



Safest People, Safest Places

Combined Fire Authority

13 June 2022

Home Office White Paper – Reforming Our Fire and Rescue Service

Report of the Deputy Chief Fire Officer

Purpose of the report

1. The purpose of this report is to provide members with an update following the Government's publication of the white paper entitled Reforming Our Fire and Rescue Service.

Background

2. The Home Office white paper entitled "Reforming Our Fire and Rescue Service: Building professionalism, boosting performance, and strengthening governance" was presented to Parliament by the Secretary of State on the 18 May 2022.
3. The 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 in the reform vision: People, Professionalism and Governance.
4. The consultation seeks to gather views on the specific proposals and the wider package of reform, the consultation is open from the 18th May 2022 until the 26 July 2022.

Main Report

Building on Success

Case for Change

5. The government intends, through the white paper, consultation and future legislation to strengthen the fire and rescue services (FRS) across England.
6. The ambition is to develop services with communities at their heart, that provide excellent support and development for their teams, underpinned by clear decision-making processes.
7. The aim is having operational leaders that are empowered to plan and respond quickly to new challenges that are held to account by a single executive leader, ideally a directly elected politician.

Fire and Rescue Service Reform to date

8. The white paper explains that government want to build on a legacy of reform introduced by the Home Office over recent years to make FRS more efficient and effective and adapt to public safety challenges and emergencies. The government has introduced: HMICFRS and an independent inspection process; provided focus and funding for fire protection in particular following the tragedy at Grenfell Tower; and the introduction of the Police and Crime Act 2017, which legislated to enable Police and Crime Commissioners to take on responsibility for FRS and to collaborate with other emergency services, with the aim to improve transparency, collaboration and accountability.

Stepping Up During the Pandemic

9. The white paper acknowledges the fantastic work carried out by the FRS and staff during the pandemic referencing the various roles undertaken at vaccination and testing centres. However, the white paper also reflects on the finding of HMICFRS inspection into the FRS response to the pandemic, which was critical of the negotiating mechanisms at a national level which, in some cases, slowed down and even stopped some FRS supporting their local communities.

Shining a Light Through Independent Inspection

10. The introduction of the HMICFRS has found considerable strengths across the sector, but more needs to be done through local and national reform. For example, some FRS's continue to neglect prevention and protection activities and a greater focus on productivity is required.

Lessons from Grenfell

11. The government has introduced legislative changes to strengthen Fire Safety, through the Fire Safety Act 2021, which extends the scope of the Regulatory Reform (Fire Safety) Order 2005, to include the structure, external walls and flat entrance doors.
12. Further changes are expected through the introduction of the Building Safety Bill, which is due later this year. The Bill will introduce a Building

Safety Regulator as part of an overhaul of the Building Fire Safety regime for high-risk buildings.

13. Furthermore, the government has conducted and is proposing further consultation on Personal Emergency Evacuation Plans (PEEPs), following Grenfell, with the aim to enhance the safety of residents in High Rise Residential Buildings whose ability to self-evacuate may be compromised.

Clear role of Fire and Rescue Service

14. The role of the fire and rescue authorities (FRA) is set out in Fire and Rescue Service Act 2004 and the Civil Contingency Act 2004. However, the work has evolved over years with changing risks and vulnerabilities within communities.
15. The white paper acknowledges that services have managed their resources to meet foreseeable risks to the public, but cumbersome industrial relationships have limited the chief fire officers' ability to flexibly use their resources to truly meet changing risks e.g. changing working patterns to respond to changing demand and responding to terrorist incidents. Providing CFOs with operational independence would help provide this flexibility, enabling leaders to use their people and assets to best effect.

The Way Forward – Strengthening our Fire and Rescue Service

16. The white paper sets out a vision 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.
17. CFOs will have a clear responsibility to run and manage their services effectively and efficiently but with strong political, executive oversight to ensure services are properly accountable to the communities they serve and are run in the best interests of the public.
18. The 21st century FRS will embrace an ethical culture that attracts and retains talented people, values diversity and reflects the communities they serve. Employees will be well supported and trained to do their jobs and the services will embrace learning, use evidence-based decision-making, and share best practice and innovation.
19. Employment arrangements need modernisation, being more transparent and should recognise staff for their skills and competence and not just for time served.
20. The reform agenda seeks to drive improvement in three essential areas: having well-trained and supported **people**; high levels of **professionalism**; and strong and effective **governance**.

People, Professionalism and Governance

People:

21. The role of the FRS and its staff needs to be flexible and continue to evolve to meet the needs of increased risk from: terrorism, environmental challenges, pandemics, increased vulnerability.
22. CFOs should be empowered to make decisions based on risk and resources. The government state that they appreciate it is correct that representative bodies have a role to play in discussions on terms and conditions and the health and safety of their members, but this must not come at the expense of the community. The following questions are posed in this section:

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?

