that for chief constables corporation sole means that they are a legal entity in their own right, the employers of all those who work for the police force and gives them legal authority over certain decisions and functions. This would represent significant change for the sector, especially as FRAs are the employers, not the chief fire officer.

In particular for county fire services this would cause very significant difficulties in their operation. Many county chief fire officers sit within a wider strategic management team structure within a county council, rather than at chief executive level. In county fire and rescue service there maybe challenges over the employment of staff, the ownership and disposal of the estate, difficulties may also be created for back office functions such as IT, HR and legal advice which are a part of the county council and how these would be paid for. If these issues are to be resolved new legislation would be needed to regulate and resolve these issues in advance of any introduction of corporation sole.

Ring fenced budgets could potentially also play into the difficulties facing counties as a result of this change and would need careful consideration. Integration, access to wider council funding pots, and joint working across a county council can have positive benefits to the public and this should also be weighed when looking at any changes that would potentially

restrict flexible working. Careful consideration is needed to ensure that there are no unintended outcomes from ring fencing.

Clear distinction between strategic and operational planning

We wish to ensure that there is a clear line of accountability in any proposed changes. The chief fire officer will need to provide assurance that they are meeting the strategic objectives as set out within any strategic plan, or the IRMP if this stays the same. We know that this separation is in place in Mayoral areas and PFCC areas.

People

Industrial relations and pay machinery

We welcome the opportunity to participate in the independent review proposed by the Government to review the current pay negotiation machinery and consider the potential of any alternative proposals to achieve similar results. There is always an opportunity to learn from best practice in other sectors and improve, however we are supportive of the work of the National Employers and the National Joint Council (NJC). The LGA recognises the importance of stability in the sector which existing arrangements have helped to provide over recent years.

It should also be noted that the NJC is a national body covering all four nations in the UK, rather than just an English body. This must be given due consideration when conducting any independent review of the machinery.

The White Paper suggests that the national negotiation mechanisms have been a barrier to a “rapid and flexible response” and has resulted in services “struggling to adapt”, with chief fire officers being unable to deploy resources as they see fit. The White Paper particularly mentions the tripartite agreements as an example of this in practice.

Our view is that the tripartite agreements enabled local flexibility and work, rather than hindering the process. Without the tripartite agreements, it would have meant that each local area would have had to negotiate individually with the Unions about what work they could do, taking up valuable time and resources that could have been spent elsewhere in responding to the pandemic.

Those who were engaged in work as result of the tripartite agreements were volunteering to be a part of the response to the pandemic, as this work was outside of their current terms and conditions.

Modern Working Practices

The White Paper proposes that chief fire officers should have the flexibility to deploy their resources to help address current and future threats as well as play an active role in the wider health and public safety agenda.

As a part of our work on Fit for the Future we have said that local areas must have a clear understanding of the risks that they face through a high-quality and evidence-based community risk management plan, based on an assessment of risks within their area and the best way to address them. Each service will balance the deployment of its resources to match its plan and the local risks identified. Services will work to protect the most vulnerable people in their communities, tackling the health inequalities that put their wellbeing at risk,

this could include a variety of work, dependent on local circumstances and needs. It would also be subject to have the appropriate equipment, training, and resources to do so.

It must be recognised however, that asking fire service employees to undertake other work and duties is only possible within what is permitted within current terms and conditions, and any significant deviation may result in the need to negotiate changes. Fire services would also need the appropriate resources, as well as staff with the right training and equipment to do so.

We would question whether even if chief fire officers had had operational independence or were the employers (through corporation sole) during the pandemic, they would have been able to deploy their resources against employees' terms and conditions. They would still have needed to rely on volunteers or re-negotiate roles at a local level.

The strong unionisation within the sector is not likely to change, meaning that chief fire officers may need to negotiate at a local level, with unions with a strong national presence. This will require significant time and resources and may lead to greater fragmentation. Any changes to the role of chief fire officers should be carefully considered within this context.

Nurturing new and existing talent

The LGA would wish to ensure that any new entry requirements are proportionate and the implications of raising of entry requirements have been fully considered. We wish to ensure that staff have the skills, talents, and values that we need to make them effective firefighters and we would not wish to see people who have the right attributes unable to join the service due changes in entry requirements. There may be unintended consequences of an increase in entry requirements on equality, diversity and inclusion in the sector which must be carefully considered. There are also particular concerns around the introduction of different entry requirements for on-call staff. It is well documented that there are issues throughout the country recruiting on-call staff, and we would not wish to see this exacerbated any further.

We agree that an array of roles could benefit from a direct talent and management scheme, from station and area manager to senior management. The fire and rescue service should be open to talent from across different sectors, and we would not wish local flexibility to appoint the right person for the role to be hampered. This should also be considered when looking at the introduction of a new 21st Century Leadership Course.

As outlined in Fit for the Future we believe that services should focus their investment in the selection, training, and development of employees to maintain, support and improve their skills throughout their careers, underpinned by effective local strategies for workforce development with clear competence standards to workforce performance.

