

Cheshire Police and Crime Panel Agenda

Date:	Thursday 21st July 2022
Time:	6.00 pm
Venue:	The Council Chamber, Wyvern House, The Drumber, Winsford, CW7 1AH

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire Police and Crime Panel meetings are webcast and the recording of the meeting will be available on Cheshire East Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies

Members are reminded that, in accordance with governance procedure rule at Part 3 paragraph 2.6, Panel Members, or their constituent authority, may nominate substitute members of the Panel in the event that the appointed representative(s) is/are unable to attend the meeting. Advance notice of substitution should be given to the host authority wherever possible. Members are encouraged wherever possible to secure the attendance of a substitute if they are unable to be present.

2. Code of Conduct - Declaration of Interests. Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Members are reminded of their responsibility to declare any disclosable pecuniary or non-pecuniary interest which they have in any item of business on the agenda no later than when the item is reached.

Contact: Martin Smith, Registration and Civic Services Manager
Tel: 01270 686012
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3. **Public Participation**

To receive questions from members of the public. A total period of 15 minutes will be allocated for members of the public to speak at Panel meetings. Each member of the public shall be limited to a period of up to 5 minutes speaking. At the Chair's discretion the period made available for questions and statements may be extended.

In order that an appropriate answer to the questions can be given, the deadline for indicating a wish to speak or for submission of questions is 3 clear working days before a meeting of the Panel. The Chair has the discretion to waive the 3-day rule for issues deemed to be urgent.

In response to questions or statements the Panel may choose to agree to either provide an agreed verbal response, that will be minuted or to provide a written reply to a questioners chosen address.

Those wishing to ask a question or make a statement should register by email to: martin.r.smith@cheshireeast.gov.uk or send the question or statement by post to:

Cheshire Police and Crime Panel
Democratic Services and Governance
c/o Municipal Buildings
Earle Street
Crewe
CW1 2BJ

A list of those speaking or asking questions at a meeting of the Panel will be drawn up by the Panel's Secretariat in order of receipt. Copies of questions and statements will be circulated to all Panel members in advance of the meeting and will be made available to the public attending the meeting. Copies will also be available on the Police and Crime Panel's page of the Cheshire East Council website.

Nobody may submit more than one question or make more than one statement at the same meeting, but a supplementary question, related to the subject raised in the question /statement, will be permitted for clarification at the discretion of the Chair.

Those speaking or asking questions will not be permitted to address any issue that is the subject of a current or proposed complaint by them against the Police and Crime Commissioner. They are also advised that reference to an issue that could become the subject of a future complaint by them could prejudice the Panel's consideration of that complaint.

The Panel will not accept a question or statement if:

There is insufficient detail to enable a proper response to be provided.

It is not about a matter for which the Police and Crime Panel has responsibility.

It is potentially defamatory, frivolous or offensive against named individuals.

It is substantially the same question which has been put at a meeting of the Police and Crime Panel in the last six months.

It requires the disclosure of confidential or exempt information.

4. **Minutes of Previous Meeting** (Pages 5 - 8)

To approve the minutes of the meeting held on 24 June 2022.

5. **Chair's Announcements**

6. **Home Office Initiatives/Consultation** (Pages 9 - 70)

To consider the current Home Office initiatives which could have an impact on the way in which Police and Crime Panels operate.

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Minutes of a meeting of the **Cheshire Police and Crime Panel**
held on Friday, 24th June, 2022 in the The Council Chamber, Wyvern House,
The Drumber, Winsford, CW7 1AH

PRESENT

Councillors:

Cheshire East: Councillors J Paul Findlow, Laura Jeuda and Mick Warren

Cheshire West & Chester: Councillors Gina Lewis, Keith Millar and Lynn Riley

Halton Councillors Martha Lloyd Jones and Norman Plumpton Walsh

Warrington: Councillor Jane Whalen

Independent Co-optees: Mrs Sally Hardwick and Miss Yasmin Somani

Officers: Mr Brian Reed, and Mr Martin Smith, Cheshire East Council

1 APOLOGIES

Apologies were received from Cllr Rob Bissett (Cheshire West and Chester Council), Cllr Wendy Maisey OBE (Warrington Council) and Mr Evan Morris MBE.

Mr John Dwyer; Police and Crime Commissioner for Cheshire had advised the Panel, in advance of the meeting, that due to illness he would be unable to attend.

2 APPOINTMENT OF CHAIR FOR THE 2022/23 MUNICIPAL YEAR

RESOLVED:

That Mr Evan Morris MBE be elected as Chair of the Panel for the 2022/23 Municipal year.

3 APPOINTMENT OF DEPUTY CHAIR FOR THE 2022/23 MUNICIPAL YEAR

RESOLVED:

That Cllr Rob Bissett be elected as Deputy Chair of the Panel for the 2022/23 Municipal year.

In the absence of Mr Morris and Cllr Bissett, Cllr Norman Plumpton Walsh chaired the remainder of the meeting.

4 CODE OF CONDUCT - DECLARATION OF INTERESTS. RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012

With reference to agenda item 14, Cllr Gina Lewis indicated that she was a member of the Cheshire Fire and Rescue Authority.

5 PUBLIC PARTICIPATION

No members of the public wished to speak at the meeting.

6 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the meeting held on 4 February 2022 be approved.

7 PANEL MEMBERSHIP 2022/23

The Panel noted the nominations made by the constituent Councils for the 2022/23 Municipal year. They also noted the need to appoint members to the Complaints Management Sub Committee; especially to the positions of Chair and Deputy Chair, who had key roles to play in the Panel's Complaints Management system. Mrs Sally Hardwick agreed to continue in her role as Chair of the Sub Committee until her term of office expired, and the Panel agreed this. Cllr Keith Millar was appointed as Deputy Chair. The Secretariat were asked to liaise with Panel members after the meeting to agree the remaining membership.

Councillors Keith Millar (Cheshire West and Chester) and Wendy Maisey (Warrington) were welcomed to the Panel by fellow Panel members; it was noted that Cllr Maisey's absence was due to her only having been appointed to the Panel earlier in the week. The Panel thanked Councillors Ken Critchley and Martyn Delaney for the work that they had done as Panel members and wished them well for the future

RESOLVED

That Mrs Sally Hardwick be appointed as Chair of the Complaints Management Sub Committee (until her term of office expired) and Cllr Keith Millar, Deputy Chair of the Sub Committee.

8 PROGRAMME OF CHESHIRE POLICE AND CRIME PANEL MEETINGS

The Panel noted the future programme of meetings, recognising that the pre-election period for the elections due to be held in May 2023 could impact on the timing of the meeting planned for March 2023.

9 APPOINTMENT OF INDEPENDENT MEMBER OF THE POLICE AND CRIME PANEL

The Panel had three independent co-opted members, each of whom were appointed for a three-year term. Mrs Sally Hardwick's term of office was due to expire on 30th September 2022, she indicated that she would not be seeking reappointment. Panel members recognised the very significant contribution that Mrs Hardwick had made to the Panel over a number of years.

RESOLVED

That a proportionate Recruitment Panel consisting of four members be appointed to lead the recruitment process and make recommendations to the Panel over the membership of an independent co-opted member. Membership of the Recruitment Panel would be agreed after the meeting.

10 PANEL ARRANGEMENTS: RULES OF PROCEDURE

RESOLVED:

- (i) The Panel adopt the Rules of Procedure, as published, for the 2022/23 Municipal year.
- (ii) The Head of Democratic Services and Governance be given authority to make changes to the Rules of Procedure during the year to give effect to the wishes of the Panel.

11 CHESHIRE POLICE AND CRIME PANEL BUDGET 2022/23

Mrs Sally Hardwick raised concerns that the level of Home Office Grant for 2022/23 was unknown.

RESOLVED:

That the Panel's budget for 2022/23 be approved.

12 WORK PROGRAMME

Panel members noted the programme of informal meetings with the Commissioner over the forthcoming year. Members expressed a preference for meetings to be hybrid in nature, allowing those not able to attend in person to join the meeting electronically. The Secretariat were asked to follow this up with the Commissioner's Office.

13 POLICE AND CRIME COMMISSIONER'S SCRUTINY MEETING - 27 JANUARY 2022

Panel members noted that it appeared that the Commissioner was only planning to hold two formal scrutiny meetings with the Chief Constable each year. Cllr Paul Findlow raised concerns over the way in which the information relating to scrutiny was presented on the Commissioner's website. He also suggested that the Panel should give consideration as to how the information contained in the Commissioner's Scrutiny reports was used.

The papers were noted.

Concern was expressed by a number of Panel members that in the absence of the Commissioner, the Deputy Commissioner was not in attendance at the meeting. The Secretariat were asked to seek clarification over the role of the Deputy Commissioner.

14 CURRENT ISSUES

The Panel noted an extract from Hansard relating to Part 2 of the Home Secretary's review of Police and Crime Commissioners. It was noted that the Home Secretary planned to consult on changes to the Policing Protocol Order.

The Panel briefly discussed the Government White Paper "Reforming Our Fire and Rescue Service", concluding that it would be appropriate to hold an additional Panel meeting to consider the issue. The Secretariat were asked to canvass for dates for a meeting, to be held to tie in with the closing date for the Government's consultation exercise.

15 INTRODUCTION BY THE POLICE AND CRIME COMMISSIONER

Due to the Commissioner's absence this item was deferred.

16 OVERVIEW AND SCRUTINY OF THE POLICE AND CRIME COMMISSIONER

Due to the Commissioner's absence this item was deferred.



Cheshire Police and Crime Panel

Date of meeting: 21st July 2022

Report of: Brian Reed, Head of Governance and Democratic Services

Subject: Home Office Initiatives / Consultation

1. Report Summary

- 1.1 There are a number of current Home Office initiatives which could have an impact on the way in which Police and Crime Panels operate. At the meeting on 24 June the Panel received brief updates on the Home Secretary's two stage review of Police and Crime Commissioners and the publication of a White Paper "Reforming Our Fire and Rescue Service – Building professionalism, boosting performance and strengthening governance". The White paper includes a consultation exercise which closes on 26 July 2022.
- 1.2 This report briefly summarises the potential changes that the Home Secretary wishes to introduce in relation to the powers and duties of Police and Crime Commissioners, including possible changes to the way in which Police and Crime Panels are supported, and the way in which independent members are recruited. The report also outlines the key issues contained in the White Paper on the Fire and Rescue Service and how the Panel could respond to the consultation exercise.

2. Recommendations

2.1 Recommendation

- (i) That the outcome of the Home Secretary's review into Police and Crime Commissioners be noted.
- (ii) That the Panel agree a submission to the Home Office consultation on the future of the Fire and Rescue Service, authorising the Secretariat to

compile the detail of the submission, finalise the response, and submit this, as appropriate.

3. **Background information**

Review of Police and Crime Commissioners

- 3.1 At the Panel's meeting on 24 June the Chair, Mr Evan Morris, had intended to briefly update Panel members on progress with the Home Secretary's ongoing review of Police and Crime Commissioners. Unfortunately, a recent medical procedure had prevented his attendance. An extract from Hansard which was included in the papers of that meeting is attached as Appendix I; in addition, a further document is attached (Appendix II) which contains the Government's recommendations. Please note that this is a Government document and is reproduced from the Home Office website.
- 3.2 The Panel's attention is drawn to the comments on the appointment of independent members and the possible introduction of regional support for Panels. Other than indicated in Appendix II, there is no indication of timescales. At the time of writing there was no information available from the Local Government Association on the detail of the recommendations relating to Police and Crime Panels.

