



Safest People, Safest Places

Local Government Act 1972

A Meeting of the Combined Fire Authority for County Durham and Darlington will be held in the County Durham and Darlington Fire and Rescue Service Headquarters on Monday 29 July 2024 at 10.00 am to consider the following business:-

PART A

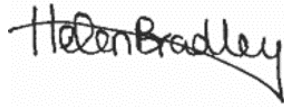
1. Declarations of interest, if any
If Members are aware of a private or personal conflict of interest in relation to any items on the Agenda, this should be disclosed at this stage or when the conflict of interest arises during consideration of an item in accordance with the Code of Conduct for Members
2. Minutes of the meeting held on 25 June 2024 (Pages 3 - 10)
3. Current Correspondence - Report of Director of Emergency Response (Pages 11 - 22)
4. Notes of the Performance Committee - Report of Chair of Performance Committee (Pages 23 - 36)
5. Appointment of Committee Membership - Report of the Clerk (Pages 37 - 42)
6. Member Champions - Report of Director of People and Organisational Development (Pages 43 - 46)
7. Firefighters' Pension Scheme Update - Report of Deputy Chief Fire Officer (Pages 47 - 50)
8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgent to warrant consideration
9. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

PART B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

10. Survey response to the National Joint Council for Local Authority Fire and Rescue Services (NJC) employers side self-led review - Report of Chief Fire Office (Pages 51 - 66)
11. HMP Deerbolt Presentation 2024 - Presentation of Temporary Director (Pages 67 - 80)
12. Fire Fatality - Presentation of Director of Emergency Response (Pages 81 - 90)
13. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

PURSUANT to the provisions of the above named Act, **I HEREBY SUMMON YOU** to attend the said meeting



Helen Bradley
Clerk to the Combined Fire Authority
for County Durham and Darlington

County Hall
Durham
DH1 5UL

TO: The Members of the Combined Fire Authority for County Durham and Darlington

Durham County Councillors:

Councillors J Atkinson, A Batey, R Bell, J Cairns, I Cochrane, C Hampson, N Jones, B Kellett, L Maddison, R Manchester, C Marshall, C Martin, I McLean, E Peeke, J Quinn, S Quinn, G Richardson, K Rooney, K Shaw, J Shuttleworth and S Zair

Darlington Borough Councillors:

Councillors A Anderson, G Lee, D Ray and M Snedker

Minutes of **the meeting of the Combined Fire Authority for County Durham and Darlington held at Fire and Rescue HQ, Durham on 25 June 2024 at 13.30 pm.**

Present:

Durham County Councillors:

Councillors J Atkinson, A Batey, R Bell, I Cochrane, C Hampson, L Hovvels (substitute for S Quinn), N Jones, L Maddison, C Marshall, C Martin, J Quinn, K Rooney, K Shaw, J Shuttleworth, D Sutton-Lloyd (substitute for G Richardson) and S Zair.

Darlington Borough Councillors:

Councillor G Lee, M Snedker and D Ray.

Apologies for absence were received from Councillors A Anderson, S Quinn and G Richardson.

Independent Persons:

C Hugill

A1 Declarations of Interest

There were no declarations of interest.

A2 Appointment of Chair

The Clerk outlined the standing orders under which the appointments can place. Members were asked for nominations for the Chair and Vice Chair of the Authority.

Appointment of Chair

A proposal and second was received for Cllr J Shuttleworth as Chair of the Combined Fire Authority.

Members **agreed** to appoint Cllr J Shuttleworth as Chair of the Combined Fire Authority.

Appointment of Vice Chair

A proposal and second was received for Cllr C Martin as Vice Chair of the Combined Fire Authority.

Members **agreed** to appoint Cllr C Martin as Vice Chair of the Combined Fire Authority.

The Chair welcomed new members Cllr L Maddison and I Cochrane to their first meeting of the Combined Fire Authority and thanked Cllr J Blakey and Cllr P Sexton for their contributions.

The Chair congratulated the 45 staff who received Long Service Awards during a special celebration event at Durham Town Hall on 12 June and thanked all staff who

organised the Open Day at Darlington station on 15 June to celebrate 50 years since Darlington and County Durham joined together as a Service.

A3 Appointment of Opposition Group Leader

The Clerk asked Members for nominations for the Opposition Group Leader of the Authority. Cllr C Marshall proposed Cllr S Quinn as Opposition Group Leader and this was seconded by Cllr A Batey.

Members **agreed** to appoint Cllr S Quinn.

Cllr C Marshall noted that Cllr S Quinn is currently unwell and that he would be her point of contact until she returns.

A4 Appointment of Chairs and Committees

The Authority received a report seeking approval of Chairs of the Committees for the Authority 2024/25.

The Clerk highlighted that the remainder of the of committee membership would be agreed via group leaders following the meeting.

The Clerk asked Members for nominations for each committee Chair.

Appeals Committee

A proposal and second was received for Cllr J Shuttleworth. Members agreed to appoint Cllr J Shuttleworth as Chair of the Appeals Committee.

Audit and Finance Committee

A proposal and second was received for Cllr R Bell. Members agreed to appoint Cllr R Bell as Chair of the Audit and Finance Committee.

Human Resources Committee

A proposal and second was received for Cllr S Zair. Members agreed to appoint Cllr S Zair as Chair of the Human Resources Committee.

Joint Consultative Committee

A proposal and second was received for Cllr J Shuttleworth. Members agreed to appoint Cllr J Shuttleworth as Chair of the Joint Consultative Committee.

Pension Board

A proposal and second was received for Cllr J Atkinson. Members agreed to appoint Cllr J Atkinson as Chair of the Pensions Board.

Performance Committee

A proposal and second was received for Cllr J Quinn. Members agreed to appoint Cllr J Quinn as Chair of the Performance Committee.

Resolved:

- i. Appoint Chairs for 2024/25 for:
 - a. The chair of the Appeals Committee was **agreed** as Cllr J Shuttleworth
 - b. The chair of the Audit and Finance Committee was **agreed** as Cllr R Bell
 - c. The chair of the Human Resources Committee was **agreed** as Cllr S Zair
 - d. The chair of the Joint Consultative Committee was **agreed** as Cllr J Shuttleworth
 - e. The chair of the Pension Board was **agreed** as Cllr J Atkinson
 - f. The chair of the Performance Committee was agreed as Cllr J Quinn
- ii. The appointment of the Chair and Vice Chair of the Authority to the Joint Consultative Committee in accordance with the constitution Section 5 paragraph 2.1 were **agreed**.
- iii. The appointment of the Chair of the Authority as Chair to the Appointments Panel and Salary Review Group in accordance with the Constitution Section 3, Paragraphs 5 and 6 respectively were **agreed**.
- iv. The Clerk in consultation with the Chair and Vice Chair of the Authority and the appropriate Group Leader be authorised to make any changes to the Committees that may arise during 2024/25 was **agreed**.

A5 Review of the Constitution

The Authority received a report of the Chief Fire Officer and Clerk which approval for proposed amendments to the Combined Fire Authority's (CFA) Constitution.

Resolved:

- i. The contents of the report and the suggested amendments to the Constitution was **noted**.
- ii. The amended Constitution as outlined at Appendix 2 was **approved**.

A6 Representation on Other Bodies 2024/25

The Authority received a report of the Clerk which sought agreement for the appointments process of Members of the Combined Fire Authority to the Other Bodies for 2024/25.

The Clerk highlighted an error within the table under paragraph 6 of the report. The Appointment of Representatives to the Local Government Association should read Cllr J Shuttleworth and not Cllr R Bell.

Resolved:

- i. The criteria for appointment to other bodies to be based on political proportionality be removed as **agreed**.
- ii. The appointments as set out in the table at paragraph 6 were **agreed**.
- iii. The Clerk, in consultation with the appropriate Group Leader(s), to make appointments to the Other Bodies which the Authority are invited to nominate was **authorised**.
- iv. The Clerk, in consultation with the Group Leader(s), to make any changes to membership of the Other Bodies that may arise during 2024/25 was **authorised**.

A7 Members Allowances 2024/25

The Authority received a report advising on the outcome of the Service review of the Members Allowance Scheme for the forthcoming year, 2024/25.

Resolved:

- i. The Members' Allowances Scheme for 2024/25 was **approved**.
- ii. The proposal to undertake a fundamental review of the Members' Allowances Scheme in 2024 was **approved**.

A8 Minutes of the meeting held on 11 March 2024

The minutes of the meeting held on 11 March 2024 were confirmed as a correct record and signed by the Chair (for copy see file of minutes).

A9 Current Correspondence

The Authority received an update from the Director of Community Risk Management in relation to current correspondence received from government and other bodies relevant to the Authority and the status of each (for copy see file of minutes).

A10 Notes of the Performance Committee held on 7 March 2024

The Authority received a report of the Chair of the Performance Committee which provided an update on discussions and recommendations from the Committee held on the 7th March 2024 (for copy see file of minutes).

Members **noted** the content of the report.

