WEST MIDLANDS FIRE AND RESCUE AUTHORITY

COLLABORATION AND TRANSFORMATION COMMITTEE

5th SEPTEMBER 2022

1. **FIRE REFORM WHITE PAPER – CONSULTATION RESPONSES**

   Report of the Clerk to the Authority

   RECOMMENDED

1.1 THAT Committee members note the content of responses to the Fire Reform White Paper consultation from other key stakeholders.

2. **PURPOSE OF REPORT**

2.1 To provide Collaboration and Transformation Committee with an overview of local and national responses to the Fire Reform White Paper, ahead of an anticipated government response later this year.

3. **BACKGROUND**

3.1 **Fire Reform White Paper Consultation**

   The consultation on the "Reforming Our Fire and Rescue Service" White Paper was held between 18 May and 26 July. It covered three main areas:

   - Professionalism
   - People
   - Governance

   A briefing was provided to all elected members of the Fire and Rescue Authority summarising the key policy proposals within the White Paper.

   Government is now considering the responses and will respond themselves in due course. It is not currently known what impact

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the change in Prime Minister (and potentially, change in Cabinet) will have on the timeline.

3.2 **WMFRA Response**

West Midlands Fire and Rescue Authority submitted their response on Tuesday, 26 July 2022. The response had been agreed unanimously by the Collaboration and Transformation Committee and was supported by the Police and Crime Commissioner for the West Midlands, and the leaders of Birmingham, Coventry, Sandwell, Solihull and Wolverhampton Councils.

The full response has been circulated to members.

3.3 **WMFS Response**

Officers also submitted a response on behalf of the operational leadership of the service. This was restricted to commenting on the proposals from an operational perspective and did not offer a view on political matters.

The full response is attached in **Appendix A**.

4.   **OTHER RESPONSES**

4.1 **Local Government Association**

The LGA response to the White Paper, while broadly supportive of the government's ambition for improvement in the service, raise concerns about a number of the policy proposals, and highlight areas not covered by the White Paper where they believe there is further scope for improvement. In particular, they highlight the work undertaken between the LGA, NFCC and National Employers on Fit for the Future.

Key points made include:

- Any decisions regarding governance should be determined locally, with no central imposition of governance change in fire. Business cases for contested transfers of governance should be assessed by an independent panel.

- Other options for governance should also be considered, such as greater delegation to existing fire authority chairs, stronger

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cabinet and scrutiny arrangements or creation of smaller management committees.

- A balanced approach to leadership, recognising the role of both operational and political leaders is important. Political/strategic leaders should continue to have involvement in decisions such as crewing or senior officer appointments.

- Chief Fire Officers do not need to be made Corporations Sole as Operational Independence can be achieved by other means.

- The NJC retains the LGA's support, and any alternative would still require negotiation with representative bodies at the local level by individual chief fire officers, which risks fragmentation and further delay.

- Flexibility in services is important, but fire and rescue service staff can only be asked to undertake work that is permitted within their contracts of employment.

- The LGA is supportive of direct talent and management schemes to ensure the service is open to a broad range of talent. Care must be taken when considering entrance requirements not to impact unintentionally on equality, diversity and inclusion.

- The 21st Century Leadership course should take in the whole range of leadership and management issues likely to face fire and rescue leaders.

- The Code of Ethics should continue to be embedded regardless of whether it is placed on a statutory footing, and any decision to do so should not conflict with existing codes in a county council context.

- The Oath may be challenging to introduce for existing staff, and will add little beyond what is already being introduce through the CCoE.

- Welcoming of the College of Fire

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The LGA also raised a number of further issues not covered within the White Paper, including;

- The need to ensure greater resilience within the sector to periods of high demand such as the recent spate of wildfires, which placed a number of services under strain.

- The need to consider and support the Fit for the Future programme developed by the LGA, NFCC and National Employers as a means to drive improvement in the sector.

- How Sector Led Improvement can be incorporated into the reform agenda.

- Resolving various issues relating to pensions which are impacting firefighters and senior officers.

[The full response can be found here](#).

4.2 **National Fire Chiefs Council**

The NFCC welcomed the intent of the White Paper, and like the LGA highlighted the importance of considering the sector-led Fit for the Future project.

In their response they specifically highlighted the following areas:

- Strongly agreed with the need to flexibly deploy resources to face new threats and risks, highlighting terrorism, rioting, wildfires and flooding as examples of increasingly complex risks. Similarly supportive of a wider role in health and public safety, including in medical emergencies.

- Highlight concerns that current business continuity arrangements in the event of strike action, arguing that a base level of operational cover is required.

- Argue in favour of significant reform of current pay negotiation structures, highlighting the fall in FRS staff pay in real terms, and the need to include all stakeholders in negotiations over pay and conditions.

- Urging caution with expanding direct entry while the current direct entry scheme is still in its formative stages.