Reforming Our Fire and Rescue Service – White Paper, published May 2022

- 3.3 This White Paper and consultation cover a package of proposals for the reform of Fire and Rescue Services in England. The proposals cover three principal areas: people, professionalism, and governance. The consultation runs to 26 July 2022. Respondents can answer as many or as few questions as they wish.
- 3.4 It is recommended that the Panel only comment on questions relating to Governance where a change could have an impact on the way in which the Panel operates. Panel members may have views on other issues and there is nothing to stop personal submissions being made. The White Paper is attached as Appendix III.
- 3.5 There are 44 Fire and Rescue Services across England, operating under a range of different governance models. In Cheshire there is a Combined Fire Authority with members from the four Cheshire local authorities. The Government are of the view that the variation in operating models is unhelpful and leads to problems in relation to accountability and transparency.
- 3.6 The White Paper concludes that to strengthen governance there is a strong case to consider options to transfer governance to an elected individual. The White Paper outlines a range of possible models:
- An elected Mayor;
 - Police and Crime Commissioners; and
 - An Executive Councillor.

Under each model, current Fire and Rescue Authorities would be abolished.

- 3.7 Given the context of Cheshire, the only realistic option would be the transfer of responsibility to the Police and Crime Commissioner. The Panel are asked to note that the current Police and Crime Commissioner, Mr John Dwyer, has made it clear on several occasions that he has no appetite to submit a proposal to the Home Secretary in relation to the transfer of governance of the Fire and Rescue Service in Cheshire.
- 3.8 Under the current legislative arrangements, Commissioners can in certain circumstances, assume responsibility for the Fire and Rescue Service in their area, but this has only occurred in four areas of England. In those areas, the Panels have become Police, Fire and Crime Panels. Informal feedback received from members of those Panels and the Officers that support them, is that the workload of the Panel changed significantly when responsibility for Fire was taken on.
- 3.9 Appendix IV outlines those questions which the Panel may wish to consider responding to.
- 3.10 There is no indication within the White Paper of any timetable for change to be introduced.

4 Financial implications

- 4.1 There are no financial implications associated with responding to the consultation, but any change to the responsibilities of the Panel could have significant resource implications for the host authority.

5 Equality implications

- 5.1 There are no specific equality implications.

6 Contact information

Contact details for this report are as follows:

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Appendix I

EXTRACT FROM HANSARD – 7TH MARCH 2022

Police and Crime Commissioner Review: Part 2

The Secretary of State for the Home Department (Priti Patel)

Today, I am pleased to set out to the House a package of measures in support of this Government's manifesto commitment to expand and strengthen the role of our directly elected police and crime commissioners (PCCs), and those mayors with PCC functions, including the findings from the second part of our internal review into the role of PCCs.

Our two-part review will ensure PCCs can focus more sharply on local crime fighting, with stronger accountability to those they serve. As set out in the Government's beating crime plan, PCCs allow the public's voice to be heard on local policing and crime matters and hold chief constables to account for delivering what communities need. As such, PCCs continue to play a critical role in reducing crime and reoffending.

Part 1 of the review focused on making it easier for the public to hold their PCC to account for their record on delivering the safer streets that they deserve. In March 2021, I announced a package of reforms that will ultimately help people judge their PCC at the ballot box and we are making good progress in bringing about these important changes.

Today, I want to update the House on two specific measures from part 1, before I turn to our conclusions from part 2.

The first gets to the heart of equipping our PCCs with the right tools and powers to work with their partners to tackle crime and anti-social behaviour. Our targeted consultation last year found broad support for "levelling up" PCCs by providing them with a wider functional power of competence so they have parity with the equivalent powers held by fire and rescue authorities and most mayoral combined authorities. By equipping PCCs with this new power, we will make it easier for them to act creatively to reduce crime and to make better use of police resources.

Secondly, I pledged to consult on changes to the Policing Protocol Order. This is a document that sets out the roles and responsibilities of various people involved in policing, such as PCCs, chief constables and police and crime panels. I am therefore launching a targeted, stakeholder consultation to seek views from our policing partners on how we can refresh this document to provide a "brighter line" on the boundaries of operational independence and to better reflect my role as Home Secretary. If we are going to deliver on our shared mission to cut crime, it is essential that all those involved in policing understand their respective roles.

Having focused in part 1 on strengthening their role, we wanted to use the second part of our review to ensure that PCCs have the information, levers and tools to help cut crime, drugs misuse and anti-social behaviour. After almost a decade since their introduction, it is time to focus on the "and crime" part of the PCC role.

I will now give an overview of our part 2 conclusions. All our recommendations are set out in full as an annex (Annex A) and the attachment can be viewed online at: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2022-03-07/HCWS664/>.

To cement PCCs' role in offender management: PCCs are held locally accountable for reducing crime, but to carry out their duties effectively, we must give them the levers to work across their local criminal justice system. We will create a new statutory duty to lock in collaborative working between PCCs and the Probation Service. This step, in conjunction with the other measures we will bring forward, will help align the work of PCCs and local probation services around their shared goal to break the chain of reoffending.

To improve the way PCCs work in partnership with others to fight crime and support victims: We need to see all public safety partners playing their full part in the fight against crime. It is essential that PCCs can bring local agencies together to tackle the issues that blight their communities—like drugs misuse, anti-social behaviour and neighbourhood crime. We will provide PCCs with the tools to do this by strengthening the guidance that underpins their role in convening partners to fight crime and drugs misuse, in line with Dame Carol Black's independent review on drugs. We will also give PCCs a central role on local criminal justice boards, support their work on violence reduction units and clarify the local crime prevention landscape through an in-depth review of community safety partnerships in England and Wales. Of course, PCCs continue to play a vital role in supporting victims of crime. The Ministry of Justice Victims' Bill consultation considered how to expand and strengthen PCCs' role in relation to oversight of victims' experiences in the criminal justice system and commissioning support services, and so it was not examined within part 2 of the PCC review, but the work is complementary and aligned. The consultation closed in February, and the Government will introduce the Victims' Bill as soon as possible.

To improve public confidence in policing: PCCs play an important role as the voice of victims and use their levers to tackle the issues raised by complainants. To do this well, PCCs must visibly hold the police to account on behalf of their whole community and use their role to help uphold police legitimacy. We will support PCCs by clarifying our expectations in this regard and work with the Association of Police and Crime Commissioners and the College of Policing to ensure PCCs have access to the best possible evidence about what helps foster local confidence in policing.

To improve PCC's access to criminal justice data: Without sharing information on a timely basis, local crime fighting activity cannot be delivered in a joined-up way. Local partners often deal with the same cohorts of offenders, but throughout the review, we heard that sharing data can be difficult and inconsistent. We therefore propose to take steps to support a more data-confident culture by issuing new central guidance, supported by examples of local good practice and bolstering the ability of PCCs to more confidently use this information. These steps will help PCCs to better understand how effectively and efficiently their police force is operating within the wider criminal justice landscape.

If we are to strengthen and expand the role of PCCs in this way, this must be balanced by robust accountability to the public. We are taking further steps to strengthen the checks and balances on PCCs.

To help ensure there is effective local scrutiny: We want to see police and crime panels acting as critical friends, helping the public to understand how their PCC is doing on the issues that matter to them. The review found that independent members on panels were important, bringing relevant skills, expertise and greater diversity; so we will focus on improving their recruitment and retention. We will also look at whether a regional model of panel support could improve the professionalism, quality and consistency of the support provided to panels.

To help ensure the public can complain about their PCC if needed and trust that their complaint will be handled fairly and consistently: Police and Crime Commissioners are elected representatives, held to account to the public via the ballot box. The Home Office will further consider the processes for how complaints of criminal misconduct are handled, and the scope to align a new code of conduct with the regime for mayors and councillors in local government. This will also consider how to address the problems of vexatious and political motivated complaints, especially those which stem from disagreements with the political views of the commissioner, or complaints which are nothing to do with policing.

The public, rightly, expect PCCs to behave appropriately and act with integrity. That is why there is already a high bar in place for PCC conduct. Having explored the options for introducing recall, the review has not recommended doing so, given the stringent disqualification rules in place for PCCs. I will keep this matter under review.

Now that this two-part review has concluded, my Department will work with our partners to deliver the recommendations, including legislating where necessary, and when parliamentary time allows.

I would like to put on the record my thanks to the advisory group which supported this review, comprising senior external stakeholders with expertise in the policing and criminal justice sector.

I am confident that, as a package, our recommendations will better equip PCCs to reduce crime and protect the public, solidify their position within the criminal justice system and make it easier for the public to hold PCCs to account.

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Annex A – Police and Crime Commissioner Review (PCC) Review Part Two: Recommendations

Part Two of the PCC Review provided an opportunity to ensure that PCCs have the ability to work across the Criminal Justice System to cut crime, drugs misuse and antisocial behaviour, whilst continuing to strengthen their accountability to the public. The full list of the recommendations from Part Two is below. Any recommendations that require primary legislation will be implemented when parliamentary time allows.

Offender Management

We want to see greater PCC involvement in the management of offenders and to improve how PCCs and the Probation Service work together, given their shared priorities. The Home Office will therefore:

- Legislate to introduce a new reciprocal duty for PCCs and Regional Probation Directors to consult one another when developing priorities for their Policing and Crime Plans and Regional Reducing Reoffending Plans respectively, and to introduce a duty for them to collaborate, where appropriate.
- Work with the Association of Police and Crime Commissioners (APCC) and Her Majesty's Prison and Probation Service (HMPPS) to develop guidance on the co-commissioning of services by Regional Probation Directors and PCCs.
- Encourage HMPPS and the APCC develop a memorandum of understanding on the relevant data to support the reduction of reoffending, to provide confidence in local data sharing.
- Work with the Ministry of Justice and HMPPS to produce guidance on the PCC role in unpaid work, including how they work with Community Safety Partnerships (CSPs) to canvass community views on opportunities for unpaid work. This builds on the new statutory duty being placed on the Probation Service through the Police, Crime, Sentencing and Courts Bill to consult PCCs when designing and delivering unpaid work schemes.

Crime and Justice Partnerships

We want to give PCCs the levers to bring together criminal justice partners to effectively tackle crime, antisocial behaviour (ASB) and drugs misuse. Therefore, the Home Office will:

- Work with the Ministry of Justice and other criminal justice partners that sit on Local Criminal Justice Boards (LCJBs) to develop options for legislation to put these boards on a statutory footing. This will include defining the role of the PCC as Chair and setting out the expected membership (including the Crown Prosecution Service, Her Majesty's Courts and Tribunals Service and the Probation Service). We will do this in a way which fully respects and recognises the independence of these partners. To underpin this, the Home Office will work with the Ministry of Justice to strengthen supporting guidance on LCJBs.
- Update the existing Violence Reduction Unit (VRU) guidance to provide greater clarity on the role of the PCC within the VRU, including the role they should play in chairing the VRU governance board and providing strategic direction. This

guidance should also recommend the identification of a dedicated VRU liaison officer within the office of the PCC.

- Consider moving away from one-year funding cycles for VRU towards multi-year funding following the 2022/23 Spending Review. Longer-term funding certainty could allow greater development of preventative strategies and instill greater confidence in partners around the longevity of VRUs.
- Undertake a full review of CSPs to initially improve their transparency, accountability, and effectiveness, before assessing their position within the wider landscape of local partnerships across England and Wales.
- Through the review of CSPs, consider introducing a new duty for CSPs to report on local ASB strategy and delivery to PCCs and legislating to set out the PCC role in the ASB Community Trigger process.
- Amend the core PCC guidance (in development following Part One of the Review) and share existing good practice to help PCCs understand how they can leverage strong local partnerships to tackle drug misuse and supply, in conjunction with the APCC and National Police Chiefs' Council.
- Clarify the existing legislation on PCC representation on local government committees, in order to facilitate greater collaboration between PCCs, local government leaders (including combined authority mayors) and Local Enterprise Partnerships. To support this, the Home Office will develop guidance to help facilitate closer engagement between PCCs and those charged with responsibility for economic regeneration within the core PCC guidance.