A11 Notes of the Audit and Finance Committee held on 10 April 2024

The Authority received a report of the Chair of the Audit and Finance Committee which provided an update on discussions and recommendations from the Committee held on the 10 April 2024 (for copy see file of minutes).

Members **noted** the content of the report.

A12 Notes of the Human Resources held on 23 May 2024

The Authority received a report of the Chair of the Human Resources Committee which provided an update on discussions and recommendations from the Committee held on the 23 May 2024 (for copy see file of minutes).

Members **noted** the content of the report.

A13 Member Buddy System and Affiliation with Fire Stations

The Authority were presented with a report confirming the Service Leadership Team (SLT) contacts for the Member 'Buddy' arrangements and the fire station affiliation list.

Resolved:

- i. The Member Buddy and Station Affiliation list as set out in Appendices A and B were **approved**.

A14 Community Risk Management Plan 2024 Consultation Results

The Authority received a report from the Chief Fire Officer which provided Members with information regarding the results of the Community Risk Management Plan (CRMP) Consultation which began on 16 February 2024 and ended on 10 May 2024.

Cllr L Hovvells acknowledged the improved response rate this year and advocated that we need to build on this, encouraging people to fill in the consultation.

Cllr C Marshall thanked staff for their work on this year's consultation exercise, building on lessons learnt from previous years. It has been well received and the quality of feedback received has much improved.

Cllr G Lee stated that it would be interesting to pick up comments from residents that live in more rural areas, perhaps via the Parish Councils to gauge the difference in views between rural parts of County Durham and Darlington and the common consensus.

Cllr L Hovvells suggested that it would be useful to capture the location of members of the community completing the consultation survey, and asked if this might be considered in the future.

Resolved:

- i. The contents of the report were **noted**.
- ii. The survey results as part of the decision-making process when assessing Service resources going forward were **considered**.
- iii. The CRMP for 2024-2027 as outlined in Appendix B was **approved**.

A15 Local Government Association (LGA) Subscription

Members were presented with a report providing details of the LGA subscription for 2024/25 and to seek a decision about continued membership.

Resolved:

- i. Members **agreed** the LGA subscription for 2024/25.

A16 HMICFRS State of Fire 2023 Report

The Authority were provided with a reporting summarising the key headlines from His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) State of Fire Annual Report 2023.

Cllr G Lee enquired about the level of response from females and ethnic minority groups to joining the service. The Deputy Chief Fire Officer noted that the response rate was very low but further positive action work is being carried out to help engage with females and ethnic minority groups. Positive action work is also taking place internally to help increase and promote aspirations of low represented groups.

Members **noted** the content of the report.

A17 Any Other Business

Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

The Chair confirmed that there was no other business.

A18 Exclusion to the Public

Resolved:

That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 2 and 4 of Part 1 of the schedule 12A of the said Act.

PART B

B19 Strategic Planning Day May 2024

Members were presented with a report by the Chief Fire Officer summarising the areas explored, debated, and agreed at the Combined Fire Authority (CFA) strategic planning day on Friday 24 May 2024.

Members **noted** the outcomes of the CFA Strategic Planning Day held on 24 May 2024

B20 Service Headquarters Future Options Appraisal

The Authority were presented with a report by the Director of Corporate Resources seeking approval for a replacement for Service headquarters (HQ), following the termination of the current lease for the building in Belmont in August 2027.

Resolved:

That the recommendations in the report be approved.

B21 Update on Pay Awards

Members were presented with a report outlining the latest position in relation to the Fire Brigades Union (FBU) pay claim and updates members on the green book claim and gold book pay award for 2024.

Resolved:

That the recommendations in the report be approved.

B22 Appointment of Director

The Authority were presented with a report seeking to advise the Combined Fire Authority (CFA) of the appointment to the position of Director of Community Risk Management.

Members **noted** the report.

B23 Fire Fatality

The Authority received a presentation from the Director of Community Risk Management regarding a recent fire fatality in Castle Eden.

Members discussed and noted the presentation.

B24 Fire Fatality

The Authority received a presentation from the Director of Community Risk Management regarding a recent fire fatality in Darlington.

Members discussed and noted the presentation.

CLOSE OF MEETING

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Current Correspondence: June – July 2024

No	Release Date	Subject	Summary	Action CFA Report	Action CFA Response	Action Info
1	18/06/2024	Letter from HMI Skeer	<p>Inspection in relation to cyber security to be included in the HMICFRS inspection programme and frameworks from 2025/27.</p> <p>Programme and frameworks for both police and fire will be consulted on during the summer; services are encouraged to respond to this.</p> <p>Appendix A</p>			x
2	24/06/2024	NJC National Employers - Self-led review survey	<p>The Employer's side of the National Joint Council for Local Authority Fire and Rescue Services (NJC) has committed to undertake a self-led review. Terms of reference and outline of the project can be found on the LGA website here.</p> <p>We are seeking the views of senior individuals in FRSs and FRAs across the UK to complete this survey. We are accepting</p>	x		

			<p>more than one response per FRS/FRA and would welcome responses from CFOs, Chairs of FRAs and HR/People Directors in particular.</p> <p>Appendix B</p>			
3	27/06/2024	NJC-5-24 Maternity Pay	<p>Confirmation of the amended Conditions of Service (Grey Book) occupational maternity pay provision which takes effect from 1 July 2024.</p> <p>Appendix C</p>			x
4	10/07/2024	Letter from HMI Roy Wilsher	<p>Update on developments within the HMICFRS inspection programme since the end of March.</p> <p>Appendix D</p>			x



His Majesty's Inspectorate
of Constabulary and
Fire & Rescue Services

23 Stephenson Street
Birmingham B2 4BH
Email: Michelle.Skeer@hmicfrs.gov.uk

Michelle Skeer OBE QPM
His Majesty's Inspector of Constabulary
His Majesty's Inspector of Fire & Rescue
Services

Sent by email:

Chief Fire Officers
Mark Hardingham, Chair, National Fire Chiefs Council
Copied to:
Chairs of Fire Authorities (and their equivalents)

18 June 2024

Dear Chief fire officer,

Cyber security inspection of police forces and fire & rescue services

The number of cyber threats and attacks are increasing across the world. Whilst this threat is international, the United Kingdom is one of the most targeted countries. There have been a number of high profile incidents involving public organisations.

Due to the threat posed, we are proposing an inspection in relation to cyber security to be included in our inspection programme and frameworks from 2025/27. This would be for both the police and fire service. Programme and frameworks for both police and fire will be consulted on during the summer; we would encourage you to respond to this. You will receive a further letter in advance of these consultations opening. This would then be subject to approval by the Home Secretary.

Inspection leads from both the fire and police inspection teams will work together on this inspection.

The purpose of this letter is to inform you of the activity that is being discussed. As the situation develops, I will keep you informed.

Yours sincerely,

Michelle Skeer OBE QPM
His Majesty's Inspector of Constabulary
His Majesty's Inspector of Fire & Rescue Services

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From: NJCreview <NJCreview@local.gov.uk>
Sent: Monday, June 24, 2024 8:17 AM
Subject: NJC National Employers - Self-led review survey
Importance: High

**To: Chairs of Fire Authorities
Chief Fire Officers
Directors of HR**

The Employer's side of the National Joint Council for Local Authority Fire and Rescue Services (NJC) has committed to undertake a self-led review. Terms of reference and outline of the project can be found on [the LGA website here](#). The National Employers are being assisted in this process by Stephanie Marston - who (following completion of an MSc in Industrial Relations at LSE) is experienced both in collective bargaining and in academia and is currently a member of the NHS pay review body, and the Central Arbitrations Committee (CAC).

We are seeking the views of senior individuals in FRSs and FRAs across the UK to complete this survey. We **are** accepting more than one response per FRS/FRA and would welcome responses from CFOs, Chairs of FRAs and HR/People Directors in particular - <https://forms.office.com/e/1UNczQFiU4>

This survey contains questions which get progressively more detailed and asks for evidence and examples as it goes on. Your position and level of involvement with the NJC will determine how much you want to tell us and how much detail you want to provide. Therefore, it may be that for some colleagues you want to just answer the shorter opening questions.