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?

23. The Serious Violence Duty outlined in the Police, Crime, Sentencing and Courts Act 2022, which proposes to bring together local agencies to prevent and reduce serious violence, will also apply to FRA.
24. A greater focus on business continuity plans including arrangements for industrial action is to be introduced, with the Home Office working closely with National Fire Chiefs Council to ensure business continuity plans are in place and independently assured. The following questions are posed in this section:

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?

25. The white paper states that the national negotiation mechanism, established by the National Joint Council (NJC), has been recognised as a barrier to a rapid and flexible response. The Government believe that CFOs should be empowered to safely make decisions and recognises that unions have a role to play in discussions on terms & conditions and health & safety, but this must not come at the expense of safe and sensible progress and efficiency.
26. The white paper suggests that currently, 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. The NJC that oversees decisions on firefighter pay and terms & conditions has long been questioned; a review in 2015 concluded that it needed to be modernised and Sir Tom Windsor has called for fundamental reform.

27. The Home Office will be considering how best to reform the current pay negotiations and consider whether the current pay negotiation process is dynamic enough to respond to changing priorities. The following question is posed in this section:

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

28. The government want consistency in entry standards and development programmes to develop future leaders and expanding multi-tiered entry. The following questions are posed in this section:

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

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?

Professionalism:

29. This section is split into five areas: leadership, data, research, ethics and clear expectations for fire and rescue services.

30. Leadership a proposed new Strategic Command Course for FRS, which is to be mandatory for ACFO and above, similar to the Police Strategic Command Course. The following questions are posed in this section:

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

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?

31. The white paper call for smarter use of data and digital services which is supported from the centre. There is already work ongoing in this area by National Fire Chiefs Council (NFCC) through a national strategy to bring consistency and promote innovation, providing digital and data support, analytics and training and improved data sharing.

32. Under research the government want to see a new central fire and rescue research capability, exploring collaboration and commissioning

opportunities, along with conducting research and collating emergent issues, through identifying best practice and preventing duplication of effort.

33. The paper proposes that the Code of Ethics (CoE) is given a statutory footing to ensure its application in every service. Currently the CoE is supported by a fire standard which requires services to 'adopt and embed' the code. The Fire and Rescue National Framework, to which FRA must have regard, provides that all authorities must adhere to these clear expectations so the duty on FRS to adhere to it is indirect. The following questions are posed in this section:

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

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?

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?

34. The Government want a duty placed on CFOs, who could be operationally independent and best placed to ensure their services act in accordance with the statutory code. They are not proposing the CoE to apply to elected representatives or individual employees as this is already covered in service's policies. They are however proposing a fire and rescue service oath.

35. The proposed Fire and Rescue Service Oath would be sworn by all staff and would outline a promise to uphold the principles in the statutory CoE while undertaking their role. This is similar to the oath that applies to Police Officers. A mandatory duty to take the Oath would need to be placed on all FRA employees, but not elected representative as members are covered by a separate ethical standard. The following questions are posed in this section:

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

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?

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

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?

36. The white paper calls for clear expectations for the sector through the introduction of a College of Fire, which will replace the work of the Fire Standards Board. The following question is posed in this section:

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?

Governance:

37. Currently, out of 44 fire and rescue authorities, 38 operate a committee structure which the government wish to see replaced by a single, elected – ideally directly elected – individual who would hold their operationally independent CFO to account.
38. The paper criticises the committee structure as having the potential to slow decision-making and impair accountability. The Government want to see improved public awareness of the FRA, currently just 11% could name a member of their FRA, compared to 65% who were aware of their police and crime commissioner (PCC).
39. The Government propose that the preferred governance model should meet the following criteria:
- A single, elected – ideally directly elected to the role – individual who is accountable for the service
 - Clear demarcation between the political and strategic oversight by this individual and the operational independence of the chief fire officer
 - The accountable individual has control of the necessary funding and estates.
 - That decision-making including budgets and spending is transparent and linked to local priorities
40. The paper goes on to suggest that this person could be
- a mayor who could delegate day-to-day oversight to a deputy mayor
 - or a county council leader who could delegate to a cabinet member
 - or a police, fire and crime commissioner.
41. The paper envisages the ability for the day-to-day responsibilities to be delegated to a deputy mayor, deputy PCC or council cabinet member. The following questions are posed in this section:

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?