Public Confidence

We want to help PCCs to work with their local communities to foster greater public confidence in the police. The Home Office will:

- Encourage the College of Policing to work with the APCC to assess what enables PCCs to build public confidence and engage communities, highlighting what works, and include this evidence within the 'what works' compendium (a recommendation from Part One of the PCC Review).
- Amend the core PCC Guidance to reflect the PCC role in securing and maintaining public confidence in policing and tackling crime and anti-social behaviour. The guidance will outline the importance of, and provide advice on, the PCC's role in holding the Chief Constable to account for their responsibility to understand and act to build public confidence. We will also set out how PCCs should reach out and engage diverse communities across their local area, in order to help close the confidence gap.

Data

Data sharing between PCCs and criminal justice agencies can be difficult and inconsistent, acting as a barrier to agencies tackling local issues collectively and blocking PCCs from assessing the performance of their local force within the criminal justice landscape. To remove these barriers, the Home Office will:

- Support PCCs to secure effective policing in their area by working with Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS)

and wider criminal justice partners to improve the quality of, and PCC access to, performance information against the National Crime and Policing Measures.

- Support PCCs to secure an efficient police force in their area by working with HMICFRS and the wider policing sector to develop a police efficiency dataset and improve their ability to interpret differences between forces to help drive efficiencies.
- Support the College of Policing to hold regular learning and development events that support the development of analytical capability and data literacy within PCCs' offices.
- Work with the Ministry of Justice, the Information Commissioner's Office, and other criminal justice partners to develop national guidance on data sharing between criminal justice partners, including PCCs. At a local level, this will be reinforced by work led by the APCC and supported by the Home Office and Ministry of Justice, to bring together good practice examples of local data sharing. These examples will be used by the APCC and the Government to develop a template memorandum of understanding for local data sharing between local partners.

Police and Crime Panels

We want to ensure that PCCs are scrutinised effectively and consistently on behalf of their communities, by driving up the standard of scrutiny applied to them by Police and Crime Panels. To make these improvements, the Home Office will:

- Work with the Local Government Association (LGA) and the Welsh LGA (WLGA) to improve the process for recruiting and retaining independent members, to build upon the knowledge and expertise that independent members bring to panels, help boost interest in the role and enhance the calibre and diversity of those individuals.
- Work with the LGA and WLGA to develop and assess options for how a regional panel support secretariat could work within the existing grant funding envelope, to improve professionalism, quality and consistency of support and research for panels by support officers.

Complaints

It is important that the public can complain about their PCC if needed and know that their complaint will be handled effectively and consistently. The Home Office will further consider the processes for how complaints of criminal misconduct are handled, and the scope to align a new code of conduct with the regime for mayors and councillors in local government. This will also consider how to address the problems of vexatious and political motivated complaints, especially those which stem from disagreements with the political views of the Commissioner, or complaints which are nothing to do with policing.

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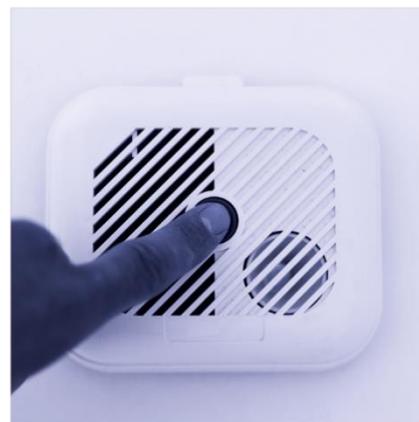
Home Office

Reforming Our Fire and Rescue Service

Building professionalism, boosting performance and strengthening governance

May 2022

CP 670





Reforming Our Fire and Rescue Service

**Building professionalism, boosting performance
and strengthening governance**

Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty

May 2022



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ISBN 978-1-5286-3336-9

E02749659 05/22

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of Her Majesty's Stationery Office

About this consultation

To: This white paper and consultation covers a package of proposals for the reform of fire and rescue services in England. The proposals cover three principal areas of the reform vision: People, Professionalism and Governance. Views are sought on the specific proposals and the wider package of reforms presented.

Duration: From 18/05/22 to 26/07/22

Enquiries (including requests for the paper in an alternative format) to: **Email:** firereformconsultation@homeoffice.gov.uk

Or

Fire Reform Consultation
Fire Strategy & Reform Unit
4th Floor, Peel Building
2 Marsham Street,
London
SW1P 4DF

How to respond: There are three thematic sections in this consultation. Each section is divided into topical chapters which provide background information to the lead question(s).

Respondents can answer as many or as few questions as they wish. You do not have to comment on every section or respond to every question in each section but can focus on where you have relevant views and evidence to share. If you wish to respond to all questions, you do not have to complete the whole form at once.

Please send your response by 11:59pm on 26 July 2022

Please respond to the questions in this consultation online at:

<https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

Alternatively, you can send in electronic copies to: firereformconsultation@homeoffice.gov.uk; or,

Alternatively, you may send paper copies to:
Fire Reform Consultation
Fire Strategy & Reform Unit
4th Floor, Peel Building
2 Marsham Street,
London
SW1P 4DF

Additional ways to respond: If you wish to submit other evidence, or a long-form response, please do so by sending it to the email address or postal address above.

Response paper: A response to this consultation exercise is due to be published at:
<https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

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Ministerial Foreword

Home Secretary



I never cease to be impressed by the dedication of our fire and rescue professionals. As Home Secretary, I have always regarded the police as the first public service but I have come to realise that the fire and rescue service plays an equal part. Together they provide vital pillars of support in the mission to keep the public safe which is the first duty of any government.

It has been a challenging period for us all. Despite the difficulties that we have faced, I have been immeasurably proud to witness the efforts of fire and rescue services in responding to the needs of our communities throughout the Covid-19 pandemic. Fire and rescue professionals have taken on a number of the responsibilities that the emergency demanded. From driving ambulances, supporting the vulnerable, to managing food and distribution hubs and administering vaccinations, fire and rescue services have been ready, willing and able to play a critical role in protecting communities. I would also like to acknowledge the important role on call firefighters provide in keeping their communities safe. Looking beyond our borders, I was proud to be able to offer the expertise of our fire and rescue services to help their Greek colleagues in the fight against horrific wildfires in the summer of 2021.

We are immensely grateful for their efforts. We should strip away any barriers that hold our fire professionals back and provide them with the support they deserve.

Our fire and rescue services protect communities and save lives. It is imperative that they are fully supported to respond to the changing risks they face. This means building on the response to the pandemic, learning from major public inquiries, and responding to the challenges identified by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) in relation to leadership, culture and collaboration.

Nonetheless, there is a compelling case for reform of our fire and rescue services. Both of Sir Thomas Winsor's HMICFRS State of Fire reports have concluded that significant reform is needed. The need to improve the emergency response of fire and rescue services to a major incident is compelling. The fire at Grenfell Tower was a national tragedy resulting in the greatest loss of life in a residential fire since World War 2. The Grenfell Tower Inquiry Phase 1 report made 46 recommendations for the London Fire Brigade (LFB), all fire and rescue services, other emergency services, building owners and the government. The government has committed to implementing all 46 recommendations in the most practical and proportionate way possible. An independent report (known as the Kerslake report) into the Manchester Arena bombing found that the Greater Manchester Fire and Rescue Service was "bought to a point of paralysis" as their response was delayed for two hours. The need to improve fire protection is also clear. Dame Judith Hackitt's review into building safety, alongside the Grenfell Tower Inquiry, has highlighted its importance.

Now the government must take action to enable fire and rescue services to perform and fulfil their core functions of prevention, protection, response and resilience effectively in a way that responds to the local needs, the changing risks and challenges faced, and that enables collaboration with other emergency services on a range of public safety challenges. This white paper sets out this government's vision for fire reform.

Fire Minister



The white paper concerns the reform and strengthening of fire and rescue services in England. This builds on fire and building safety system reform in recent years and the government response to the fire at Grenfell Tower. Our vision for the reform seeks to drive change and improvement in three key areas: People, Professionalism and Governance.

People

Our reform proposals seek to introduce changes that will allow fire professionals to further develop their skills and thrive in their work. We want to clarify the role of fire and rescue services and of the firefighter, unlock talent and improve diversity within services, take action to ensure that we are supporting the creation of a positive culture, and further develop schemes to consistently identify and nurture talent. Finally, we will commission an independent review into the current pay negotiation process and consider if it is fit for a modern emergency service.

Professionalism

Our reform proposals seek to modernise the fire and rescue service, to enable greater professionalism and to ensure that we are recruiting and training our fire and rescue services to be the best that they can be. We want to increase professionalism by moving from a Fire Standards Board (which sets clear expectations for the sector) to the creation of a College of Fire and Rescue. We want to develop a mandatory 21st century leadership programme for progression to senior roles, set clearer entry requirements for recruitment, and put in place a statutory code of ethics and a fire and rescue service oath.

Governance

Our reform proposals seek to strengthen governance arrangements across the sector. Out of 44 fire and rescue authorities, 38 operate a committee structure. We want to transfer fire functions to a single, elected – ideally directly elected – individual who would hold their operationally independent Chief Fire Officer to account. This person could be: a mayor who could delegate day-to-day oversight to a deputy mayor; or a council leader who could delegate to a cabinet member or a police, fire and crime commissioner. This effective political oversight would maintain and enhance public accountability.

Fire professionals put their lives on the line to protect and serve their communities. It is only right that they have our full support. This Fire Reform white paper is the first step towards reforms that will achieve this profoundly essential public interest objective.

Building on Success

The Case for Change

The government intends, through this White paper, consultation and future legislation to strengthen fire and rescue services across England.

Our ambition is to develop services with communities at their heart that provide excellent support and development for their teams. This will be underpinned by clear decision-making processes and operational leaders who are empowered to plan and respond quickly to new challenges held to account by a single executive leader, ideally a directly elected politician. We want to ensure that services play to their strengths in responding to emergencies, as well as sharpen their focus on their prevention and protection functions. This will allow service leaders and their professional teams to face the future with confidence, reduce the risk of harm, and help keep people safe.

Fire and rescue is already a highly skilled profession. We want to support staff further, ensuring that they are given the opportunities, development, and oversight to match their status. Our fire and rescue professionals and our communities deserve nothing less.

Fire and Rescue Reform to Date

The proposals in this white paper build on a legacy of reform of fire and rescue services introduced by the Home Office over recent years. Changes have been designed to make services and those working within them more able to work efficiently and effectively, and to adapt to the public safety challenges and emergencies we face, both now and in the future.

The reforms of the past five to ten years have seen the establishment of an independent inspection regime to report to the public on the efficiency and effectiveness of fire and rescue services, stronger national coordination amongst operational leaders, increased government funding for service improvement, and the development of clear and consistent expectations of fire and rescue services. We have supported fire and rescue services as they serve the most vulnerable in communities. We have done this by increasing both the focus and funding for fire protection, nationally and locally, by helping services across England to respond to the lessons highlighted by the Grenfell Tower tragedy, and by continuing to promote fire prevention, including through the national Fire Kills campaign.

We have also strengthened the governance of fire and rescue services by legislating to enable police and crime commissioners (PCCs) to take on responsibility for services, with the intention of improving their transparency, collaboration and accountability.

While meaningful national and local reform has taken place, recent inspections and inquiries have established that there is further to go to ensure both employees and the public are getting the support and service they should expect. That is why the government proposes to introduce a comprehensive reform programme, as set out in this white paper.

Stepping Up During the Pandemic

The Covid-19 pandemic has been a huge challenge for all emergency services, and we are proud of how fire and rescue employees across the country stepped up to support their communities.

Last January, HMICFRS highlighted how services continued to respond to fires and other emergencies, while also supporting communities through one of the most difficult periods in our country's history. Most services were involved in proactive work through their local resilience forums (LRFs) – from supporting strategic coordination of the multi-agency response, driving ambulances and joining multi-agency teams responding to deaths in the community, to delivering food and medicines to the vulnerable and using their skills to help others to work safely.