This survey should take around **20 minutes** to complete. For any questions, please email NJCreview@local.gov.uk

Deadline: Monday 15 July, 10.00am

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Employers' Secretary, Naomi Cooke
 18 Smith Square, London, SW1P 3HZ
 Telephone 020 7187 7335
 e-mail: firequeries@local.gov.uk

Employees' Secretary, Matt Wrack
 Bradley House, 68 Coombe Rd
 Kingston upon Thames KT2 7AE
 Telephone 020 8541 1765

**NATIONAL JOINT COUNCIL
 FOR LOCAL AUTHORITY
 FIRE AND RESCUE SERVICES**

**To: Chief Fire Officers
 Chief Executives/Clerks to Fire Authorities
 Chairs of Fire Authorities
 Directors of HR (Fire Authorities)**

Members of the National Joint Council

27 June 2024

NJC/5/24

Grey Book maternity provision following NJC agreement

1. Authorities will be aware from NJC Circular 3/24 that the pay agreement reached this year extended occupational maternity pay to 26 weeks at full pay followed by SMP (where eligible) for 13 weeks.
2. This is an amendment to the Scheme of Conditions of Service (Grey Book) Part D – Maternity, childcare and dependency section. However, this section of the Grey Book is itself currently in need of updating, and colleagues will want to note NJC 2/11 for the current wording for maternity pay, which we have updated below.
3. Rather than provide track changes, we provide the new paragraphs here:

Maternity pay

19. An employee who has less than a year's continuous local government service at the beginning of the eleventh week before the EWC shall receive their entitlement to Statutory Maternity Pay (SMP).
20. An employee who has completed at least a year's continuous local government service at the eleventh week before the EWC shall be entitled to the following:
 - (1) For the first six weeks of absence, full pay offset against SMP, or Maternity Allowance (MA) for employees not eligible for SMP.
 - (2)(a) Where she has declared an intention to return to work, a further twenty weeks at full pay offset against SMP, or Maternity Allowance (MA) for employees not eligible for SMP. Then, SMP (if eligible) for the subsequent thirteen weeks
 - (b) Where she does not intend to return to work, SMP (where eligible) for the subsequent thirty-three weeks (following on from the provision set out in 20(1)).

- (3) Payments under (2)(a) shall be on the understanding that the employee shall return to work for at least three months, which may be varied by the fire and rescue authority on good cause being shown. In the event of her not returning to work, the fire and rescue authority may require her to refund all or part of the payments made. Payments made to the employee by way of SMP are not refundable.
4. It is recognised that individual fire and rescue services may also need to review any local practices, and policies to consider whether additional change is needed at local level and as always are recommended to meet with their local trade unions about any proposed changes.
5. The Joint Secretaries recognise that the Scheme of Conditions of Service (Grey Book) Sixth Edition 2004 (updated 2009) needs updating to incorporate the changes that have been issued via this and previous circulars and intend to begin this work as soon as possible.

Yours faithfully,

NAOMI COOKE
MATT WRACK
Joint Secretaries



23 Stephenson Street
Birmingham B2 4BH
Email: Roy.Wilsher@hmicfrs.gov.uk

Roy Wilsher OBE QFSM
His Majesty's Inspector of Constabulary
His Majesty's Inspector of Fire & Rescue
Services

Sent by email:

Chief Fire Officers
Chairs of Fire Authorities
Police, Fire and Crime Commissioners
Lead Fire Authority Members
Locally elected Mayors
Other FRS interested parties

10 July 2024

Dear Colleague,

Fire and Rescue Service Update

I would like to update you on the developments within our inspection programme since the end of March.

Round 3 inspections

We have continued our third round of fire and rescue inspections. At the time of writing, we have published 16 reports, with a further 8 reports due to be published by Autumn 2024.

It has been observed that in your efforts to be helpful, some services are sending us an excessive amount of documentation for the document review stage of inspections. This makes it time consuming and difficult for our inspection teams to establish the appropriate body of evidence on which to base our fieldwork and may mask the relevant information you want to provide. Therefore, I kindly request services to be mindful of only sending us the actual documents that we request for the reviews, within the timescales provided. I understand that certain documents might be titled differently but please check with your SLL if there is any confusion before submitting the documents.

Also, some services struggle to adhere to our various inspection deadlines. We appreciate that our inspection requests may not always come at a convenient time for services, and would like to assure you that our inspection teams will always try to minimise the impact on you and your staff. However, I just wanted to remind you that these delays affect our inspection processes, creating pressures and bottlenecks at certain stages of our inspection cycle, which, in turn, can lead to pressure on both the inspected service and our inspection teams. To minimise these impacts, services are requested to inform us at the earliest opportunity if they are unable to meet our deadlines, with the reasons why, or to discuss any delays with their HMI as soon as possible.

As always, I would like to thank all services for your support and assistance.

State of Fire report

HMCI Andy Cooke's annual assessment of fire and rescue services, the 2023 [State of Fire and Rescue report](#) was published in May.

The report's key messages were:

- Our inspection regime has helped to drive improvements across the sector.
- The Government must press ahead with reform.
- Values, culture, and the management of misconduct has seen some improvement in some services but still needs to urgently improve.
- FRS leaders need to be even more strategic in their approach to make sustainable improvements, and be ready to address the emerging challenges and risks that their services face.
- HMICFRS needs additional powers to continue to drive improvements in the sector.

We will continue to work with and support all services and partners, to help them deliver these changes and developments for the benefit of the sector and our communities.

2025-27 FRS Inspection Design consultation

We had positive meetings with key stakeholders in April 2024, seeking their views and feedback as part of the design programme for our next round of fire and rescue service inspections. I also attended the NFCC Chiefs Council meeting in early July to outline our proposals, answer questions and welcome chiefs' ideas and suggestions. We are grateful for the insights and suggestions provided, which will help shape our early thinking for the next inspection cycle as we continue to yield positive outcomes for services and public safety.

We are currently considering any potential changes to our existing 'characteristics of good'. We anticipate that formal consultation will take place in August 2024, and I encourage you all to participate and provide feedback.

Handling of Misconduct in Fire & Rescue Services - Thematic report

As you are aware, the previous Home Secretary commissioned HMICFRS to conduct a thematic inspection of the handling of misconduct in fire and rescue services. This included:

- examining the extent to which services were identifying and investigating misconduct;
- the effectiveness of misconduct processes and how consistently they were applied; how confident fire and rescue service staff were in raising concerns and in misconduct processes; and

- the role of fire and rescue authorities and other organisations in handling misconduct.

Our inspection took place between October 2023 and January 2024. We undertook detailed inspections of ten FRSs that were selected to be a representative sample of FRSs across England in terms of size, location, governance structures and performance.

We:

- reviewed their relevant policies and processes;
- examined a sample of their grievance, discipline, whistleblowing and public complaints case files;
- interviewed and held focus groups with staff in a variety of roles and at all levels of seniority;
- analysed data provided by all 44 FRSs in England about their grievance and discipline cases;
- carried out staff surveys in all 44 FRSs in England;
- asked staff about their experiences and opinions about the handling of misconduct;
- interviewed former FRS staff to understand their experiences, conducted interviews with senior FRS leaders, human resources experts, and union and staff association leaders; and
- held focus groups to explore the issues affecting women and staff from minority ethnic backgrounds.

The publication of the report has been delayed due to the General Election and will now be published later this summer.

Values & Culture Spotlight Recommendations

In March 2023 we published our Values and culture spotlight report, which contained 20 recommendations aimed at chief fire officers. The implementation dates for all 20 recommendations have now passed.

Encouragingly, most services have told us they have completed most of the recommendations. However, many services are still implementing some recommendations, and a minority of services have not provided us with updates on several recommendations. Your responses have been analysed, and a summary of the findings will be published as an annex in the Misconduct Thematic report.

I would like to remind colleagues that we made these recommendations to support the sector to tackle key issues that were holding back positive values, cultures, and behaviours in services across the country. As such, it is important for all services to implement all these recommendations.

Therefore, I am requesting that all colleagues continue to implement the outstanding recommendations and ensure they are embedded for the future.

We will continue to monitor your progress on these recommendations alongside the recommendations that we will issue in the misconduct thematic report, and in our future inspections.

Inspection officer (IO) and service liaison lead (SLL) recruitment

Following the advertisement in my last sector update, I would like to thank you all for the quality and quantity of secondment applicants that we received from your services for our latest IO and SLL recruitment drive. We have completed the interviews and the results of the recruitment process should be concluded in the following weeks.

I would like to remind you that it greatly assists both our inspection planning and delivery, and your own SLL engagement if services support their staff to honour the 2-year secondment term without impacting their promotion opportunities. I'm also aware that many of you feel that the secondments also bring excellent experience, value and in many cases improvements to your services when secondees return to service.

I will be writing to all of you again separately providing a more detailed update about our recruitment drive.

I thank you again for recognising the value that secondees bring in our joint efforts to improve the sector.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'RW', written over a light blue dotted grid background.

Roy Wilsher OBE QFSM

His Majesty's Inspector of Constabulary

His Majesty's Inspector of Fire & Rescue Services

County Durham and Darlington
Fire and Rescue Authority



Safest People, Safest Places

Combined Fire Authority

29 July 2024

Notes of the Performance Committee held on 20 June 2024

Report of the Chair of Performance Committee

Members Present: Cllr R Manchester in the Chair
Cllr C Marshall, Cllr L Hovvells

Apologies received: Cllr G Lee

Purpose of the report

1. The purpose of this report is to provide members with an update on the discussions and recommendations of the Performance Committee held on Thursday 20 June 2024.

Performance Report Quarter 4 2023/24

2. The committee was updated on the operational and corporate indicators for quarter four of 2023/24 which showed 54% of the strategic PIs met or exceeded their target level, while 70% of the strategic PIs either maintained or improved when compared to performance last year.
3. Members praised the service for their continued work to help reduce the number of fires in prisons.

A copy of the report is attached at appendix A.

The committee **noted** and **commented** on the report.

