

Reforming our Fire and Rescue Service Consultation

Government stakeholder consultation

As Chairman of the Essex Police, Fire and Crime Panel, I welcome the opportunity to respond to the Home Office Reforming our Fire and Rescue Service Consultation.

Essex was the first county in England and Wales to transfer Fire and Rescue Service governance to a commissioner in November 2017. This resulted in the implementation of the Police, Fire and Crime Commissioner and the Police, Fire and Crime Panel.

There are existing PFCP members who were involved with the business case formation that led to a successful transition of FRS governance to the PFCC. Essex FRS governance transition experienced some early transitional issues however the efforts and collaboration of all parties involved within the process mitigated these issues and Essex FRS is moving towards being one of the most efficient services in England and Wales.

It is hoped this consultation response will help the Home Office reach a satisfactory conclusion. I am willing to discuss the content of this response if it would be helpful.

John Gili-Ross

Chairman, Essex Police, Fire and Crime Panel

Consultation Sections

Modern Working Practices

Q1: To what extent do you agree/disagree that fire and rescue services should have the flexibility to deploy resources to help address current and future threats faced by the public beyond core fire and rescue duties?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

Public Safety

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
	Yes			

Business Continuity

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
		Yes		

Pay Negotiation

Context

The effectiveness of the National Joint Council (NJC) – the body that oversees decisions on firefighter pay and terms and conditions – has long been questioned. Adrian Thomas, in his review of conditions of service in 2015, concluded that it needs to be modernised

and in the State of Fire and Rescue 2020 report, Sir Thomas Winsor called for fundamental reform. The negotiation of annual firefighter pay awards is a closed process until after any decisions is effectively made, with the views and agreement of only one union being sought and considered. HMICFRS have made recommendations on the current pay negotiation structure, including a suggestion to review its current operation and effectiveness. We welcome this recommendation and will consider how best to take it forward as part of our package for reform. The independent review would consider whether the current pay negotiation process is dynamic enough to respond to changing priorities. It could consider evidence from other employment models and sectors.

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
		Yes		

Q5: Please provide the reasons for your response.

EPFCP does not wish to add any comment to this question other than that shown in the table above.

Nurturing New and Existing Talent

Context

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

Q7: Please provide the reasons for your response.

We have a national fire and rescue service operating within a mix of differing governance fire authority structures. At an operational level the skills and capabilities needed to successfully deliver a quality, reliable and consistent service should materially be the same, irrespective of the county or fire and rescue authority area. There is no substitute for good quality or diverse operational experience, however not all operational experience leads to talent creation at a management and senior leadership level. Talent spotting and nurturing of future senior leaders has been in place within many large private organisations for many years. Public sector organisations should have a similar if not the same approach to identifying and developing senior leadership employee potential.

Not all fire and rescue employees will have the capability or desire to be senior FRS leaders. Likewise talented managers and leaders may not wish or need to be capable FRS operatives. This does not mean that either party is less valuable to a professional, high performing organisation which the public expects.

As an example, and prior to being transitioned to being the first fire and rescue service to have a locally elected commissioner (PFCC), Essex FRS was identified through independent reports that it was a failing organisation. Specifically, it was noted that EFRS employees operated within a “toxic” culture. Essex PFCC had the foresight and determination to transform the culture of the service into a modern, forward thinking quality employer in which employees could be proud and had a desire to work. Transformation leadership takes a specific skill and senior management experience to undertake an independent and unbiased view of the organisation as a whole. Appropriate and effective change was needed to reverse the known unacceptable employee environment and encourage recruitment at all levels to transform the organisation. A non-operationally FRS experienced but highly talented Chief Fire Officer was appointed who had a proven track record of transformation leadership programmes within the public sector. In creating a diverse but experienced senior management team the CFO appointed a high potential, highly experienced, deputy CFO with many years of operational FRS experience.

The above highlights the benefits of nurturing and developing high performing talent at all levels should be a welcome addition for any organisation.

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
	Yes			

Professionalism

Leadership

Context

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

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
	Yes			

Q10: Please provide reasons for your response.

People develop their skills in different ways and varying timescales. Every employee deserves to work within an organisation that encourages personal development and opportunity to diversify between roles. A statutory leadership programme that is open to all employees would aid personal development. The example given in response to question 7, reinforces the message that leadership talent and capability skills can be transportable across differing operational organisations

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

Smarter Use of Data

Context

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

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

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

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

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

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

The Emergency Services Network home office programme to replace the aged Airwave communications network has shown little evidence of implementation success, yet is significantly over budget. ESN is planned to fulfil the voice and data needs for all emergency service agencies and as such a vital data exchange component supporting FRS and the other emergency services. There are many documented benefit expectations in using an all-digital ultra-highspeed network many of which FRS can only fully exploit once ESN becomes fully operational.