However, the report also highlighted the barriers services face to becoming more effective and efficient, including the challenges posed by a sluggish national negotiation system for pay and conditions, between unions and employers. For example, during the early stages of the Covid-19 pandemic, service leaders were not able to deploy their staff to support communities in a timely manner. Instead, a series of national agreements (the 'tripartite agreement') had to be painstakingly negotiated before fire and rescue professionals could act. In the pandemic this process slowed down – and in some places, stopped – services fully supporting their communities.

Following the end of the restrictive national agreements, services were freed up to safely provide an even greater range of support to their communities. Chief fire officers were able to work with local partners to take a leading role in testing and vaccine logistics, and in administering vaccinations in many areas. This work is rightly a source of pride for service leaders and fire and rescue professionals who, empowered to make operational decisions and risk assessments at a local level, were able to step up to serve their communities.

Shining a Light Through Independent Inspection

Independent, expert, objective and fearless inspection is essential to the promotion of improvement. On the basis of rigorous analysis of evidence and professional judgment, it establishes where policies and practices are working well, so they can be adopted everywhere, and it explains to services, elected representatives and the public where things are not as they should be. Its analysis and the reasons for its conclusions and recommendations for improvement are fully explained, so that services, the public and others can see and easily understand them.

Since 2018, every service in England has been inspected at least twice. Her Majesty's Chief Fire and Rescue Inspector, Sir Thomas Winsor, has produced three annual State of Fire and Rescue reports that have provided clear assessments of the state of the sector and highlighted where reform is needed. They have been significant catalysts for our proposals to further strengthen services.

The inspectorate found that while the fire and rescue services have many commendable strengths, the system needs national and local reform. Based on the inspectorate's reports, it is clear that the strength of fire and rescue services is rooted in their operational response. When the public dial 999, services will respond with highly skilled and committed crews. While response is the most urgent function of a fire and rescue service, some services have unduly neglected vital protection and prevention work. And while some services have taken steps to improve productivity, more could and should be done to ensure that they are making the best use of public resources in ways that always put communities first.

Sir Thomas recognised that in recent years some reform and innovation has been implemented, but improvements have been sporadic. To date, the inspectorate has made six national recommendations. These include: improving the governance of services by granting chief fire officers operational independence to enable flexibility; providing greater clarity on the precise scope of the role of the fire and rescue service, improving the transparency and effectiveness of the negotiation mechanism for pay and conditions; and putting in place measures to improve the culture in fire and rescue services.

Lessons from Grenfell

The fire at Grenfell Tower, on 14 June 2017, is an indelible tragedy in the history of our country. The Grenfell Tower Inquiry Phase 1 report (GTI phase 1) made 46 recommendations for the London Fire Brigade, all fire and rescue services, other emergency services, building owners and the government. The government has worked alongside service leaders to ensure that action is being taken across the country, supported by legislative change and significant additional funding to drive improvement. The reforms set out in this white paper will complement the work already underway to strengthen fire safety and protection - building the capacity and capability within services that our communities deserve.

Last April, the government secured the passage of the Fire Safety Act 2021. The Act establishes that the scope of the Regulatory Reform (Fire Safety) Order 2005 (FSO) applies to the structure, external walls and flat entrance doors. On 17 March 2021, the government published its response to the fire safety consultation which set out proposals to strengthen fire safety in all regulated buildings in England. Further changes will be introduced through the government's Building Safety Bill, which will enable the establishment of a Building Safety Regulator, as part of the overhaul of building and fire safety regimes for higher-risk buildings. Furthermore, the government held a consultation from 8 June to 19 July 2021 to seek people's views on proposals relating to the complex issue of Personal Emergency Evacuation Plans (PEEPs). While there was considerable support for the idea of PEEPs, the consultation also raised operational challenges to implementing PEEPs in high rise residential buildings which typically would have no staffing or very limited staffing. Concerns include the practical challenges of ensuring safety when evacuating using the stairs, both for the vulnerable persons with the PEEPs and for other residents using the same stairwell; and the operational impact on firefighters using the same space. Further, there are concerns that, if extra staff are needed to make PEEPs work, it would result in disproportionately increased costs for residents. We intend to shortly propose a collection of initiatives that

together seek to achieve our policy aim of enhancing the safety of residents in high rise residential buildings whose ability to self-evacuate may be compromised in a way that is proportional and implementable. While this package would not directly implement the PEEPs-related recommendations in the GTI Phase 1 report, we are confident that it will satisfy the principles of improved fire safety of vulnerable persons behind the recommendations. The government intends shortly to lay regulations that implement the majority of the recommendations made by the Inquiry's Phase 1 report which require a change in the law.

The need to strengthen fire protection is clear. Dame Judith Hackitt's review into building regulations and fire safety, the Grenfell Tower Inquiry, other fires and HMICFRS inspection findings have highlighted its importance. That is why we provided £30 million in additional funding during 2020/21 and have continued to provide further funding this financial year. This funding supports services to review or inspect every high-rise residential building in England by the end of 2021 and strengthen the response to risks in other buildings, including residential buildings under 18 metres, care homes and hospitals. £7 million of this funding helped services to implement Grenfell recommendations through new training, equipment (such as smoke hoods) and technology to support communications and control room systems. In addition, we have commissioned research to support the development of national guidelines on evacuations from high-rise buildings.

A Clear Role for Fire and Rescue Services

The role of the fire and rescue authority (FRA) is set out in the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004. However, the work of fire and rescue services has evolved over the years. The built environment has become more complex and the nature of the risk facing communities has changed. The vulnerability of occupants is having a tangible impact on how services manage and respond to risk. Prevention, legislation, regulation, innovation and better building and product design have mitigated some longstanding public safety risks, and communities are safer as a result. This major public service success story does not get the recognition it deserves.

Historically, services have managed their resources to meet foreseeable risks to the public. But cumbersome industrial relationships have limited chief fire officers' ability to flexibly use their resources to truly meet changing risk, for example, by changing working patterns to respond to changing demand. Services need to plan for instances where they may need to simultaneously respond to large scale emergencies and a range of smaller incidents. Furthermore, staff need to be trained to respond to incidents safely, adapting to the ever-changing nature of malicious risks, such as terrorist incidents. The challenge, then, is to ensure flexibility so that fire and rescue professionals can fully serve their communities in partnership with other services. Crucially, local flexibility must be available to operationally independent service leaders to make the best use of their people and assets, balancing innovation with the core functions established in statute.

The Way Forward - Strengthening our Fire and Rescue Service

The case for strengthening fire and rescue services is clear. We want to improve the offer to professionals and the public, ensuring that services can adapt and change.

Our Vision

We want to see services providing excellence in their core prevention, protection, response, and resilience functions, responding to local needs in line with national expectations and guidance. Services will be helped to make the best use of the resources available to them, with the ability to come together quickly and respond safely to local and national emergencies, based on good data and evidence. Services need to be more able to adapt to changing threats and risks, working flexibly with other local partners.

Chief fire officers will be skilled leaders and managers, with clear responsibility to run and manage their services effectively and efficiently, in order to meet their local risk. Strong political, executive oversight will ensure services are properly accountable to the communities they serve and run in the public interest.

Twenty-first century fire and rescue services will embrace an ethical culture that attracts and retains talented people, values diversity and reflects the communities they serve. Their employees will be well supported and trained to do their jobs. At the same time, services will embrace learning, use data and evidence to inform their decision-making, and share best practice and innovation.

Employment arrangements across the sector need to be modernised. They need to be more transparent and should recognise staff for their skills and competence and not just for time served. The interests of all parties will be fairly represented during discussions on pay, terms and conditions and other workplace matters.

People, Professionalism and Governance

Our reform agenda seeks to drive improvement in three essential areas: well-trained and supported **people**; high levels of **professionalism**; and strong and effective **governance**.

On **People**, it is vital that fire and rescue services create an environment where they get the best out of their people. Staff should feel confident that they will be supported to reach their full potential, with accessible development opportunities and structured learning available. As recommended by HMICFRS, the role of fire and rescue services needs clarification with greater local flexibility for firefighters and staff to add value; the proposals in this white paper seek to address this recommendation, amongst others. Furthermore, fire and rescue professionals should be supported by a professional pay negotiation process. The current National Joint Council has strayed beyond its original scope and into negotiation of operational response, which should be a matter for operational leaders.

On **Professionalism**, this white paper examines how we can continue to support fire and rescue professionals to help them better protect their communities. Our reform plans set out

our ambition for an independent College of Fire and Rescue focussed on the following five areas:

- Research
- Data
- Leadership,
- Ethics
- Clear expectations for fire and rescue services

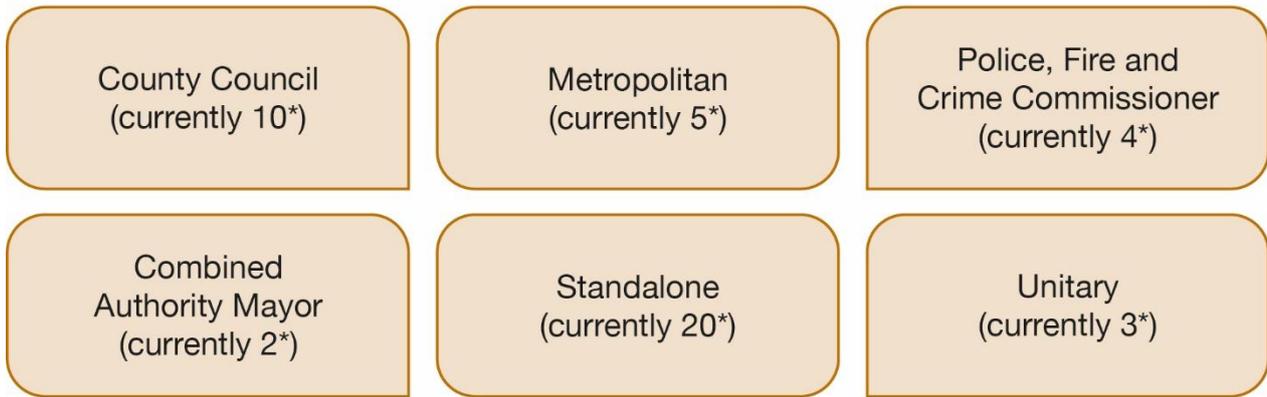
Subject to the response to the consultation, this College of Fire and Rescue could be located at an existing body such as a training provider, fire and rescue service or other professional body. This could include the Fire Service College (FSC) at potentially no cost, for example, given its historic links to government. The FSC is one of a number of training providers, all with a similar market share, available to fire and rescue services. We would like to hear from potential hosts to understand where the proposed college could be located given the potential benefit to both the host and the college of co-location. The proposed college should take on the functions carried out currently by the Fire Standards Board, which sets out clear expectations for the sector. Development opportunities for staff should include support for progression to leadership roles and development schemes to identify and nurture talent. Further, we want to examine the opportunity to support a consistently positive culture within services through the creation of a statutory code of ethics and a fire and rescue service oath.

On **Governance**, the lack of executive oversight in most FRAs and the variation and inconsistency between governance models have hampered accountability and transparency for the public. A review of the role of PCCs found that simplifying and strengthening the governance regime for fire services across England is critical to unlocking the wider reforms that are needed. We are setting out criteria for good governance and our ambition is to move governance to an executive leader, such as a combined authority mayor, a police, fire and crime commissioner (PFCC), or a county council leader. These options are illustrated in Figure 1. They, as ‘the Occupant’, would be able to delegate some or all of their day-to-day responsibilities to a deputy mayor, deputy PFCC or council cabinet member respectively. We also intend to implement HMICFRS’s recommendation to confer operational independence on chief fire officers. This will enable the chief fire officer to have direction and control over their resources to meet the executive leader’s priorities. We propose – whether in primary legislation or statutory guidance – to clearly define the role and responsibilities of both the executive leader and chief fire officer with clear demarcation between the two. Effective governance will ensure a publicly accountable figure can set clear priorities and hold the chief fire officer firmly to account for their performance in order to best deliver for the public.