Letters of Appreciation

4. The committee considered letters of appreciation that had been submitted to the service. In total 4 letters had been received for the quarter four period.

The committee **noted** the report.

HMICFRS Action Plan Update

5. The committee were presented with a report providing an update on the current position of the Action Plan resulting from the inspection of County Durham and Darlington Fire and Rescue Service (CDDFRS) by His Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS).
6. All 19 actions in the Action Plan have now been completed.

The committee **noted** the report.

2024/25 Target Setting Methodology

7. Members were provided with a presentation explaining the target setting methodology used by CDDFRS for their Performance Indicators.

The committee **noted** the presentation.

PART B

Formal Complaints

8. A total of two formal complaints had been received by the service in the reporting period. One complaint has been upheld but no complaints had been forwarded to the Local Government Ombudsman.

The committee noted the report.

Recommendation

9. Members are requested to **note** the report.



Safest People, Safest Places

Performance Committee

20 June 2024

Performance Report – Quarter Four 2023/24

Report of Deputy Chief Fire Officer

Purpose of report

1. This report presents a summary of organisational performance at the end of the fourth quarter of the 2023/24 financial year.

Background

2. Both operational and corporate performance is monitored and managed internally via the monthly Performance Board and Service Leadership Team (SLT) forums. Members of the Combined Fire Authority (CFA) consider performance on a quarterly basis at meetings of the Performance Committee and the full CFA.
3. A comprehensive suite of performance indicators (PIs) is employed to measure both operational and corporate performance. Targets are set on an annual basis against SMART criteria and take account of longer-term trends and the potential for spikes in performance.
4. This robust approach to performance management enables action to be taken at an early stage if performance is not meeting expectations and provides assurance that resources are being directed towards the areas of greatest risk.
5. In addition to setting a target level for relevant PIs, the Service also employs a system of tolerance limit triggers that allow under or over performance to be highlighted to the Performance Board when the PI goes beyond set tolerances, which vary depending on the indicator. Each PI has a total of four tolerance limit triggers, two each for both under and over performance.
6. Performance is presented from two perspectives, by comparison against the annual target levels, and by comparison with performance at the same point last year.

Overview of performance across all indicator categories

7. An overview across both operational and corporate key PIs at the end of quarter four for 2022/23 shows 54% of the strategic PIs met or exceeded their target level, while 70% of the strategic PIs either maintained or improved when compared to performance last year.

Performance reporting by exception

8. The following sections of the report present details of specific operational and corporate indicators. An explanatory narrative is provided for each PI group along with information about how performance compares to the annual target and the previous year.

Prevention

Performance Indicator	Objective	Q4 2023/24 Actual	Q4 Target	Actual vs Target	Q4 2022/23 Actual	Actual vs Previous Year
PI 01 – Deaths Arising from Accidental Fires in Dwellings	Down	7	0	n/a	1	-600%
PI 03 – Number of Accidental Dwelling Fires	Down	199	200	0.5%	199	0%
PI 04 – Injuries Arising from Accidental Dwelling Fires	Down	17	14	-21.4%	10	-70.0%
PI 05 – Total Secondary Fires	Down	2218	2701	17.9%	3722	40.4%
PI 07 – Number of Home Fire Safety Visits	Up	18413	18000	2.3%	18387	0.1%
PI 42 – Proportion of Home Fire Safety Visits to High-Risk People/Properties	Up	98.2%	80%	22.8%	83.5%	17.7%

PI01 – There were three fire fatalities in quarter four, taking the annual total to seven. On 15 January a 93-year-old female passed away at an incident in Tow Law. On 27 February at Castledene Holiday Park, a 63-year-old male died in a caravan fire. On 7 March an 81-year-old male died in a fire in Darlington. All three fatalities lived alone. A presentation of the circumstances of the Tow Law fire has been delivered to CFA. Presentations of the circumstances of remaining two fires will be delivered to CFA in June 2024.

Internal learning reviews to identify improvements have been hosted for all fatalities with most resulting in partnership engagement. As a result, extensive partnership work is ongoing to promote referrals and improve targeting of the most vulnerable in our communities. The Safe Durham Partnership Board have signed up to the Safer Homes Protocol which focuses on delivery of the Eyes Wide Open training to partner's frontline staff to increase fire safety awareness and promote referrals.

PI03 – This year there has been 199 Accidental Dwelling Fires (ADFs) against a target of 200 resulting in the indicator performing at 0.5% better than its target. This performance is exactly the same performance in comparison to 2022/23 and is the lowest number of ADFs on record for the Service.

Kitchen fires continue to be an area of focus for our targeted Home Fire Safety Visits (HFSVs) as 50% of incidents are recorded as starting in this room. Lone occupiers and lone parent account for 52% of all incidents and the 'Eyes Wide Open' programme is engaging with agencies who interact with these occupier groups to try and increase referrals for HFSVs.

See Appendix A, chart 1 for number of ADFs by room of origin and chart 2 for number of ADFs by occupier type.

PI04 – Despite the continued positive performance for ADFs, there were three injuries in quarter four resulting in the indicator performing three over its target of 14 and seven more injuries in comparison to 2022/23.

All injuries were slight, with two of those injured being male and one female. One of the injuries were sustained when the occupier, a 55-year-old male, attempted to fight a chip pan fire with water, sustaining burns to himself. The other two injuries were smoke inhalation and also occurred at kitchen fires. A 19-year-old male had left a pan on the hob and went to bed, whilst an 81-year-old female had switched on the incorrect ring on a hob setting fire to a plastic tray.

The ongoing work described in PI03, PI07 and PI42 should contribute to improvements in this indicator.

PI05 – The positive performance seen previously has continued into quarter four with end of year performance at 2,218 incidents which is 17.9% better than the target of 2,701 and improved performance by 40.4% compared to the previous year. Rubbish/ refuse is still the top fuel source, with 92% of all secondary fires deliberately set. Emergency Response crews and the Community Safety and Arson Reduction Team continue to work with partners to reduce these incidents. During the year Emergency Response crews have delivered 9,419 deliberate fire reduction activities.

Durham and Darlington are part of the Government Anti-Social Behaviour Trailblazer and funding has been received to increase high visibility patrols in hotspot areas. The Service is using this funding for the Targeted Response Vehicle (TRV) to patrol hotspot areas for deliberate secondary fires.

See Appendix A, chart 3 for secondary fires by motive and chart 4 for secondary fires by property type.

PI07 – At the end of quarter four 18,413 HFSVs have been delivered which is above the target of 18,000. This high number of visits is above the fire sector average and should continue to make the residents of County Durham and Darlington safer from fire.

PI42 – The target continues to be surpassed, above the Community Risk Management Plan target of 80% and above the previous year's performance. The 'Eyes Wide Open' programme and national risk methodology will support us to continue targeting the most vulnerable in our communities.

Protection

Performance Indicator	Objective	Q4 2023/24 Actual	Q4 Target	Actual vs Target	Q4 2022/23 Actual	Actual vs Previous Year
PI 10a – Primary Fires in Non-Domestic Premises	Down	104	100	-4.0%	133	21.9%
PI 14 – False Alarms Caused by Automatic Fire Detection Equipment	Down	706	716	-1.4%	807	14.3%
PI 17 – Number of Fire Safety Audits	Up	1716	2028	-15.4%	1946	11.8%

PI10a – Positive performance in quarter four has resulted in this indicator only being four over its target of 100, compared to 25% over at the end of quarter three and a 21.9% improvement compared to the previous year's performance. There were only two fires in prisons during quarter 4, which is a significant improvement compared to 24 fires during the previous three quarters of the year. Noticeably only one of the fires in this quarter was at HMP Deerbolt, and hopefully this is a reflection on the ongoing partnership working between the Service and the prison.

The Business Fire Safety Team conduct post fire reviews of incidents in premises enforced under the Fire Safety Order by the Service and combined with our high levels of fire safety audits aims to improve the performance of this indicator.

PI14 – The new approach to mobilisations from automatic fire alarms commenced on 2 October 2023 and is having a positive effect on mobilisations to false alarms at non-residential premises with the end of year target being met by ten incidents. During the last six months of the year (October 2023 – April 2024) there has been a 61% reduction in false alarm incidents at education premises compared to the first six months of the year (April – September 2023) – 34 false alarms compared to 87. Significantly compared to the previous year, performance is improved by 14.3% (101 incidents).

There have been 706 incidents in total for the year with the four main premises types being education (20.9%), retail (13.2%), industrial manufacturing (12.5%) and residential homes (10.8%). Of all the incidents 28.8% were caused by human intervention and 27.3% caused by system faults.

PI17 – Performance of this indicator is 15.4% under its target of 2,028. The main reason for this performance was an issue with the Service's reporting system that was only identified in March 2024, meaning that there was insufficient time to rectify the underperformance. The system was double counting some audits resulting in the belief that performance was on target. Reduced capacity in the central fire safety team has also contributed to some of this performance. The reporting system has now been corrected and will be closely monitored during 2024/25.

Positively 44% of audits have been unsatisfactory showing that the Service is targeting the correct premises and making a real difference to improving fire safety across County Durham and the Borough of Darlington.