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- Welcoming of a 21st Century Leadership Programme but urging an "end-to-end" approach to development and support within the service and seeking to ensure that such a programme goes beyond command training. Fundamentally disagrees that such a programme should be mandatory for ACFO ranks.

- Welcomes reform on data and research and highlight existing work by the NFCC in both areas.

- Holds no strong view on making the CCoE statutory, believing this will not be the most important factor in embedding it within the service. Opposes the introduction of a FF Oath.

- Supportive of the development of a College of Fire and Rescue, but keen to understand how this will be funded and how it will sit along the role of existing bodies such as the NFCC.

- Welcome and supports proposals to place Operational Independence on a statutory footing and would welcome greater engagement on this issue. Feel that existing relationships mean greater clarity is not needed in terms of the divide between operational and strategic leadership.

[The full response can be accessed here](#).

4.3 **Fire Brigades' Union**

The FBU response opposes most the policy proposals within the White Paper, describing itself as "extremely disappointed" with the White Paper and urging the government to "think again".

The areas of greatest concern are that, in their view:

- It contains no provisions to improve the service firefighters provide to our communities

- It promises no new investment in firefighters or equipment needed to improve the service

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- It threatens the legal rights of firefighters to collectively bargain with our employers over pay, conditions, safety and other vital contractual matters

- If implemented, it would cut firefighters' pay, increase hours, roles and the intensity of work, introduce unsafe practices and all while stretching the service to breaking point

- It threatens the right of firefighters to take lawful industrial action when we are attacked by employers and governments

- It seeks to give chief fire officers powers to dictate firefighters' pay, conditions, duty systems, safety and other matters – even though they have no knowledge, training or experience of these matters.

They describe the creation of a fire service oath or a statutory code of ethics as "gimmicks".

They are willing to discuss some proposals, subject to further information. These include:

- Proposed College of Fire and Rescue
- Professional standards for entry and officers
- Research and data

The full response can be found here.

4.4 <u>**West Midlands Mayor – Andy Street**</u>

Andy Street's response was in an individual capacity as Mayor. No response was sent by the West Midlands Combined Authority.

Within his response, he outlined his support for a single elected official taking responsibility for governance of fire and rescue service. In the context of the West Midlands, he states his belief that this would best sit within the WMCA. He accepts however that the WMCA board remains unsupportive of such a move and therefore believes that a change can only occur where the mechanism for transfer mirrors that laid out in the Levelling-Up and Regeneration Bill in respect of policing functions.

He also outlines his support for Operational Independence for the Chief Fire Officer. The full response can be found in **Appendix B.**

5. **EQUALITY IMPACT ASSESSMENT**

5.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

6. **LEGAL IMPLICATIONS**

6.1 There are no direct legal implications.

7. **FINANCIAL IMPLICATIONS**

7.1 There are no direct financial implications.

8. **ENVIRONMENTAL IMPLICATIONS**

8.1 There are no direct environmental implications.

BACKGROUND PAPERS

- [Reforming Our Fire and Rescue Service](#)

- WMFRA White Paper Consultation Response

The contact for this report is Tom Embury, Deputy Clerk.

Karen Gowreesunker
CLERK TO THE AUTHORITY

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Appendix A

People

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 or Disagree	Disagree	Strongly Disagree
X				

The National Framework is quite clear on the role of an FRS and therefore every employee. This is to reduce/mitigate risk to fire and other related incidents. The risks that sit within the area an FRS covers will differ and therefore guided by the three core services of Prevention, Protection and Response, each FRS should be able to through its CFO adapt its service provision aligned to the risk set out in its CRMP and how this will be addressed through its strategy/plan.

Our vision is to make our communities safer, stronger and healthier. It is our professional view that services should be able to deploy their resources flexibly to address whichever risks are identified within the Community Risk Management Plan, and to allow us to deliver that vision. Our public consultation in winter 2020 found that 93% of respondents from our local area agreed we should continue to take a flexible approach to managing our resources.

We believe the description of "Core" fire and rescue duties is itself unhelpful, as it implies a limited range of functions, when in reality the powers granted by the 2004 Fire and Rescue Service Act make it clear that authorities not only have powers to respond to fires, road traffic collisions and emergencies but also any other eventuality in order to prevent death, injury or damage to the environment.

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 or Disagree	Disagree	Strongly Disagree
X				

We are fully supportive of a wide role for the FRS but believe this must be aligned to our CRMP and our responsibilities to reduce risk from fire and other emergencies which may cause harm. There are clearly areas where we can support a wider health agenda by addressing health inequalities that increase a person's risk of fire, and this is something we have actively pursued through our own Reducing Health Inequalities work, drawing on lessons from the Marmot review.

There will be challenges in expanding our prevention role beyond this, especially if that involves delivering services on behalf of others. Our 2020 consultation found 74% public support for "tackling social issues that make people more vulnerable to fire and other risks".