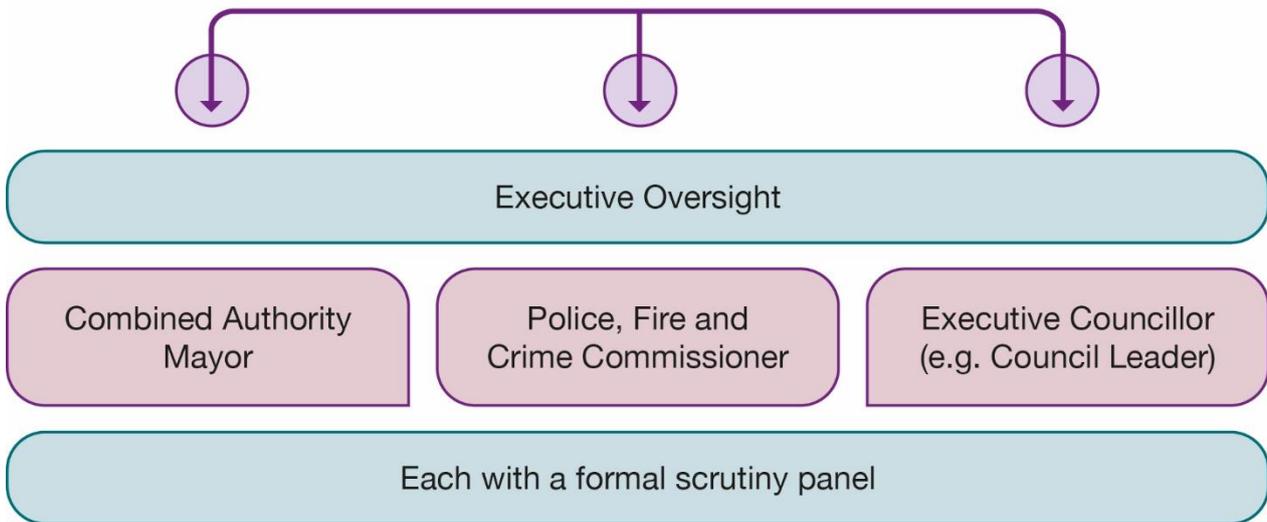
This could be alongside making chief fire officers corporations sole, thereby making them the employers of fire professionals.

We believe that these governance changes will enable effective executive oversight to hold an operationally independent chief fire officer to account with appropriate support and challenge. The executive would be required to produce a strategic fire and rescue plan listing their priorities while the chief fire officer would focus on their operational requirements to meet those priorities. Finally, we do not wish to lose the skills and experiences of existing councillors on the fire and rescue authority who could be used to scrutinise the decisions of this individual.

Current Types of Fire and Rescue Authority



Proposed reform



*fire and rescue authorities as at 1 January 2022

People

The biggest asset available to fire and rescue services is the people who work for them. Their dedication and skill, and the respect they command from their communities, make them a crucial part of the public safety system. We are committed to ensuring that fire and rescue employees are representative of the communities they serve and are equipped with the skills they need to reduce risk, save lives, and meet the challenges of the future.

However, current working practices are highly inflexible and, in some services, no longer reflect the range of incidents faced. In his 2020 State of Fire and Rescue report, Sir Thomas Winsor recognised that for services to better serve the public, they need to be able to adapt and do things differently. He noted substantial barriers to change and efficiency and recommended that the government takes an active role in clarifying fire fighters' true responsibilities and improves the mechanism for establishing pay and conditions.

The Role of Fire and Rescue Services

The principal role of fire and rescue services is to keep the public safe through prevention, protection and response work. The statutory functions of fire and rescue authorities are set out in the Fire and Rescue Services Act 2004. Furthermore, the Civil Contingencies Act 2004 sets out their role as Category 1 responders in response to civil emergencies. This includes their increasingly significant role in local resilience forums, civil protection and in incidents where there is the threat of serious damage to human welfare or the environment.

The Cabinet Office's Integrated Review 2021 put an increasing focus on building national resilience and commits the government to consider strengthening the roles and responsibilities of Local Resilience Forums in England alongside a wider National Resilience Strategy. Fire and rescue services and senior fire officers play key roles in the operation and leadership of LRFs in preparing for emergencies and in responding to emergencies in multi-agency Strategic Coordination Groups.

The Cabinet Office's National Resilience Strategy Call for Evidence closed in September 2021. The Home Office has consulted with the National Fire Chief's Council (NFCC), to ensure the fire sector continues to play a strong role in both national and local community resilience, across the resilience cycle.

In carrying out their functions, services must work with the public and businesses to reduce incidents of fire and ensure that appropriate measures are in place to mitigate their impact. Firefighters need to be prepared, equipped with the right skills and expertise to attend, assess the risk and respond to a range of incidents, across the complex, built environment and national infrastructure. They are supported, where necessary, by expert fire safety inspectors and engineers.

HMICFRS inspections have highlighted that operational response is a key strength of services but reported that there is considerable variation in how prevention and protection work is carried out, understood and prioritised. The most effective services have protected and extended their reach in this area, and we will continue to work with the NFCC on the development and implementation of prevention and protection programmes.

Modern Working Practices

Just as society continues to change, so have public safety challenges to which services must respond: from the increased risk from terrorism and environmental challenges, to pandemics and the increasing demands on local authorities, given that people are living longer and vulnerability is better understood. The role of services, and of those who work for them, needs to continuously evolve. Fire and rescue services provide a skilled, capable and engaged workforce that is ready, willing and able to step into these challenges in the Community Risk Programme. It is right that the public can expect them to be deployed to assist their communities as the need arises.

However, the barriers to doing so were seen during the sector’s ongoing response to Covid-19, where the determination of fire and rescue staff to assist their communities was not always matched by flexible and modern employment practices. The national negotiation mechanism established by the National Joint Council has been recognised by inspectors and others as a barrier to a rapid and flexible response. These barriers have meant services have struggled to adapt and communities have not always been well served in the process. For example, previous collaborations with health partners have floundered in some places and in Greater Manchester, a team formed to respond to marauding terrorist attacks in the city withdrew their labour because of a dispute, leaving the community unacceptably vulnerable. While this capability has been restored through a local agreement that costs more taxpayer money, the government is clear that under current arrangements there is a role for services and their employees to respond to terrorism in all its forms.

Chief fire officers should be empowered to safely make decisions on the basis of risk and resources. While it is right that all relevant trade unions have a role to play in discussions on terms and conditions and the health and safety of their members, this must not come at the expense of safe and sensible progress and efficiency when communities need action.

We will work with fire and rescue leaders to ensure that services can fully support their communities. The need to identify emerging issues and continually assess risk extends to prevention and protection functions where services should ensure that they adapt to meet emerging issues and levels of risk, with their activity tailored to those they target.

Q1: To what extent do you 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?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Public Safety

Fire and rescue services play an important role in assisting communities with health and crime prevention and reduction. Services have already demonstrated their ability to support wider public safety. For example, StayWise is an NFCC-led partnership initiative that supports blue light and educational professionals in the provision of safety messaging to children. Some services have collaborated with local partners to help prevent crime and support their communities. For instance, a multi-agency partnership involving Tyne and Wear Fire and Rescue Service, local councillors, Northumbria Police, a local housing company and Sunderland City Council led to the formation of SARA (Southwick Altogether

Raising Aspirations). SARA brings together partners to help the most vulnerable members of the community – from supporting those with mental health problems, helping victims of crime and working in schools to divert and dissuade vulnerable teenagers from a life of crime.

Other activity ranges from identifying and referring those at risk of domestic abuse, modern slavery and hate crime, to diverting young people away from trouble through fire cadets and other schemes. The new Serious Violence Duty in the Police, Crime, Sentencing and Courts Bill, which proposes to bring together local agencies to prevent and reduce serious violence, will also apply to fire and rescue authorities.

As discussed later, as well as considering the merging of fire and policing governance under democratically elected combined authority mayors or police, fire and crime commissioners, we would also seek to strengthen the emergency service response to local issues and promote greater collaboration between agencies to support public safety needs.

Q2: To what extent do you agree/disagree that fire and rescue services should play an active role in supporting the wider health and public safety agenda?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Business Continuity

The first duty of any government is to keep the public safe. Unlike the police, firefighters and control staff can strike, which inevitably puts the public and non-striking fire professionals at risk. While we do not propose removing the freedom for staff to choose to participate in industrial action, we believe that public safety needs to be ensured.

Fire and rescue services are 'Category 1 responders' under the Civil Contingencies Act 2004. This requires them to carry out specific civil protection duties, which chief fire officers must bear in mind when considering their business continuity plans. Requirements for business continuity are also set out in the fire and rescue service National Framework for England. The Home Office will work closely with the NFCC to ensure that each service has a robust business continuity plan that considers a range of challenges, including the impact of industrial action. Working with the NFCC, the National Resilience Assurance Team and HMICFRS, we will commission that the plans are independently assured. As outlined later in this white paper, the operational independence of chief fire officers plays a crucial role in allowing them to manage risk within their service.

The Civil Contingencies Act 2004 is also under review, alongside the wider National Resilience Strategy and includes the duties on fire and rescue services in relation to civil emergencies and in collaboration with key local partners. As part this review, we will consider strengthening the basis on which all Category 1 and 2 responders cooperate and support local resilience structures, with FRS services being central to this.

Q3: To what extent do you agree/disagree that the business continuity requirements set out in the Civil Contingencies Act 2004 provide sufficient oversight to keep the public safe in the event of strike action?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Pay Negotiation

Everyone is entitled to be treated fairly. When it comes to public sector pay, those who provide public services, and those who pay for them, deserve no less. The process for determining pay should be open to scrutiny, so that all concerned can understand the decisions that are made.

The effectiveness of the National Joint Council (NJC) – the body that oversees decisions on firefighter pay and terms and conditions – has long been questioned. Adrian Thomas, in his review of conditions of service in 2015, concluded that it needs to be modernised and in the State of Fire and Rescue 2020 report, Sir Thomas Winsor called for fundamental reform. The negotiation of annual firefighter pay awards is a closed process until after any decisions is effectively made, with the views and agreement of only one union being sought and considered. HMICFRS have made recommendations on the current pay negotiation structure, including a suggestion to review its current operation and effectiveness. We welcome this recommendation and will consider how best to take it forward as part of our package for reform. The independent review would consider whether the current pay negotiation process is dynamic enough to respond to changing priorities. It could consider evidence from other employment models and sectors.

Q4: To what extent do you agree/disagree that the current pay negotiation arrangements are appropriate?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q5: Please provide the reasons for your response.

Nurturing New and Existing Talent

There is more to do nationally to stimulate the debate about talent and to ensure that services open and modern employers who value diversity and nurture talent. Fire and Rescue professionals deserve development and support to achieve their full potential. Inconsistent identification and management of talent limits the scope to specialise and professionalise, and means that high-potential individuals may be overlooked.

HMICFRS found that services need to do more to support future leaders, and that diversity in senior leadership positions is even more limited than in the wider workforce. They also found that services often do not actively manage talent, relying on traditional models of development and progression, often linked to time served.

Some services have talent and development schemes, but there are no standardised national progression routes or consistent levels of education or experience required for entry into roles, in contrast to comparable public services including health and policing. We seek views on whether we should explore clearer, consistent entry requirements for fire service roles, so that a consistent approach is applied across the country. In doing this, we need to consider the impacts not only on professionalising services, but also any unintended consequences on the recruitment and retention of people from the widest possible talent pool. Consistent entry requirements, along with consistently applied personal development and progression, could be key to developing the management and leadership cadre of the future.