Response

Performance Indicator	Objective	Q4 2023/24 Actual	Q4 Target	Actual vs Target	Q4 2022/23 Actual	Actual vs Previous Year
Total Emergency Calls Received	N/A	15756	N/A	N/A	19369	18.7%
Total Incidents	N/A	6950	N/A	N/A	8833	21.3%
Total Road Traffic Collisions	N/A	332	N/A	N/A	297	-11.8%
PI 02 – Total Primary Fires	Down	963	947	-1.7%	1007	4.4%
PI 06a – Dwelling Fires Attended within 8 Minutes	Up	69.1%	70%	-1.3%	68.7%	0.6%
PI 06b – Non-Domestic Fires Attended within 9 Minutes	Up	67.9%	70%	-3.0%	63.3%	7.3%
PI 06c – Road Traffic Collisions Attended within 10 Minutes	Up	69.8%	70%	-0.3%	69.3%	0.7%

See Appendix A, chart 5 for total incidents.

PI02 – There has been 963 primary fires in total which is 1.7% over the target of 947, although a 4.4% improvement compared to the previous year's performance. 50% of primary fires are vehicle fires with the majority being set deliberately. Peterlee station area is still the highest across the Service area for vehicle fires. This type of incident is difficult to prevent, though the Community Safety and Arson Reduction Team continue to work with Police colleagues to target offenders.

56% of all primary fires are set deliberately and the Service continue to work with Firestoppers to raise awareness and try and gather intelligence on the perpetrators. As many of these incidents are linked to crime, work continues through the multi-agency Arson Suppression Group to identify ways to reduce deliberate fire incidents.

See Appendix A, chart 6 for primary fires by motive and chart 7 for primary fires by type.

PI06a, PI06b and PI06c

All three response standards have improved compared to the previous year's performance, although have failed to meet their 70% targets.

PI06a, response time performance when attending ADF's within 8 minutes on 70% of occasions is 69.1%, only 0.9 under its target.

PI06b, response time performance when attending non-domestic fires within 9 minutes on 70% of occasions is 67.9%, only 2.1 under its target.

PI06c, response time performance when attending road traffic collisions attended within 10 minutes on 70% of occasions is 69.8%, only 0.2 under its target.

Each failure for any response standard is individually reviewed and analysis shows that extended travel distances are the main reasons for failing response times. Divisional Managers continue to

work with Watch Managers through the monthly performance reporting process to scrutinise and improve performance.

Workforce

Performance Indicator	Objective	Q4 2023/23 Actual	Q4 Target	Actual vs Target	Q4 2022/23 Actual	Actual vs Previous Year
PI 40 – All Staff Sickness	Down	9.48	7	-35.4%	9.63	1.6%
PI 69 – Number of Accidents to Personnel	Down	7	12	41.7%	9	22.2%

PI40 – This indicator continues to perform over target, although it has improved compared to the same period in the previous year.

The Human Resources (HR) Team continues to work with managers to ensure correct processes are followed. This indicator is scrutinised in detail by the HR Committee.

PI69 – This indicator continues its robust year to date performance, although there have been four injuries during quarter four. Overall year to date performance is seven accidents compared to its target of 12. This performance is 22.2% better than performance in the previous year.

Two of the four injuries in quarter four occurred during training and two at incidents. A fractured finger sustained whilst completing swift water rescue training was RIDDOR reportable as it resulted in over seven day's absence. The other accident during training was a firefighter twisting their ankle descending stairs during BA training at the Service Training Centre. The two accidents at incidents were minor with one a firefighter sustaining a slight knee injury whilst managing a hose reel at a house fire and the second, a firefighter twisting their knee whilst dismounting an appliance. All injuries have been investigated to identify any learning points.