Research

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

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

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

- Collaborating
- Commissioning
- Conducting
- Collating

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
	Yes **			

** This question largely relates to operational activities which are outside of the Panels remit.

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

No further comment is provided beyond that which appears in the table above.

Code of Ethics

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

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
	Yes			

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
	Yes			

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

Fire and Rescue Service Oath

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

As noted above, the core code may be subject to review before being placed on a statutory basis, if that option is pursued. However, by way of example, an Oath based on the core code may include affirming such principles as acting with integrity, and supporting equality, diversity and inclusion. As we anticipate the Oath and the statutory code to be intrinsically linked, subject to the outcome of this consultation, we will continue to work closely with interested parties on the content and process associated with the statutory code and Oath.

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

Q21: Please give the reasons for your response.

Inappropriate and unacceptable employee behaviour (bullying) existed within Essex FRS prior to the service governance being transferred to the commissioner. Whilst this has been remedied within EFRS it may exist in other services. A mandated fire and rescue service oath would help ensure employee behaviours are appropriate. It should be left to local service managers to maintain service disciplinary procedures with breaches being dealt with as an employment matter.

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

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

- *Leadership*
- *Data*
- *Research*
- *Ethics*
- *Clear Expectations*

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

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

Progression and personal development opportunities should be made available for all service employees.

Independent Strategic Oversight

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

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

A College of Fire and Rescue

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

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

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

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

- on **Ethics**, the proposed independent body could be provided with powers to create and maintain the proposed statutory code of ethics and fire and rescue service oath, and also keep practical implementation of the code and Oath under review

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

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

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
	Yes			

Q28: Please provide your reasons for your response

EPFCP understands that a College of Fire was in place some years ago and that it may have been disbanded due to cost. Whilst EPFCP agrees with the principal of having a college it must come with appropriate levels of sustainable funding.

Governance

Governance Structures

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

Unlike FRAs overseen by PFCCs or combined authority mayors, the majority of authorities still operate a committee structure comprising many members (in the case of one authority, nearly 90). This can slow decision making and impair accountability. And

across most of England, the public do not have a direct say in who is responsible for their fire service. In most areas, while members are elected (for example, as a councillor), they are not directly elected with a clear mandate in relation to fire.

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

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

there has a single, elected, ideally directly elected, individual who is accountable for the service rather than governance by committee

there is clear demarcation between the political and strategic oversight by this individual, and the operationally independent running of the service by the chief fire officer

that the person with oversight has control of necessary funding and estates

decision-making, including budgets and spending, is transparent and linked to local public priorities

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

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

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

Please provide the reasons for your response.

A named individual would be responsible for FRS governance within a service area however the area is defined. The model in place within Essex, with governance provided by the PFCC with the chief fire officer being the operational lead for fire has proven to be successful. Budget determination is through the CFO and based upon meeting the needs of the FRS plan. The precept required to help fund the budget is determined by the PFCP within the confines of any capping in place with this model being tried and tested and works effectively.

The challenge and holding to account of the commissioner by a PFCP is a mature and successful model that provides appropriate transparency in respect of commissioner decision making.

The Mayoral Model

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

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

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
	Yes			

Police and Crime Commissioners

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

It is for each commissioner to determine whether they want responsibility for fire. If so, they need to produce a proposal for the Home Secretary that demonstrates how a

governance transfer meets the statutory tests of economy, efficiency and effectiveness, and that it does not have a detrimental impact on public safety. To date, four areas have made the transition to a police, fire and crime commissioner.

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

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

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

Other Options, such as an executive councillor

We recognise, reflecting the circumstances of each local area, that it may be preferable for somebody a different option other than a PCC or mayor to be given responsibility. This may be where a fire service is currently part of a county council or local boundaries aren't aligned. We are therefore willing to consider other options, although any option will need to meet our criteria for good governance as listed above, in particular the need for clear executive rather than committee leadership.

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

Yes	No
	No

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

No comment necessary.

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

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
	Yes			

Q36: Please provide the reasons for your response.

The existing model set out for area policing operational oversight and the political oversight provided by a commissioner is now tried, tested and is successful. Extending the model to include FRS operational decision making and political oversight has provided proven benefits for Essex. FRS should be required to meet national standards whilst also addressing and meeting local operational priorities and demands. A structured linkage between operational capabilities and political oversight should result in public benefit that matches local demand priorities to a locally derived budget and precept.