We want to ensure that fire and rescue is open to the best and brightest. As well as a focus on developing the talent already working in the fire services, there have been positive recent steps to bring in people with experience from other sectors at a range of levels. The NFCC leadership hub is leading a project on direct entry schemes at station and area manager level, as well as developing a coaching and talent-focused culture. This is a welcome development and should be supported by all services. We will also explore the potential to learn from national talent and recruitment schemes such as Teach First, Police Now, Unlocked and the civil service’s Fast Stream scheme model to establish high-potential development programmes. Such schemes could be open to both new entrants and existing staff and would offer a structured development programme. Skills could be tested and extended through placements in a range of roles and projects.

Q6: To what extent do you agree/disagree that consistent entry requirements should be explored for fire and rescue service roles?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q7: Please provide the reasons for your response.

Q8: To what extent do you agree/disagree that other roles, in addition to station and area managers, would benefit from a direct entry and talent management scheme?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Professionalism

The vision in this white paper is for fire and rescue services to continue to be a vital asset to our communities, and a great public sector profession with a focus on continuous improvement and professional development. Services will continue to attract talented people who understand the communities they are serving. This will be supported with clear and consistent expectations and training opportunities that build on the effective use of data and evidence. To realise this vision, we need to have the right support structures at the head of the profession to ensure that the improvement cycle functions well, with clear expectations, strong implementation, and a robust inspection regime.

Leadership of the Profession to Date

The National Fire Chiefs' Council (NFCC) was established in 2017 with the goal of supporting operational leaders to transform services, thereby maximising effectiveness and partnership working. The independently chaired Fire Standards Board (FSB) was created in 2019 to produce and maintain a suite of national professional standards for fire and rescue services. Eight fire standards have now been published, ranging from operational matters such as community risk management planning to issues related to culture and ethics. Fire standards are intended to drive consistency and have a positive impact on the performance and professionalism of services, supporting continuous improvement and setting clear expectations for the service the public should receive. HMICFRS have regard to these expectations in their inspections.

This first wave of reform has clearly moved the fire and rescue profession forwards and government has provided significant financial support, totalling over £15 million over the last four years. The NFCC has provided leadership that the sector was lacking and is in the process of carrying out a significant programme of work. We want to explore how we can build on this success to further support professionals and strengthen fire and rescue services across five key areas of leadership, data, research, ethics and clear expectations.

Leadership

In several reports and inspections, leadership has been found to be problematical. Twenty years ago, an independent review (the Bain Report, 2002) reported “a lack of leadership throughout the service at the political, institutional and operational levels”. The report also detailed the need for senior staff to receive “more training in general and personnel management,” that “a proportion of officers should come from outside the Service” and the importance of sector organisations to provide “a body of expertise on technical matters and business processes.” By 2019, inspections identified that only 12 out of 45 services were ‘good’ at developing leadership and capability.

Effective leadership is not only about strengthening the role of the chief fire officer, but about building capability, embedding values and nurturing talent within services. Indeed, there are many accomplished individuals in the current leadership cadre, but there is no current structure or assessment that ensures that this is consistent. The work of chief fire officers is vital and could become even more complex and challenging if they are provided with operational independence, as recommended by HMICFRS.

Senior operational leaders require a range of skills. They must take on-the-spot decisions in highly pressurised circumstances, which can be matters of life or death. The aftermath of

such decisions can also present leadership challenges both in terms of public confidence and achieving organisational learning. Fire and Rescue leaders are also required to manage complex organisations through change, building positive and inclusive teams as well as taking account of contextual issues such as industrial relations.

A 21st Century Leadership Offer

In December 2020, the Home Office surveyed chief, deputy and assistant fire officers’ views on leadership in three domains of command, leadership and organisational management. Around four in ten (42%) thought that services were ‘not very’ or ‘not at all’ effective at both identifying and developing high potential or talent and while most were at least ‘fairly satisfied’ nearly 70% said they would value a mandatory and standardised training programme for senior leaders.

In some sectors, a standardised assessment to reach levels equivalent to assistant chief officer and above provides greater national consistency, transparency and clarity. A new, statutory leadership programme designed for the challenges of the 21st century could allow for a standardised approach in how services identify and prepare the leaders of tomorrow. Officers completing the course should also find it easier to move between leadership roles in fire and rescue services. The police Strategic Command Course provides a model we wish to explore. As with policing, we will need to consider how direct entrants would be able to demonstrate comparable experience and competence gained outside fire services, particularly in relation to command, and how the skills and competence required could be developed in a fair and consistent way.

Q9: To what extent do you agree/disagree with the proposed introduction of a 21st century leadership programme?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q10: Please provide reasons for your response.

Q11: To what extent do you agree/disagree that completion of the proposed 21st century leadership programme should be mandatory before becoming an assistant chief fire officer or above?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Smarter Use of Data

Data is a vital asset in helping services to deploy resources and manage services more effectively and professionally. While there are undoubtedly services where data is being used well, in his State of Fire and Rescue report in 2019, Sir Thomas Winsor identified that

“the sector is missing opportunities to use data and technology effectively” and lacks an overall national strategy to bring consistency and promote innovation.

We have provided funding to the NFCC for them to help set a common direction for services and to consider how best to provide central digital and data support. We want to explore how best to offer further data support to fire and rescue services. This could include improving national data analytics capability and developing data-focused training for those working with data in services and a consistent approach to structuring data. In addition, this could include setting expectations for data governance and for securing data-sharing agreements.

Central to this should be the capacity and capability of fire and rescue services to cooperate with other responding organisations under the Civil Contingencies Act 2004 and share data, when appropriate with local and national partners, including LRFs. This will support activity across the resilience cycle including preparation, response and recovery to ensure we make the best use of the data we have.

Q12: To what extent do you agree/disagree that each of the activities outlined above are high priorities for helping improve the use and quality of fire and rescue service data?

- A national data analytics capability.**
- Data-focused training.**
- Consistent approaches to structuring data**
- Clear expectations for data governance**
- Securing data-sharing agreements.**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q13: What other activities, beyond those listed above, would help improve the use and quality of fire and rescue service data? Please give the reasons for your response.

Research

It is vital that the work of services is supported by the best available evidence and research to ensure that services can effectively serve their communities. The current landscape, with a variety of organisations pursuing research activities, presents the risk that research is not co-ordinated to an optimal degree. Further, many individuals in services who conduct research work are doing so alongside other pressing roles.

We want to explore whether central fire and rescue research personnel, working closely with services, could help to ensure that research carried out within the physical and social sciences is effectively prioritised, co-ordinated, quality assured, and disseminated.

A central fire and rescue research capability could undertake the following activities:

- **collaborating** – providing a permanent set of skilled analysts to collaborate with others, including services, to promote good quality research that will provide benefits to services
- **commissioning** – commissioning other organisations to conduct research on behalf of the central fire and rescue research function when national-level research is appropriate
- **conducting** – directly undertaking research, including reviews of existing evidence, using staff permanently housed within the central fire and rescue research function
- **collating** – identifying emergent issues, opportunities, and ongoing fire-related research undertaken across services, academia, industry and other organisations, ensuring that priorities are being addressed and learning is being shared to avoid duplication of effort

Q14: To what extent do you agree/disagree that each of the activities outlined above are high priorities for improving the use and quality of fire evidence and research?

- Collaborating
- Commissioning
- Conducting
- Collating

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q15: What other activities, beyond those listed above, would help improve the use and quality of evidence and research on fire and other hazards? Please provide the reasons for your responses.

Clear Expectations

A hallmark of professionalism is the creation and implementation of clear expectations. While local flexibility is important, robust and consistent national standards help improve the quality of service provided to the public.

Currently, the independently chaired FSB is tasked with creating and maintaining fire standards (the documents through which the FSB sets clear expectations for services) for fire and rescue services. Eight fire standards have now been published, ranging from operational matters such as community risk management planning to issues related to culture and ethics. A 9th fire standard on safeguarding is due to be published imminently. The FSB is supported in this work by the NFCC’s Central Programme Office. The Fire and Rescue National Framework for England requires services to implement these standards. HMICFRS will have regard to them in their inspections.

We want to build on the successes of the FSB and ensure we continue to set clear expectations. We want to ensure effective implementation in support of the fire and rescue

profession. We also want to consider how best to ensure that there is a continued close link between these common expectations and the guidance that supports their implementation, including National Operational Guidance.

Ethics and Culture

We want to see fire and rescue services where everyone is welcome, treated with respect and able to thrive. The need for more consistent application of a robust ethical framework is clear. HMICFRS found in their 2019 State of Fire report that “the culture in some services is toxic”, that 20 out of 45 services required improvement and that a further three were inadequate.

Code of Ethics

In response to the HMICFRS recommendation, the Local Government Association, the Association of Police and Crime Commissioners, and the NFCC developed a core code of ethics that all services should embed in their work. This is a positive first step, but we want to consider whether more is needed to ensure we have a consistently positive culture in all fire and rescue services.

The current code has no legal status but is supported by a fire standard (the documents through which the Fire Standards Board sets clear expectations for services) which requires services ‘adopt and embed’ the code. The Fire and Rescue National Framework for England, to which fire and rescue authorities must have regard, provides that all authorities must adhere to these clear expectations. The duty on fire and rescue services to adhere to the core code is therefore indirect and we are seeking views on whether to place a code on a statutory footing (a ‘statutory code’) to ensure its application in every service. This could involve the creation of powers in legislation, when parliamentary time allows, to create and maintain a statutory code. These powers could enable a statutory code to be created or amended via secondary legislation. If follow the outcome of this consultation the government proceeds with this proposal, the core code could be subject to review before being placed on a statutory basis.

Q16: To what extent do you agree/disagree with the creation of a statutory code of ethics for services in England?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q17: To what extent do you agree/disagree that placing a code of ethics on a statutory basis would better embed ethical principles in services than the present core code of ethics?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

If a statutory code were to be created, a duty would need to be placed on services to follow it. We are consulting on this duty being placed on chief fire officers who, under proposals outlined in the governance section of this document, could be operationally independent and therefore best placed to ensure their services act in accordance with the statutory code. We believe fire and rescue authorities would retain an important role in holding chiefs accountable for the discharge of their duties to ensure they and their services adhere to the code. However, we do not propose that the statutory code would apply to elected representatives in fire and rescue authorities.

We do not believe that the duty to adhere to the statutory code should be placed on individual employees of authorities as this would not address the need for a service’s policies, as well as its people, to adhere to the statutory code. The need for individuals to adhere to ethical values is considered below in relation to the fire and rescue service oath.

We are consulting on the enforcement of the statutory code – and the related oath – being an employment matter for chiefs to determine within their services, in accordance with the proposal for operational independence contained elsewhere in this document.

Q18: To what extent do you agree/disagree that the duty to ensure services act in accordance with the proposed statutory code should be placed on operationally independent chief fire officers?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q19: To what extent do you agree/disagree with making enforcement of the proposed statutory code an employment matter for chief fire officers to determine within their services?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Fire and Rescue Service Oath

We are also consulting on introducing a fire and rescue service oath (‘the Oath’) in England. The Oath would be a promise to uphold the principles in the statutory code while undertaking tasks on behalf of fire and rescue authorities, to help address the cultural challenges identified above and provide a positive expression of the role services can play in their communities. A mandatory duty to take the Oath would need to be placed on all FRA employees although it would not apply to the elected representatives in the authority as separate ethical standards arrangements are already in place. As is the case with police officers and PCCs, the Oath would be specified and provided for in legislation. We consider that a requirement for all FRA employees to consciously affirm ethical principles through an Oath would make it more likely that the principles would be adhered to. We think this would be preferable to a voluntary option because it would provide a more consistent approach across all services.

As noted above, the core code may be subject to review before being placed on a statutory basis, if that option is pursued. However, by way of example, an Oath based on the core

code may include affirming such principles as acting with integrity, and supporting equality, diversity and inclusion. As we anticipate the Oath and the statutory code to be intrinsically linked, subject to the outcome of this consultation, we will continue to work closely with interested parties on the content and process associated with the statutory code and Oath.