Recommendations

9. Members are requested to:
 - a. **Note** the content of the report;
 - b. **Comment** on the reported performance.

Keith Carruthers, Deputy Chief Fire Officer, Ext. 5564

Appendix A

Chart 1 - Number of Accidental Dwelling Fires by Room of Origin

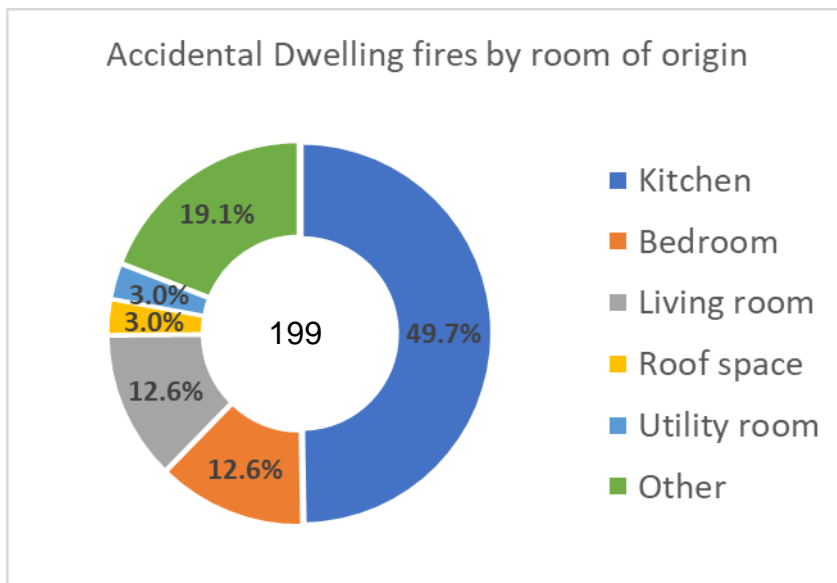


Chart 2 - Number of Accidental Dwelling Fires by Occupier Type

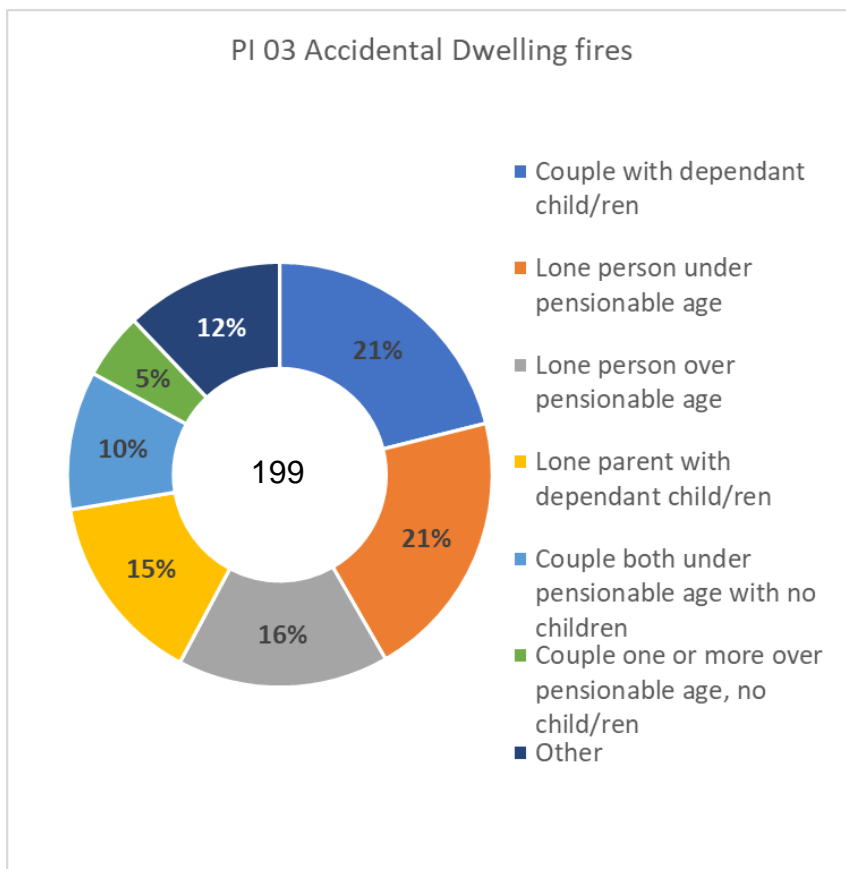


Chart 3 – Secondary Fires by Motive

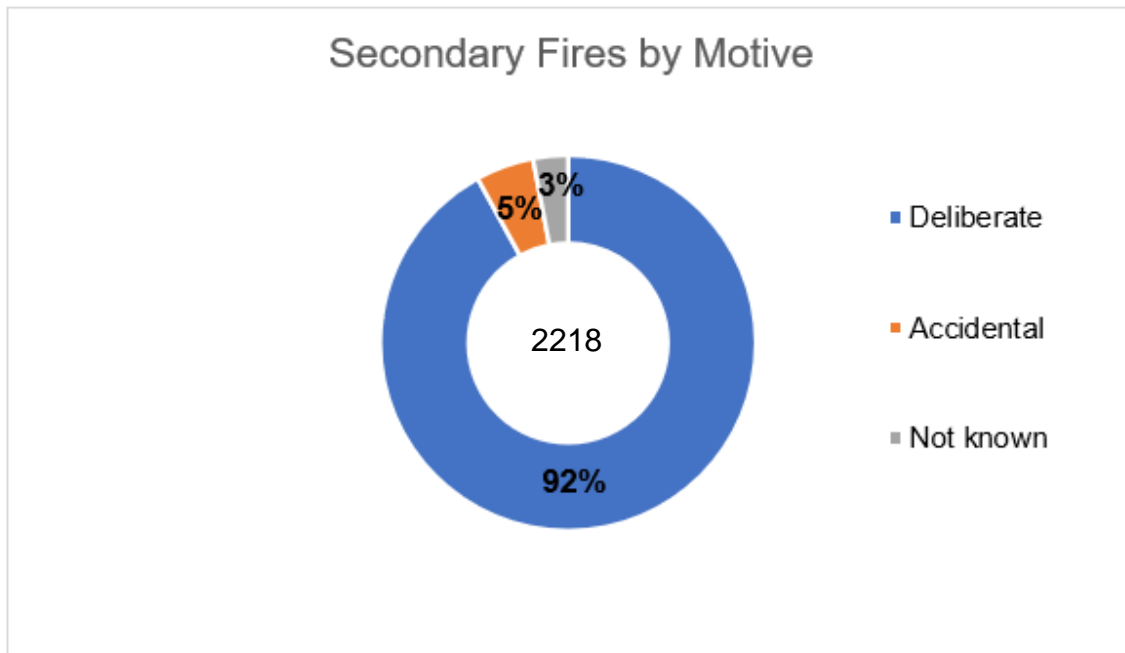


Chart 4 – Secondary Fires by Property Type

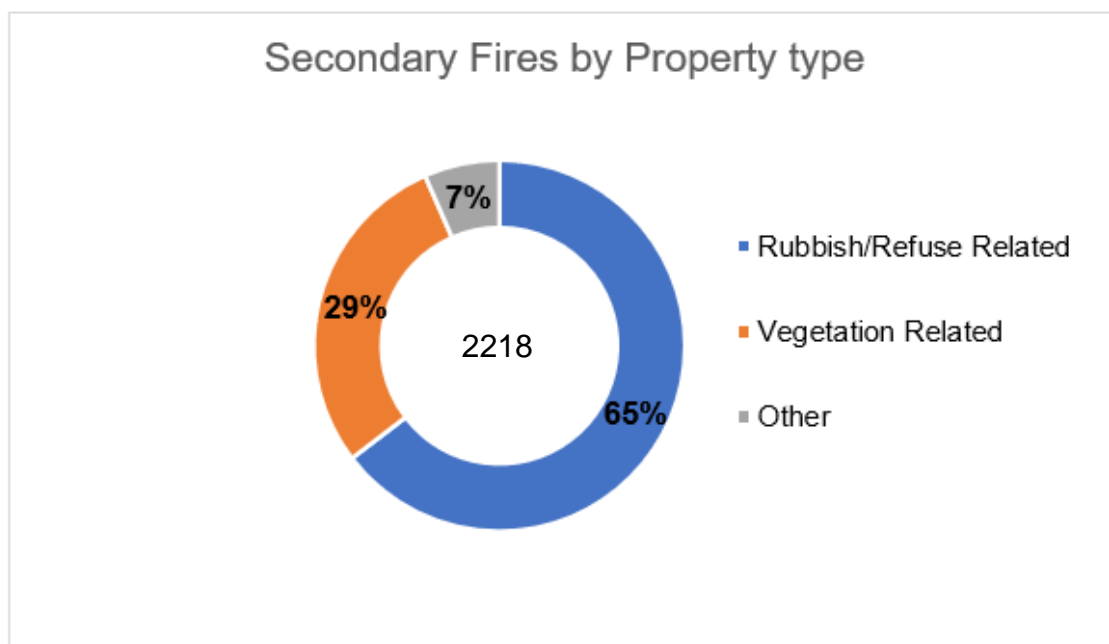


Chart 5 - Total Incidents

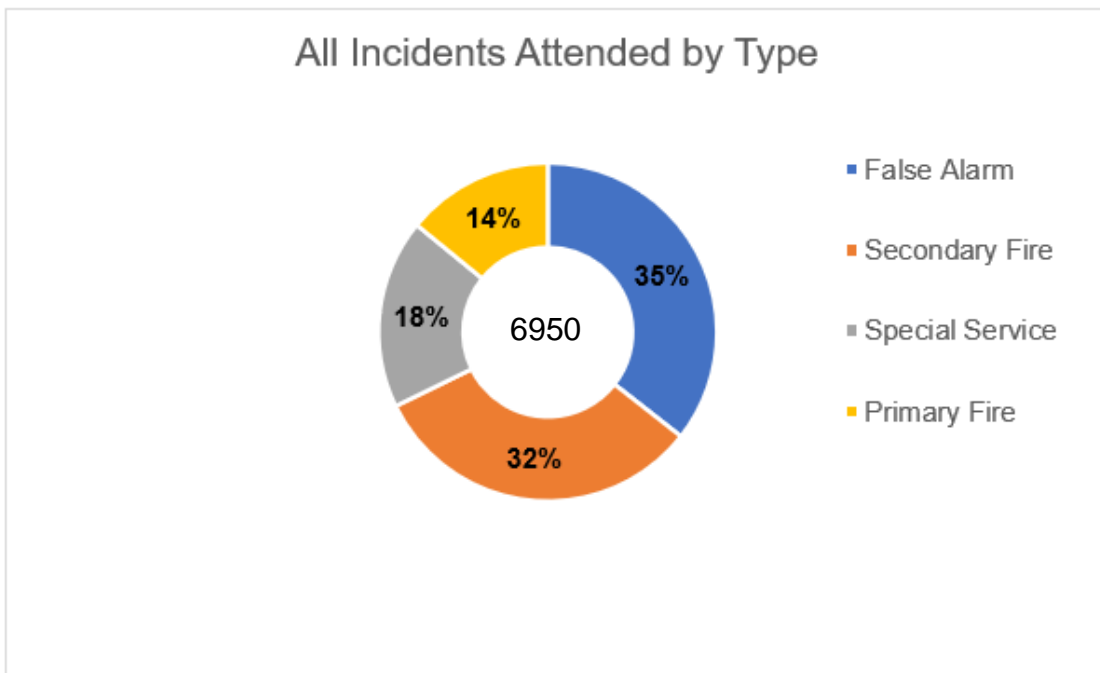


Chart 6 - Primary Fires by Motive

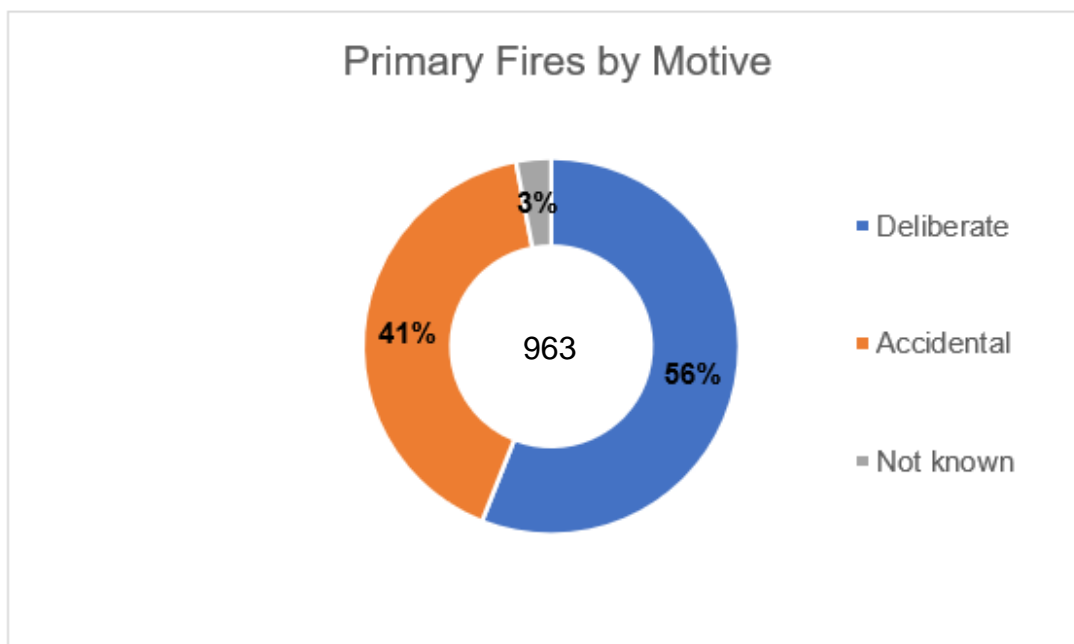
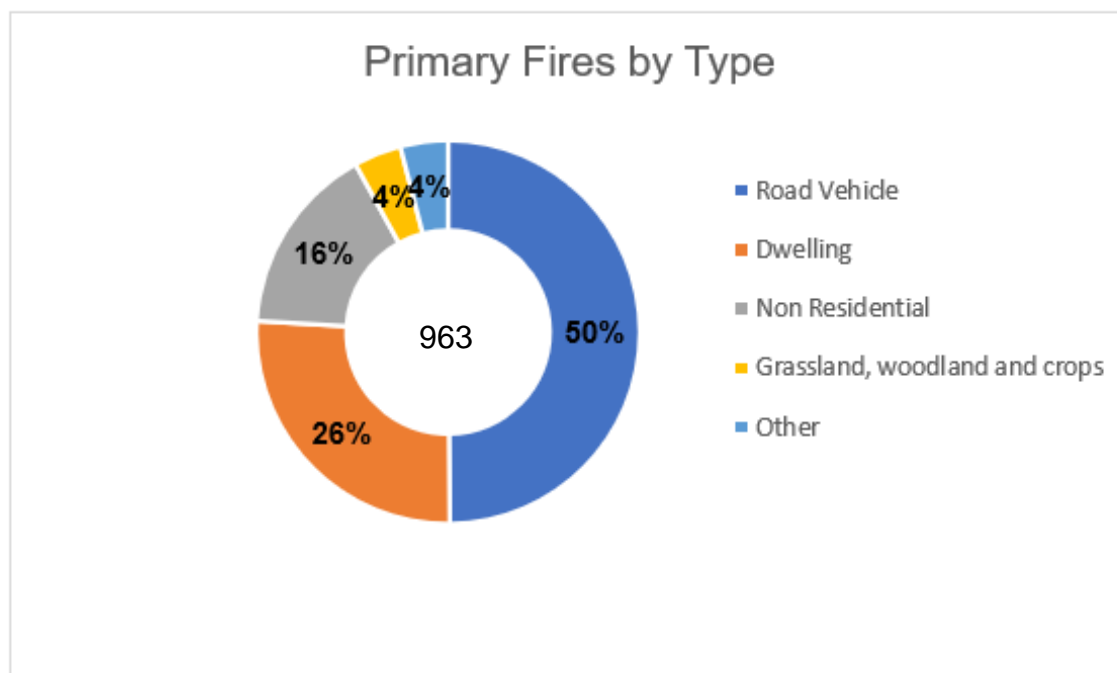