Professionalism

21st Century Leadership course

We agree that effective leadership plays a crucial role in driving the performance of the sector, therefore we would wish to ensure that any 21st Century leadership course takes in the whole range of leadership and managerial issues likely to face the fire service going forwards to ensure that it is fit for purpose in preparing future leaders. There needs to be consideration given to how the sector should develop in the future and therefore what skills chief fire officers need as they progress. There are a wide range of issues that could be usefully covered by such a course that would support the development of the sector and its leadership.

There are a number of existing programmes and frameworks in the sector currently that can usefully be the starting point for the development of any new Government programme.

However, we do not feel that this should be mandatory for chief fire officers. This gives no flexibility to local areas for who they might appoint as the most appropriate professional leader for their local area. There may be local circumstances which will play into this decision, based on particular challenges and issues affecting the fire service. We would not wish to see fire and rescue authorities pool of candidates for senior management positions limited.

College of fire

The LGA welcomes the Government's commitment to support the sector through a new College. We would wish to ensure however, that the College has the funding from Government that it needs to support the college into the long term.

Ethics and Culture

Code of Ethics

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.

The LGA, NFCC and APCC worked together to create the Core Code of Ethics, which was introduced in May 2021. It is currently being embedded in services across the country and it was developed by the sector, for the sector. Whilst we understand the reasoning for making a code of ethics statutory, legislation will take time to come into force and there are mechanisms in place such as the standard and HMICFRS to ensure that it is being adhered to currently. We would not want there be ambiguity for fire and rescue services around the importance of implementing and embedding the Core Code of Ethics whilst awaiting any new legislation.

If the Government are minded to make the Core Code of Ethics statutory, some consideration must be given for how this would work within a county council context, where there maybe different codes of conduct that staff would be expected to adhere to. It should also be noted that if the enforcement for the code is placed on chief fire officers, they are not the employer of staff (unless made corporations sole).

Fire and Rescue Oath

We have concerns about the introduction of a mandatory oath for the fire and rescue service. Whilst we support the Government's drive to ensure that the culture of the service is inclusive and welcoming, underpinned by clear ethical principles, there are other mechanisms that can be used to achieve the same outcomes. For instance the work on the Core Code of Ethics and making sure that that is fully embedded across services. FRAs will play a key role in setting expectations around the Core Code as well.

Police officers undertake an oath when appointed as servants of the crown, they are independent legal officials with personal liability for their actions, and separate from political influence over their roles. This is a different role to firefighters, who are directly employed by FRAs to carry out their duties.

There are also particular concerns about whether or not staff who have been in the service for a significant period of time would be receptive to the introduction of an Oath, especially if there have never been any concerns regarding their behaviour. This would make it

challenging to introduce, especially if it was mandatory, across the whole of the service where the possibility of making it into an employment issue might undermine the intent.

Other key issues

Funding and Pensions

The service needs to ensure that it has the resources and staffing it needs to meet its ambitions for the future.

We are concerned that there are other issues it would be helpful to consider when looking at the reform of the sector. We are aware that a number of chief fire officers have felt compelled to retire due to issues around pensions tax. Pensions tax issues are reportedly having an impact on the ability of the sector to attract and retain chief fire officers and other senior officers, and we expect this issue to persist for a significant period of time prior to a new cohort of chiefs with different pensions arrangements ready to take up the reigns. We would not want to see the talent pool shrink any further, particularly where this may negatively impact on equality, diversity and inclusion

Across public sector workforces, anecdotal evidence suggests that an increasing number of scheme members are incurring year on year tax charges and potentially incurring numerous scheme pays debits. There is a growing concern across employers, that their employees are making decisions such as not pursuing promotion or opting out of the scheme to avoid further pension growth. For the smaller workforces in particular, this concern can lead to a smaller talent pool to recruit from.

In 2019, the Firefighters' Pensions (England) Scheme Advisory Board undertook a data collection exercise to seek evidence from FRAs on the impact of pensions tax within their organisations. The [summary report presented to the Board on 14 March 2019](#) clearly demonstrates the level of concern.

The position will be somewhat mitigated in the long-term due to all pension scheme members building up service in the reformed 2015 scheme from 1 April 2022, which has a less generous accrual rate, is based on career-average earnings rather than final salary and has a later normal retirement age of 60. However, individuals with a significant length of service in the 1992 scheme who achieve a substantial promotion are still likely to incur an unwanted tax charge and subsequent reduction to their pension benefits.

The Board has a long-standing action to consider whether a business case can be put forward to government to request more flexibility across the scheme to allow individuals to manage their pension growth more effectively, while noting that evidence of impact on frontline services would be essential. One suggestion would be the introduction of a 50/50 scheme as in the Local Government Pension Scheme where members pay half the contribution rate and build up half the benefit. Increased education and access to independent financial advice would also be greatly welcomed.