Boundaries

In order to transfer fire governance to an elected official, the boundaries of the fire and rescue service and the police force/combined authority/county council must align. This is to ensure that there is a consistent electoral mandate across the whole of the area

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

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

Fire Funding

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

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

On conclusion of this consultation, we will work with national and local government representatives to consider these issues further. Should any changes to governance be

given effect, we will consider options to ensure that authorities in all their forms continue to take effective decisions on their service provision ahead of any governance change.

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

Q39: Please provide the reasons for your response.

Whilst this scenario has not occurred in Essex, there is at least one county FRS budget that was reduced mid-term to meet council spending deficits, thereby potentially compromising FRS operational effectiveness and changing agreed capital spending plans mid-term. FRS needs to operate within a known and agreed budget to plan effectively for existing and future service needs. The CFO should determine the budget to meet local operational requirements with the political oversight leadership determining the level of precept required.

A Balanced Leadership Model

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

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

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

The table below illustrates the possible demarcation of responsibility between the political (executive) leader and the chief fire officer. For example, the chief fire officer would make decisions in relation to the appointment and dismissal of staff, and the configuration, deployment and organisation of fire service resources. They would also make decisions

to balance competing operational needs aligned to the strategic priorities set by the executive leader, to which they must have regard; including operational decisions to reallocate resources to meet immediate and ongoing demand and allocate staff to specific duties to reduce risk and save lives. We will work with those in the fire sector and local government to define this further ahead of making the required legislative changes.

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

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

There will be a bright, clear line demarcating the nature and extent of the chief fire officer's operational independence against the role of the executive leader. We will consider best practice in local government to develop this, as well as learning from the relationships between PCCs and their chief constables. We could consider producing something akin to the Policing Protocol to clarify roles and responsibilities and provide safeguards. To support that, the declaration of the acceptance of office of PCCs and mayors could be extended to respect the operational independence of chief fire officers in the same way it presently applies to the independence of police officers.

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
	Yes			

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

The present situation in Essex has three legal entities:

- PFCC (with respect to the police)
- PFCC (as the fire authority)
- Chief Constable

Currently the CFO is an employee of the fire authority and has to comply with reasonable instructions from the PFCC. In contrast the relationship between the commissioner and the chief constable is highly regulated by statute. There is no contractual relationship and the powers of the commissioner with respect to the police and the CC are limited. In respect to Essex the PFCC owns all police land.

The model proposed works effectively in Essex and the CFO has greater operational independence than they may have had when a PFCC is not in place and may be more due to a good professional relationship between the PFCC and the CFO.

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

If the proposal is implemented there would be four legal entities:

- PFCC (with respect to the police)
- PFCC (fire authority)
- Chief Constable
- Chief Fire Officer

Under the proposed model it is assumed the chief fire officers would be given corporation sole status in line with that which is in place for chief constables and commissioners.

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

Unlike operational independence for the chief constable, the fire and rescue service seem less susceptible to inappropriate external interference, yet there will be a cost to this independence. Consideration is needed as to whether the cost can or should be justified.

The allocation of resource to partnership working/fire prevention would potentially be removed from democratic control.

Creation of a further corporation sole may lead to another set of: back-office systems (finance/auditors/contracts/advisors/payroll/ accounts/HR policies/banking facilities/insurance etc).

Legal Entity of Chief Fire Officers

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

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

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

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

Following on from the response to Q42 there are issues that arise which needs careful consideration:

- Is it necessary to have the commissioner as two corporations sole if the CFO is also a corporation sole? At present the CFO is the Chief Executive of the PFCC Fire Authority Corporation but they would no longer be able to do this role if they become a corporation sole in their own right.
- Who should fire service employees work for - currently constables are independent office holders rather than employees?
- Should a PFCC (fire authority) and CFO both have the power to enter into contracts?
- Who should own the fire assets?

- Should all fire service functions transfer to the CFO – currently the Commissioner retains some policing functions (e.g. grant making – should some fire functions likewise be retained by the commissioner?
- Who should deal with fire complaints?
- Does the new Corporation Sole need a CFO and a Monitoring officer?

Clear Distinction Between Strategic and Operational Planning

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

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

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

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Yes				

Q48: Please provide the reasons for your response.

Under such proposals the chief fire officer relationship with the commissioner would mirror that in place between the chief constable and commissioner thereby ensuring consistency of operational implementation and strategic planning. In both cases the commissioner will hold the chiefs to account for their respective service operational delivery.

About you

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

This submission is the agreed input from the Essex Police, Fire and Crime Panel. This response submission was approved at the EPFCP meeting in July 2022

Members of the panel were engaged with the process and business case submission that resulted in the commissioner becoming the Essex Fire and Rescue Authority and the formation of the PFCC and PFCP.

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