Chart 7 – Primary Fires by Type



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County Durham and Darlington
Fire and Rescue Authority



Safest People, Safest Places

Combined Fire Authority

29 July 2024

Appointment of Committee Membership

Report of the Clerk to the Authority

Purpose of Report

1. The purpose of this report is to approve the Committee Membership for the Authority for 2024/25.

Background

2. The political membership of the Committees is determined by the overall political balance of the Authority which is agreed in consultation with Durham County Council and Darlington Borough Council.
3. The Authority is required to appoint Committee Members to the following:
 - a. Appointments Panel
 - b. Appeals Committee
 - c. Audit and Finance Committee
 - d. Human Resources Committee
 - e. Performance Committee
 - f. Joint Consultative Committee
 - g. Pension Board
 - h. Salary Review Group

Recommendation

4. Members are requested to:

- i. **Approve** the Committee membership for 2024/25 as outlined in appendix A for:
 - a. Appointments Panel
 - b. Appeals Committee
 - c. Audit and Finance Committee
 - d. Human Resources Committee
 - e. Performance Committee
 - f. Joint Consultative Committee
 - g. Pension Board
 - h. Salary Review Group

- ii. **Agree** that the Clerk in consultation with the Chair and Vice Chair of the Authority and the appropriate Group Leader be authorised to make any changes to the Committees that may arise during 2024/25.

Committee	Labour Group Representation	Conservative Group Representation	Liberal Democrat Group Representation	Durham Independent Group Representation	The Durham Group
Appointments Panel (4 Members)	The Chair of the Authority; the Vice-Chair of the Authority; At least one member from each constituent local authority; and a member representing the minority parties unless this is achieved through any of the above Members:				
Appeals (6 Members)	3 seats 1.VACANT 2.VACANT 3.VACANT	1 seat Cllr Gerald Lee (Darlington Member)	1 seat Cllr Neville Jones	1 seat between these two Groups CHAIR Cllr John Shuttleworth	
Audit and Finance (6 Members)	3 seats 1.VACANT 2.VACANT 3.Cllr Andrew Anderson (Darlington Member)	1 seat CHAIR Cllr Richard Bell	1 seat Cllr Neville Jones	1 seat between these two Groups Cllr Julie Cairns	
Human Resources (6 Members)	3 seats 1.VACANT 2.VACANT 3.Cllr David Ray (Darlington Member)	1 seat Cllr Gerald Lee (Darlington Member)	1 seat Cllr Craig Martin	1 seat between these two Groups CHAIR Cllr Sam Zair	

Performance (6 members)	3 seats 1.VACANT 2.VACANT 3.VACANT (needs to be a Darlington Member)	1 seat CHAIR: Joe Quinn	1 seat Cllr Kathryn Rooney	1 seat between these two Groups Cllr Sam Zair	
Joint Consultative Committee (7 Members)	3 seats 1. VACANT 2. VACANT 3. Cllr David Ray (Darlington Member)	1 seat Cllr Gerald Lee (Darlington Member)	1 seat Cllr Neville Jones	1 seat CHAIR: Cllr John Shuttleworth	1 seat Cllr Sam Zair
Pension Board (2 Members)	1 seat CHAIR Cllr Jim Atkinson	1 seat Cllr G Lee (Darlington Member)			
Salary Review Group (3 Members)	Under the Authority's Constitution the Panel consists of the Chair of the Authority; the Vice Chair of the Authority; A Darlington Member				

Notes to Appendix A

All Committees must have a Member from Darlington and a Member from Durham.

The political balance for each Committee is as follows:

Appointments Panel	Under the Authority's Constitution the Panel consists of The Chair of the Authority; the Vice-Chair of the Authority; At least one member from each constituent local authority; and a member representing the minority parties unless this is achieved through any of the above Members;
Appeals	6 seats: 3 Lab; 1 Cons; 1 Lib Dem; 1 seat between The Durham Group and the Durham County Council Independent Group;
Audit & Finance	6 seats: 3 Lab; 1 Cons; 1 Lib Dem; 1 seat between The Durham Group and the Durham County Council Independent Group;
Human Resources	6 seats: 6 seats: 3 Lab; 1 Cons; 1 Lib Dem; 1 seat between The Durham Group and the Durham County Council Independent Group;
Performance	6 seats: 6 seats: 3 Lab; 1 Cons; 1 Lib Dem; 1 seat between The Durham Group and the Durham County Council Independent Group;;
JCC	7 seats: 3 Lab; 1 Cons; 1 Lib Dem; 1 Durham Group, 1 Durham County Council Independent Group;
Pension Board	2 seats: 1 Lab; 1 Cons
Salary Review Group	3 Seats – under the Authority's Constitution the Panel consists of the Chair of the Authority; the Vice Chair of the Authority; A Darlington Member

A committee member who is Darlington Conservative would fulfil the requirement for both Conservative Group and Darlington Group representative.

A committee member who is Darlington Labour would fulfil the requirement for both Labour Group and Darlington Group representative.

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County Durham and Darlington
Fire and Rescue Authority



Safest People, Safest Places

Combined Fire Authority

29 July 2024

Member Champions

Report of the Director of People and Organisational Development

Purpose of Report

1. This report sets out details of the Authority's vacant Member Champion roles and seeks nominations for the forthcoming year.

Background

2. As part of the approach to developing the Authority's services and engaging with stakeholders, the Authority has sought to 'champion' particular areas of work through a CFA Member Champion role.
3. Member Champions provide the Service with an opportunity to work closely with individual Members to help to develop services and to engage with local communities, staff, councillors and other stakeholders through a closely aligned officer and member relationship.

Member Champion Roles

4. The following Member Champion roles have been identified as bringing significant advantages to the Service and Authority:
 - Community Safety & Arson Reduction
 - Business Fire Safety
 - Equality, Diversity & Inclusion
 - Health, Safety & Wellbeing
 - Retained Duty System

- His Majesty's Inspectorate of Constabulary and Fire and Rescues Services (HMICFRS)
5. The Business Fire Safety Member Champion role is vacant and role requirements are set out in Appendix A.
 6. Given the extremely challenging financial position facing public services, the role of a Member Champion is more important than ever if the Service is to ensure performance is sustained over the medium to longer term.
 7. Any Members undertaking a Member Champion role will gain a significant amount of personal development in relation to the specific role being undertaken, whilst the Service benefits from the local knowledge, experience and public standing of Members.
 8. Details of work undertaken by Member Champions will be recorded on individual training and development records.

Expressions of Interest

9. Members are requested to complete and submit the expression of interest form attached at Appendix B and return it to Janine Hindmarch via email pa@ddfired.gov.uk by 9 August 2024.
10. The outcomes of this process will be reported to the Combined Fire Authority on the 16 September 2024.