If a breach of the Oath occurred, we believe it would be most appropriate for it to be dealt with by each service as an employment matter. Managers should exercise their professional judgment, reflecting service disciplinary procedures and the circumstances of the individual case. We consider that, in the absence of congruent criminal offence, it would be disproportionate for breach of the Oath alone to be a criminal offence.

Q20: To what extent do you agree/disagree with the creation of a fire and rescue service oath for services in England?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q21: Please give the reasons for your response.

Q22: To what extent do you agree/disagree that an Oath would embed the principles of the Code of Ethics amongst fire and rescue authority employees?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q23: To what extent do you agree/disagree with an Oath being mandatory for all employees?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q24: To what extent do you agree/disagree that breach of the fire and rescue service oath should be dealt with as an employment matter?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Professionalism Summary

We consider that action in these five key areas of improvement could help facilitate further professionalisation of fire and rescue services. Drawing on responses to this consultation, we intend to continue building capacity and capability across these five areas of leadership, data, research, ethics and clear expectations. It will be vital to make efficient use of resources in supporting services. We will therefore seek to prioritise those areas of delivery that are most beneficial in strengthening services and protecting the public.

Q25: To what extent do you agree/disagree that the five areas listed above are priorities for professionalising fire and rescue services?

- Leadership
- Data
- Research
- Ethics
- Clear Expectations

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q26: What other activities, beyond the five listed above, could help to professionalise fire and rescue services?

Independent Strategic Oversight

We believe there could be an opportunity for an independent body to build on the foundations laid and continue to drive forward the further professionalisation of services.

A key benefit of creating an independent professional body could be to provide an organisation independent of fire and rescue services and at arm’s length from government to lead the continuing development of the fire and rescue profession. It could comprise and be led by staff working in the organisation as their primary role and providing a dedicated resource to support services rather than by those who also must undertake pressing operational roles. This would help it carry out important activities not currently conducted on a sustainable basis. While we see benefits to independence, it would be vital for any new organisation to work with services, employers, the NFCC, the unions, HMICFRS and others, to ensure that work is fully informed by the views of the sector.

A College of Fire and Rescue

We therefore want to explore our ambition for the creation of a College of Fire and Rescue (CoFR) to be the independent body to support our fire and rescue professionals to best protect their communities. Through providing a permanent body of independent expertise and sharing the outputs of its various proposed strands of work, the independent CoFR could provide a vital aid to services in implementing the reforms outlined in this white paper.

We will carefully consider the creation and appropriate remit of a CoFR using the views gathered through this consultation. We would want to ensure we prioritise areas of work that add greatest value to services, making best use of available resources. We are therefore seeking views on which of the five opportunities for further professionalisation should be priorities for the proposed independent CoFR.

By way of example, the proposed independent CoFR could have the following remit:

- on **Leadership**, developing and maintaining courses such as Leadership Programmes and direct entry schemes
- on **Data**, providing a home for a strategic centre of data excellence
- on **Research**, housing a central research function to ensure that research is prioritised, conducted effectively, and shared
- on **Clear Expectations**, taking on responsibility for the creation of fire standards, building on the work of the Fire Standards Board
- 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

The remit outlined above could help ensure that these vital activities are conducted in a sustainable and independent manner by an organisation dedicated to undertaking this work. Placing multiple strands of work in the same organisation focused solely on their delivery would allow each strand to be supported by the others. Taking the examples above, a CoFR could allow expectations of services to be informed by the latest research and help leadership programmes to be imbued with strong ethical principles.

We also want to make sure that the proposed independent CoFR has the power to effect further improvement in fire and rescue services. We therefore wish to consider whether it should be given legislative powers to support its work. These could mirror the powers held by the College of Policing under the Police Act 1996, as amended by the Anti-Social Behaviour, Crime & Policing Act 2014, or could involve the extension to the College of Fire of the powers held by the Secretary of State under the Fire and Rescue Services Act 2004. For example, legislative powers provided to the CoFR could include the power to issue statutory codes of practice with the approval of the Secretary of State.

It should be noted that the remit of the NFCC extends significantly beyond the functions outlined above. Therefore, if the independent College of Fire were to be created, a strong co-operative working relationship with the NFCC would be vital in achieving the aims of both organisations.

Q27: To what extent do you agree/disagree with the creation of an independent College of Fire and Rescue to lead the professionalisation of fire and rescue services?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q28: Please provide your reasons for your response

Governance

Governance Structures

There are 44 FRAs across England operating under a range of different governance models. We believe this variation in the operation of models is unhelpful and leads to problems in relation to accountability and transparency.

Unlike FRAs overseen by PFCCs or combined authority mayors, the majority of authorities still operate a committee structure comprising many members (in the case of one authority, nearly 90). This can slow decision making and impair accountability. And across most of England, the public do not have a direct say in who is responsible for their fire service. In most areas, while members are elected (for example, as a councillor), they are not directly elected with a clear mandate in relation to fire.

Public awareness of FRAs and their members is not high. Our public polling as part of the review of PCCs found that the majority (89%) could not name a member of their FRA. In contrast, the awareness of PCCs (including police, fire and crime commissioners) is growing since the first candidates were elected in 2012. In the same polling, nearly two thirds (65%) of the public in these areas said they were either aware of their commissioner, or aware that they were responsible for policing (this figure is in line with other recent estimates from the Crime Survey for England and Wales). The 2021 PCC elections saw a significantly increased turnout – provisionally up 6.5 percent more than in 2016 - and more than double that of the 2012 elections. This shows the model is maturing and public awareness is growing.

After considering the conclusions of the PCC review, and reviewing inspection and other reports, the government view is that oversight of fire services needs to change. Our preferred governance model is one that meets the following criteria:

- there has a single, elected – ideally directly elected – individual who is accountable for the service rather than governance by committee
- there is clear demarcation between the political and strategic oversight by this individual, and the operationally independent running of the service by the chief fire officer
- that the person with oversight has control of necessary funding and estates
- decision-making, including budgets and spending, is transparent and linked to local public priorities

Therefore, to strengthen governance across the sector, we believe there is a strong case to consider options to transfer governance to an elected individual.

We seek views on this approach and who the most appropriate person may be. Options will need to be discussed options with each local area. There are a number of options for who this person could be. These include a directly elected combined authority mayor or a PCC. Each is a single directly elected individual who can provide the accountable leadership that we envisage, enabling the public to have a say in who oversees their local service. But there may be other options, including retaining fire in county council's under a designated leader. We seek views on who else could provide this executive leadership.

Q29: To what extent do you agree/disagree that Government should transfer responsibility for fire and rescue services in England to a single elected individual?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q30: What factors should be considered when transferring fire governance to a directly elected individual?

Please provide the reasons for your response.

The Mayoral Model

An option to achieve directly elected oversight of fire could be through the combined authority mayoral model. The government would like to see more combined authority mayors exercising public safety functions.

As set out in the Home Secretary’s response to the PCC review (2021) and the Levelling Up white paper, combined authority mayors could also take on public safety functions where boundaries allow.

Of the eight existing MCAs without fire and rescue functions currently, four (Cambridgeshire & Peterborough, Sheffield City Region, West Midlands and West Yorkshire) are already coterminous with fire and rescue boundaries. Subject to this consultation, we will explore options for transferring the fire functions directly to the MCAs for exercise by the mayors in these areas at the earliest opportunity. The four remaining existing MCAs (Liverpool City Region, North of Tyne, Tees Valley and West of England) are not currently coterminous with fire and rescue boundaries and so, subject to this consultation, we will need to consult with those in the local areas to establish the way forward.

Q31: Where Mayoral Combined Authorities already exist, to what extent do you agree/disagree that fire and rescue functions should be transferred directly to these MCAs for exercise by the Mayor?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Police and Crime Commissioners

Another option could be to transfer responsibility to a police, fire and crime commissioner. In 2017, measures were introduced through the Policing and Crime Act 2017 to enable PCCs to take on oversight of their local fire services.

It is for each commissioner to determine whether they want responsibility for fire. If so, they need to produce a proposal for the Home Secretary that demonstrates how a governance transfer meets the statutory tests of economy, efficiency and effectiveness, and that it does not have a detrimental impact on public safety. To date, four areas have made the transition to a police, fire and crime commissioner.

The PCC review considered how PCCs’ accountability could be strengthened, and their role expanded in line with the government’s manifesto commitment, and considered the benefits of directly elected oversight of fire services. Those interviewed from both policing and fire in the review were broadly supportive of the benefits of bringing policing and fire governance together under a directly elected individual, particularly to maximise the benefits of emergency services collaboration and strengthen accountability and transparency to the public. To achieve a more consistent approach to fire governance, many were strongly in favour of mandating governance change across England, rather than the current bottom-up piecemeal approach.

We have seen the immense value in what PFCCs in the four areas who have responsibility for fire have provided, including strengthened local accountability, enhanced collaboration and improvements in what their fire services provide the public. The business cases for the first four PFCCs estimated savings of between £6.6 million to £30 million over the first ten years. In Northamptonshire, the financial autonomy provided by the commissioner enabled the service to recruit new firefighters and replace equipment and facilities, thereby improving the support it provides to people and businesses. In North Yorkshire, the ‘Enable’ service brings together police and fire back-office staff to work as one team, under one roof, improving efficiency and affordability for all. The enhanced collaboration driven by commissioners is not only improving organisational efficiency but is saving lives. In Staffordshire, the commissioner agreed a missing persons support protocol between Staffordshire Fire and Rescue Service, Staffordshire Police and West Midlands Ambulance Service in which 90% of relevant incidents attended by fire and rescue crews were lifesaving or injury preventing.

The PCC review crystalised our proposals on fire service governance which the Home Secretary set out in her Written Ministerial Statement of March 2021. We therefore seek views on whether this is another acceptable option.

Q32: To what extent do you agree/disagree that Government should transfer responsibility for fire and rescue services in England to police and crime commissioners?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Other Options, such as an executive councillor

We recognise, reflecting the circumstances of each local area, that it may be preferable for somebody a different option other than a PCC or mayor to be given responsibility. This may be where a fire service is currently part of a county council or local boundaries aren’t aligned. We are therefore filling to consider other options, although any option will need to meet our

criteria for good governance as listed above, in particular the need for clear executive – rather than committee – leadership.

Q33: Apart from combined authority mayors and police and crime commissioners, is there anyone else who we could transfer fire governance that aligns with the principles set out above?

Yes	No

Q34: If yes, please explain other options and your reasons for proposing them.

As part of any governance change, we could take the opportunity to strengthen and clarify the legal basis against which fire and rescue authorities operate. The Fire and Rescue Services Act 2004 requires fire authorities to make provision to provide ‘core functions’ (for example, fire safety, firefighting, rescuing people from road traffic accidents, functions in emergencies). While the Fire and Rescue National Framework for England provides a little more in terms of defining the role of authorities, further work could be done to define their scrutiny and oversight function.

In transferring responsibility to a single individual, we could also put good governance principles in statute. For example, legislation could expressly set out the role and function of the FRAs including its oversight and scrutiny functions, specifying how transparency objectives should be met, and clarifying the relationship between political oversight and operational decision making. If not in statute, this could also be included in the Fire and Rescue National Framework for England.

Q35: To what extent do you agree or disagree that the legal basis for fire and rescue authorities could be strengthened and clarified?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q36: Please provide the reasons for your response.

Should we decide to bring forward governance change and transfer governance from existing fire and rescue authorities, we do not want to lose the skills and expertise built up by FRAs. And regardless of who the executive leader is, each would need a body to scrutinise their decision making. Part 2 of our PCC review is assessing the current scrutiny arrangements for PCCs in more detail and how they could be improved. In the light of this, we will consider carefully what may be the appropriate arrangements for fire, including the findings from Part 2 of our PCC review which considered how the current scrutiny arrangements for PCCs could be improved.