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

The Mayoral Model

42. Of the eight existing Mayoral Combined Authorities (MCAs) currently without fire and rescue functions, four (Cambridgeshire & Peterborough, Sheffield City Region, West Midlands and West Yorkshire) are already coterminous with fire and rescue boundaries. Following this consultation, the Home Office will explore options for transferring the fire functions directly to the MCAs at the earliest opportunity.
43. In the case of the four MCAs whose boundaries are *not* coterminous with fire and rescue boundaries (Liverpool City Region, North of Tyne, Tees Valley and West of England) the Government will consult locally to establish the way forward. The following question is posed in this section:

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?

Police and Crime Commissioners

44. PCCs have been able to take on oversight of their local fire services since 2017 and it is for each PCC to determine whether they want that responsibility. To date, just four PCCs have taken on the responsibility. The paper includes several examples of how the police and fire service are working collaboratively in those areas.
45. PCCs who decide they would like to take oversight of the fire service in their area need to demonstrate to the Home Secretary that the transfer meets statutory tests of economy, efficiency, and effectiveness and that it will not have a detrimental effect on public safety. The following question is posed in this section:

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?

Other options such as an Executive Councillor

46. The Home Office recognises that, in some areas, there may be a preference for a different option (not an MCA or PCC) - perhaps where a fire service is already part of a county council or where boundaries are not well aligned. Therefore, the Government will consider other options, although any option will need to meet the criteria as listed above, particularly the need for clear executive – rather than committee – leadership. The following question is posed in this section:

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?

Boundaries

47. Across most of England, the boundaries for fire and rescue services and police forces/combined authorities are coterminous, making the transfer of governance to MCAs and PCCs practicable.
48. In areas where there is more than one fire and rescue service within a police force area (for example, Sussex Police which 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 both fire and rescue service that falls within their area. The Government would not seek to combine services unless there was local appetite to do so.
49. 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. The Home Office will discuss options for these areas with interested parties to determine how to achieve the necessary change. The following question is posed in this section:

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?

Fire Funding

50. The white paper recognises that changes to governance will have funding implications, particularly where the fire service is currently part of a county or unitary council. In these cases, the Government's aim is that both the sustainability of the local authority and fire service are maintained, and that council tax will not be adversely affected by these proposals.
51. The white paper goes on to say that in instances where the fire service is part of a county or unitary authority, the Home Office have seen that the service does not always receive the resources it might otherwise be allocated, due to competing priorities within the parent authority. An example is given where a fire and rescue service saw its budget reduced mid-year to meet pressures elsewhere in its parent authority. The FRS must also compete with other parts of the local authority for capital funding to replace essential equipment.
52. 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, the Government proposes taking steps to ring-fence the fire budgets within

the county or unitary authorities. The following question is posed in this section:

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?

The Balanced Leadership Model

53. The Home Office believe that these governance changes will result in an executive leader being 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 without the current prolonged negotiations. The Home Office believe that chief fire officers not having operational independence creates a barrier to effective and efficient services. The following question is posed in this section:

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

54. The Government will 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.
55. The consultation paper includes the following proposed split of responsibilities between the executive leader and chief fire officer.

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>
<u>Opening and closing fire stations</u>	<u>Executive leader*</u>
<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.

The following question is posed in this section:

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

Legal Entity of Chief Fire Officers

56. The Police Reform and Social Responsibility Act (2011) makes each chief constable a *corporation sole*, which means that the chief constable is a legal entity, the employer of all those who work for the police force, and also gives them legal authority over certain decisions and functions.
57. The Home Office will consider whether they should mirror these arrangements and make CFO corporation sole. The paper acknowledges that there may need to be separate arrangements when the chief fire officer is employed by a fire and rescue service in a county or unitary authority. The Home Office will work with the Department for Levelling Up, Housing and Communities and others in local government to consider this further. The following question is posed in this section:

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

Clear Distinction Between Strategic and Operational Planning

58. 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). 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.
59. The white paper is seeking views on how best to clarify the distinction between strategic and operational planning. It proposes 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 CFO and would deal with how strategic priorities will be met and risks mitigated. The following questions are posed in this section:

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

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

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

Conclusion

60. The white paper is far reaching and is likely to have a profound effect for County Durham and Darlington Fire and Rescue Service (CDDFRS). At the strategic planning day held on the 23 May 2022, members were

provided with a brief overview of the contents of the White paper and further engagement with members on the paper will take place.

61. Members will need to consider their position in relation to a range of questions posed by the consultation and in some areas the lack of specific detail within the white paper make this challenging. In order to give the consultation, the attention it deserves, it is proposed to hold a separate session with members to go through the consultation in detail and attempt to get to a consensus view on the majority of issues.

Recommendations

Members are requested to:

- a) **note** content of the report
- b) **provide** initial views in support of the consultation
- c) **agree** to hold a separate workshop prior to the July full Combined Fire Authority Meeting to discuss, in detail the response to the consultation.

Appendix A

[Fire Reform White Paper](#)