Recommendations

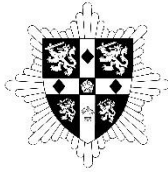
11. CFA Members are requested to:
 - a. **Note** the member champion role as set out in this report and as detailed at Appendix A.
 - b. **Note** that the expression of interest form Appendix B needs to be submitted by email by the 9 August 2024.
 - c. **Note** that the Fire Authority will approve the Member Champion at the Combined Fire Authority meeting on the 16 September 2024, if there is more than one expression of interest for the role a further report will be presented and a vote will take place to allocate the role.

Katherine Metcalfe, Director of People and Organisational Development, 0191
3755665

Member Champion for Business Fire Safety (BFS)**Role Description**

Overview	<p>County Durham and Darlington Fire and Rescue Authority Member Champions play a pivotal role in helping to shape the way services are provided to local communities. Member Champions also play a pivotal role in engaging with key stakeholders and making the best use of links with other councillors to promote the work of the Authority.</p> <p>A Member Champion role provides a unique opportunity to work closely with the Service and to help the Authority deliver its vision of Safest People, Safest Places.</p>
Strategy	<p>The Fire Authority have a statutory duty under the Regulatory Reform (Fire Safety) Order 2005 (RRO) and have delegated powers to the Chief Fire Officer through the CFA Constitution.</p> <p>A fundamental part of this Member Champion role is to assist the Service to develop its approach to BFS and to help to ensure that services provided by the Authority are fit for purpose, effective and take full account of the statutory requirements placed on the Authority through the Fire Services Act, National Framework and Regulatory Reform Order. This includes:</p> <ul style="list-style-type: none"> • Being involved in the early stages of BFS strategy development • Having oversight of the Service's performance involving BFS • Helping to align the Authority's BFS work with the CRMP and wider business community agenda for County Durham and Darlington
Policy Implementation	<p>The implementation of the Authority's BFS strategy is important in ensuring that the communities we serve remain safe.</p> <p>The Member Champion will:</p> <ul style="list-style-type: none"> • Act as a sounding board for proposals relating to BFS • Assist the Service to ensure policy implementation takes account of local issues • Ensure that policy implementation takes account of partners and other stakeholders policies where this is practical • Ensure that the strategies we employ are effective • Assist the Service in promoting sprinkler installation
Stakeholder Engagement	<p>Member Champions can play a pivotal role in engagement with stakeholders. This will include pro-active engagement with:</p> <ul style="list-style-type: none"> • Other Fire Authority members • Councillors • Staff • Partner agencies • Public • Local businesses • Interest groups / Media • Government officials

County Durham and Darlington
Fire and Rescue Authority



Member Champion Expression of Interest

Name:	
-------	--

Member Champion Role	Business Fire Safety
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Please state why you are interested in this role:

Have you any particular skills and/or experience you can bring to this role?

Please return to Janine Hindmarch via pa@ddfir.gov.uk by the 9 August 2024.

County Durham and Darlington
Fire and Rescue Authority



Safest People, Safest Places

Combined Fire Authority

29 July 2024

Firefighters' Pension Scheme Update

Report of Deputy Chief Fire Officer

Purpose of Report

1. To provide Members with an information on changes to the Firefighters' Pension Schemes.

Age Discrimination Retrospective Remedy

2. In 2015, new laws introduced a new scheme for firefighters – the Firefighters' Pension Scheme 2015 (FPS 2015). These laws included protections which meant that some members of the legacy schemes (FPS 1992 and FS 2006) didn't join FPS 2015 either straight away or at all, depending on their age. After a legal challenge, the courts determined that these protections were age discriminatory.
3. Following consultation, the Public Service Pensions and Judicial Offices Act 2022 (PSPJO Act) came into force on 1 April 2022.
4. Following further consultation, the Public Service Pensions (Remediable Service) Regulations 2023 were laid and came into force on 1 October 2023 to allow for retrospective remedy which covers the period 1 April 2015 to 31 March 2022.
5. All benefits accrued during the remedy period are automatically rolled back to the relevant legacy scheme on 1 October 2023 for eligible active and deferred members. Members will then be able to make a different choice for reformed benefits at their retirement date.

Deferred Choice Underpin

6. All active and deferred members will receive a combined Annual Benefit Statement/ Remediable Service Statement (ABS/RSS) by 1 April 2025. The ABS/RSS will provide members with the current value of both their legacy final salary benefits (FPS 1992/FPS 2006) and their reformed CARE (Career Average Revalued Earnings) benefits (FPS 2015)

for the remedy period as well as projected benefits to normal pension age for active members.

7. All members who retire from 1 October 2023 will be provided with a Remediable Service Statement (RSS) at retirement. The RSS will illustrate their options to choose to receive either their final salary benefits or reformed CARE benefits for the remedy period.

Immediate Choice

8. Pensioner and beneficiary members that have retired before 30 September 2023 and have service within the remedy period, will be provided with an RSS as soon as reasonably practicable from 1 October 2023.
9. The regulations allow 18 months for pension administrators to complete the remedy exercise (until March 2025). Administrators will be prioritising certain categories of pensioner members, based upon the level of impact of remedy to their benefits, and an indicative timetable for sending out an RSS to pensioner members has been communicated to those affected.
10. An issue has been identified which relates to the calculation required for top-up lump sums and the offsetting of previous tax paid to HM Revenue and Customs (HMRC).
11. It has been confirmed that the Local Government Association's (LGA) understanding of how you would offset the original unauthorised payment made to HMRC does not align with current HMRC policy.
12. Currently there is no provision within HMRC legislation which allows an offset approach for individuals who have made an unauthorised payment through the mandating process.
13. The position, if left without a solution, will mean that a member is liable for more tax which is not currently reclaimable either via HMRC or the compensation mechanism in the PSPJO Act.
14. HMRC and HMT are seeking resolution to this issue. However, there will be a necessity for legislation to address the changes which are needed.
15. The issue identified only affects members who have received an unauthorised lump sum. An unauthorised lump sum occurs when HMRC's commutation limits are breached. This affects members with legacy FPS 1992 membership who when they retired received an unauthorised lump sum and paid a tax charge. However, these do represent a substantial proportion of Immediate Choice members.
16. Ahead of the legislative changes which are needed for existing unauthorised cases, the LGA do believe that there are several cases which can be progressed and have their IC-RSS issued.
17. New legislation will be required for members who at retirement were subject to an unauthorised payment charge, as without it there will be an increased tax liability for the member. HMRC have suggested that the legislation required will take months (expected 2025), not weeks.
18. Ahead of the legislation, HMT were preparing to issue a Written Ministerial Statement, which would instruct Fire and Rescue Authorities and administrators to act in advance of

the necessary legislative changes. However, due to the General Election and the period of Purdah this did not happen.

19. West Yorkshire Pension Fund, our pension scheme administrators, identified members affected by this issue and letters were sent to them.

Age Discrimination Remedy – Contingent Decisions

20. A Contingent Decision is a decision taken by a member, relating to their membership of the Firefighters' Pension Scheme, that would have been different had it not been for the discrimination identified by the courts.

21. The decision will relate to their membership of the Firefighters' Pension Scheme (FPS) during the Remedy Period (1 April 2015 to 31 March 2022).

22. There are two categories of contingent decision in the FPS for which specific provision has been made:

- **Opt-Outs:** A member who would not have opted-out if they had been allowed to remain in the Legacy Scheme (FPS 1992/FPS 2006) beyond their transition date or if protected members had been allowed to join the 2015 Reformed Scheme from 1 April 2015.
- **Additional Service:** Members argue they would have purchased (more) additional service if they were in the Legacy Scheme.

23. Where a member makes a contingent decision, there will have to be an adjustment to benefits, which may involve the member paying extra contributions.

24. A guidance documents has been produced by the LGA which sets out the general position about the process for contingent decisions.

25. Members who wish to make a contingent decision claim are required to complete and submit a claim form which will then be considered by the Scheme Manager.

Matthews Second Options Exercise – FPS 2006 Special Members (Modified Scheme)

26. The original legal settlement under the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 only allowed certain retained firefighters with service between 1 July 2000 and 5 April 2006 to become members of the pension scheme. Eligible firefighters were asked whether they wanted to join this scheme in an options exercise which took place in 2014-15. Elections had to be received by 30 September 2015. This was the 'first option exercise'.

27. More recently, this judgement was challenged by the European Court of Justice in relation to fee-paid judges. The court ruled in that case that service going back to the start of employment could be taken into account. The government accepted that the same principles apply to certain retained firefighters, whether they have made a legal claim or not.

28. A Memorandum of Understanding (MOU) was agreed by the government, representative bodies, and Fire and Rescue Authorities on 9 March 2022.

29. The second options exercise will allow eligible retained firefighters to buy pension as a special member of the FPS 2006, backdated to the start of their employment.

30. The regulations required for the Matthews Second Options Exercise came into force on 1 October 2023. The Exercise will run for a maximum period of 18 months (October 2023 to March 2025).
31. The service sent out 241 'expression of interest' letters to eligible members. Approximately 100 responses have been received back requesting further information. Calculations are being worked on for these requests.

Recommendations

32. Members are requested to:
 - a. **Note** the contents of the report.

Keith Carruthers, Deputy Chief Fire Officer 0191 375 5564

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of the Local Government Act 1972.

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