Boundaries

In order to transfer fire governance to an elected official, the boundaries of the fire and rescue service and the police force/combined authority/county council must align. This is to ensure that there is a consistent electoral mandate across the whole of the area concerned. Across most of England, the boundaries for fire and rescue services and police forces/combined authorities (where present) are coterminous, making the transfer of governance to combined authority mayors and PCCs practicable. In areas where there is more than one fire and rescue service within a police force area (for example, Sussex Police covers the area of both East Sussex and West Sussex fire and rescue services) a transfer of functions is still possible as the PCC can take responsibility for each fire and rescue service that falls within their area. We would not seek to combine services unless there was local appetite to do so.

However, in other parts of the country such as the south-west of England, fire and police boundaries do not align. This means the transfer of fire governance to someone like a PCC would not be practicable unless steps were taken to bring about coterminous boundaries. We will discuss options for these areas with interested parties to determine how to achieve the necessary change.

Q37: To what extent do you agree/disagree that boundary changes should be made so that fire and rescue service areas and police force/combined authorities (where present) areas are coterminous?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Fire Funding

We are aware that any governance change will have funding implications. This will be particularly acute in services that are part of a county council or unitary authority. Should any governance transfer be made, we will need to assess that impact, for example on staff, assets and revenue transferred, and council tax precept. We are keen to ensure that both the financial sustainability for all local authorities and the operational capabilities of fire services are maintained throughout, including during any transition period. The government's aim is that we will keep council tax bills low and this will not be adversely affected by our governance proposals.

Where fire is part of a county or unitary authority, we have seen that fire and rescue does not always receive the resources it might otherwise be allocated due to competing priorities within the parent authority. As a result, fire and rescue can see its budget reduced mid-year to meet pressures elsewhere in its parent authority. The fire and rescue service also must compete with other parts of the local authority for capital funding to replace essential equipment. Subject to the results of this consultation, should fire stay within a county council or unitary authority rather than be transferred to a PCC or mayor, we propose taking steps to ring-fence the operational fire budgets within all county councils and unitary authorities who run fire services. This will enable the executive leader and chief fire officer to have certainty at the start – and throughout – the financial year over what resources they have available to them in order to meet the requirements of their local plan.

On conclusion of this consultation, we will work with national and local government representatives to consider these issues further. Should any changes to governance be given effect, we will consider options to ensure that authorities in all their forms continue to take effective decisions on their service provision ahead of any governance change.

Q38: To what extent do you agree/disagree with ring-fencing the operational fire budget within fire and rescue services run by county councils and unitary authorities?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q39: Please provide the reasons for your response.

A Balanced Leadership Model

Chief fire officers, properly held to account for performance by stronger governance, must also be able to make operational deployments and use their resources in the most efficient and effective ways to meet known and foreseeable risks. Yet in many cases, they are required to engage in prolonged negotiation at both the national and local levels on matters that should be within their operational responsibility.

In their first inspections, HMICFRS found that the lack of clear operational independence of chief fire officers created a barrier to services becoming more effective and efficient, and they found examples where chiefs were prevented by their authorities from implementing operational changes. HMICFRS recommended that the Home Office should take steps to give chiefs operational independence, including issuing clear guidance on the demarcation between governance and operational decision making. We agree with this recommendation and will legislate to do so when parliamentary time allows. While good governance, accountability and robust political decision-making is critical, it should be for the chief fire officer to determine the operational deployment of their staff.

We want to move to a consistent position where the political, executive leader of the fire and rescue authority will be responsible for their fire service and will be accountable – ultimately at the ballot box – for the service’s performance. This will be alongside the chief fire officer being accountable for operational decisions, with the two working effectively together to ensure the best service to the public.

The table below illustrates the possible demarcation of responsibility between the political (executive) leader and the chief fire officer. For example, the chief fire officer would make decisions in relation to the appointment and dismissal of staff, and the configuration, deployment and organisation of fire service resources. They would also make decisions to balance competing operational needs aligned to the strategic priorities set by the executive leader, to which they must have regard; including operational decisions to reallocate resources to meet immediate and ongoing demand and allocate staff to specific duties to reduce risk and save lives. We will work with those in the fire sector and local government to define this further ahead of making the required legislative changes.

Task	Responsible
<u>Setting priorities</u>	<u>Executive leader</u>
<u>Budget setting</u>	<u>Executive leader</u>
<u>Setting precept</u>	<u>Executive leader</u>
<u>Setting response standards</u>	<u>Executive leader</u>
Opening and closing fire stations	Executive leader*
<u>Appointment and dismissal of chief fire officer</u>	<u>Executive leader</u>
<u>Appointment and dismissal of other fire service staff</u>	<u>Chief fire officer</u>
<u>Allocation of staff to meet strategic priorities</u>	<u>Chief fire officer</u>
<u>Configuration and organisation of resources</u>	<u>Chief fire officer</u>
<u>Deployment of resources to meet operational requirements</u>	<u>Chief fire officer</u>
<u>Balancing of competing operational needs</u>	<u>Chief fire officer</u>
<u>Expenditure up to certain (delegated) levels</u>	<u>Chief fire officer</u>

*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.

There will 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. We will consider best practice in local government to develop this, as well as learning from the relationships between PCCs and their chief constables. We could consider producing something akin to the Policing Protocol to clarify roles and responsibilities and provide safeguards.

To support that, the declaration of the acceptance of office of PCCs and mayors could be extended to respect the operational independence of chief fire officers in the same way it presently applies to the independence of police officers.

At all times, the strengthened governance model of an executive leader will hold the chief to account for their decisions and performance.

Q40. To what extent do you agree with this proposed approach (as outlined in the table above)?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q41. Do you have any other comments to further support your answer?

Q42. Are there any factors we should consider when implementing these proposals?

Q43: What factors should we consider when giving chief fire officers operational independence?

Please provide the reasons for your opinions.

Legal Entity of Chief Fire Officers

When considering the role of chief fire officers in the context of transferring governance to a PCC, the extent of operational independence granted to them becomes even more relevant.

In the PCC model for policing governance, chief constables have operational independence from their commissioner in relation to the running of their police forces. The Police Reform and Social Responsibility Act 2011 provides that a police force and its civilian staff are under the direction and control of the chief constable. The 2011 Act also makes each chief constable a corporation sole. That means that the chief constable is a legal entity in their own right, occupying a single incorporated office. It makes the chief constable the employer of all those who work for the police force, and gives them legal authority over certain decisions and functions.

We therefore will consider whether to legislate to make chief fire officers corporations sole. This could clarify their role and responsibilities, and make them the employers of all fire personnel. This would mirror the arrangement in policing, although we will ensure these new arrangements are appropriate for fire. Subject to the views of the consultation, should we decide to proceed, we recognise specific arrangements may need to be put in place for chief fire officers employed by fire and rescue services run by county-councils and unitary authorities due to how closely fire professionals and assets are embedded in those organisations. We will work with the Department for Levelling Up, Housing and Communities and others in local government to consider this further.

Q44: What factors should we consider should we make chief fire officers corporations sole?

Clear Distinction Between Strategic and Operational Planning

Fire and rescue authorities are required by the Fire and Rescue National Framework for England to publish an Integrated Risk Management Plan (or similar for mayors and PFCCs). Put simply, the plan should assess all foreseeable fire-and-rescue related risks the service may face, and list how they will be met or responded to.

We are seeking views on how best to clarify the distinction between strategic and operational planning. We believe there should be a clear distinction between a strategic fire and rescue plan established by the fire authority and for which it is responsible, that sets priorities for the service on behalf of the public, and an operational plan which would become the responsibility of the chief fire officer and would deal with how strategic priorities will be met and risks mitigated.

Regardless of whether we require a new strategic plan, we propose to change the title of the operational plan to ‘the Community Risk Management Plan’. This better reflects the focus that these plans should have on risks to communities and more closely aligns to the newly established Community Risk Fire Standard introduced by the Fire Standards Board.

Q45: To what extent do you agree or disagree that the responsibility for strategic and operational planning should be better distinguished?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q46: To what extent do you agree or disagree that the strategic plan should be the responsibility of the fire and rescue authority?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q47: To what extent do you agree or disagree that the operational plan should be the responsibility of the chief fire officer?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q48: Please provide the reasons for your response.

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About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

Please respond to this consultation online at:

<https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

Alternatively, you can send in electronic copies to:

firereformconsultation@homeoffice.gov.uk

Alternatively, you may send paper copies to:

Fire Reform Consultation
Fire Strategy & Reform Unit
4th Floor, Peel Building
2 Marsham Street,
London
SW1P 4DF

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at:

<https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

Alternative format versions of this publication can be requested from:
firereformconsultation@homeoffice.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published online at:
<https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Impact Assessment

The Government is mindful of its duty to comply with the Public Sector Equality Duty in section 149 of the Equality Act 2010 and the need to assess the potential impact of any proposal on those with protected characteristics. In each part of the consultation, we invite views and evidence on the potential impact of the proposals and the package of proposals as a whole on such persons.

The impact assessment for this consultation can be found at:

<https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

Appendix IV

The format of the Consultation is that for most questions respondents are asked to indicate if they:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

There are a small number of questions where respondents are requested to give the reasons for their response or simply answer yes or no.

The section on Governance runs from page 25 to 33 (Questions 29 to 48) of the White Paper.

It is suggested that not all questions in this section should be responded to by the Panel.

Question number	Question	Comments
29	To what extent do you agree / disagree that Government should transfer responsibility for Fire and Rescue Services in England to a single elected individual?	
30	Please provide the reason for your response to question 29.	This question enables the Panel, should it wish, to express a view on the current role of Fire and Rescue Authorities.
31	Where Mayoral Combined Authorities already exist, to what extent do you agree /disagree that the Fire and Rescue functions should be transferred directly to these MCAs for exercise by the Mayor?	Not relevant for Cheshire.
32	To what extent do you agree / disagree that government should transfer responsibility for Fire and Rescue Services in England to Police and Crime Commissioners?	
33	Apart from Combined Authority Mayors and Police and Crime Commissioners, is there anyone else who we could transfer fire governance that aligns with the principles set out above?	The answer to this question is yes or no.
34	If yes (question 33) please explain other options and your reasons for proposing them.	
35	To what extent do you agree or disagree that the legal basis for Fire and Rescue Authorities could be strengthened and clarified?	This question does not appear relevant to the Police and Crime Panel.
36	Please provide the reasons for your response (to question 35).	
37	To what extent do you agree / disagree that boundary changes should be made so that Fire and Rescue Service areas and Police force / combined authorities (where present) are coterminous?	Not relevant to Cheshire.

38	To what extent do you agree / disagree with ring-fencing the operational fire budget within Fire and Rescue Services run by County Councils and unitary authorities?	Not relevant to Cheshire.
39	Please provide the reasons for your response (to Question 38).	Not relevant to Cheshire.
40	Please refer to page 31 of White Paper	The Panel may have a view on this issue which relates to the split of responsibilities between an Executive Leader and Chief Fire Officer.
41	Do you have any other comments to further support your answer (to Question 40)?	
42	Are there any factors we should consider when implementing these proposals?	This question relates to a balanced leadership model outlined on pages 30 to 31 of the White Paper.
43	What factors should we consider when giving Chief Fire Officers operational independence?	
44	What factors should we consider should we make Chief Fire Officers corporations sole?	This concept is outlined on page 32 of the White Paper.
45	To what extent do you agree that the responsibility for strategic and operations planning should be better distinguished?	
46	To what extent do you agree / disagree that the strategic plan should be the responsibility of the Fire and Rescue Authority?	
47	To what extent do you agree / disagree that the operational plan should be the responsibility of the Chief Fire Officer?	
48	Please provide the reasons for your response (Questions 45 to 47).	

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