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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 or Disagree	Disagree	Strongly Disagree
			X	

The act is clear on the overall requirements of the responsible individual or body, but there is no specific definition of what this may look like. We know that the Home Office has broadly defined an expectation of 30% availability in terms of resources, but this can be arrived at in different ways for FRSs. Consistency of expectation though the Home Office and NFCC matched with the independent review and assurance could create a stronger basis for different approaches to ensuring business continuity. However, through a national approach FRSs need to be able to plan for what is realistic and most value to its delivery of services recognising each CRMP will present different Business as Usual and Business Continuity risks.

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

Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
			X	

Q5: **Please provide the reasons for your response.**

While we recognise the benefits of an approach that involves representative bodies and employers in negotiating pay and conditions, the current process lacks transparency and slows efforts to modernise our services and allow firefighters to do more for their community even within the confines of the current roles and responsibilities of a firefighter. Often, unfortunately, progress is made by services at a local level despite the NJC, rather than because of it.

We would welcome changes that provide greater openness and limit the NJC's capacity to require any change to working practices, however small, to be negotiated nationally through an often complicated and slow process. We saw that the approach taken during the COVID-19 pandemic, with firefighter roles negotiated through the tripartite agreement, preventing firefighters and services from responding as effectively as they could have done to a national emergency. This should not be the case in future.

We strongly support the need to provide firefighters with fair compensation for their work, and to be provided with annual pay increases that address the cost of living. The NJC also has an important role to play in ensuring the health and safety of firefighters, but this should not come at the expense of reasonable flexibility to respond to new and changing risks facing communities.

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 or Disagree	Disagree	Strongly Disagree
	X			

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Q7: **Please provide the reasons for your response.**

We agree that entry requirements for the service should be consistent, but not at the expense of local flexibility or in such a way that might restrict some parts of the community from considering the fire and rescue service as a career. All services are making efforts to improve the diversity and inclusion of our services but are all starting from very different positions and seeking to reflect different communities.

Services already enable development paths for their staff which supports achievement of entry requirements into different roles within their services - this enables diversity from a representative perspective, as well as diversity and inclusion from other perspectives such as profession backgrounds.

It is vital that any attempt to ensure consistency in entry requirements does not close the door to the types of individuals who are currently underrepresented within our services. Any change must be enabling, not disabling when it comes to changing the shape and diversity of our workforce.

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 or Disagree	Disagree	Strongly Disagree
	X			

We agree that it would be beneficial to consider means of expanding the specific direct entry scheme developed by the NFCC to services. However, it is important that we do not run before we can walk, and that time is taken to embed the relatively new process for direct entry at station manager and area manger level, to ensure that it is achieving its aim of introducing a wider range of experiences and backgrounds to services.

It is also important to recognise that other approaches, such as transfer from non-uniformed to uniformed roles (or vice versa) exist, and that these approaches also need to be supported. As mentioned above, a consistent approach needs to be used to direct entry, talent management and other mechanisms which will diversify the professional background of employees.

The costs associated with introducing direct entry needs to also be considered, as this would currently be a significant barrier to many services adopting this approach, especially when it is significantly more expensive than existing routes to fill these roles.

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Professionalism

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

Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
	X			

Q10: **Please provide reasons for your response.**

We agree that there would be benefit of providing a consistent and comprehensive leadership programme for senior officers. However, there needs to be a recognition that the proposed length of the current scheme would be a significant resource commitment for any service. It may be helpful to consider whether a modular approach could be taken which would recognise training and qualifications already undertaken by service leaders.

It will be important that this programme does not limit Area Managers and Assistant Chief Fire Officers from also undertaking wider training and development at a key time in their careers, given the wide range of competencies already expected of senior managers.

We would argue that the government's current impact assessment estimates of the number of staff who may need to undertake this course and the expected cost are too conservative. This is particularly true where we might expect a significant number of retirements from senior officer positions in the next few years.

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 or Disagree	Disagree	Strongly Disagree
			X	

A mandatory approach would be too restrictive, and as mentioned above, may fail to take account of existing qualifications and professional experience. The approach should be person-centred, able to adapt to provide training based on the needs of individual candidates, which may not require all aspects of the training to be delivered. It is important that any approach does not limit people from a range of backgrounds able to fulfil these roles, including, for example, through direct entry (see above).

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.

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Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
	X			

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.**

We agree that there are significant benefits to improving the data capabilities of the fire and rescue service nationally. This is vital to appropriate understanding of risk which should inform community risk management planning. Data-sharing agreements are of course require support not only from the FRS but from partners, so a government-wide expectation of this approach will be vital.

We are already leaders within the sector in areas such as data analytics, structing and governance, and played a key role in delivering data services for NFCC during the pandemic, and for other services. We believe we could play an important role in delivering elements of these national functions, given our past success and sector knowledge, and understanding.

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

- **Collaborating**
- **Commissioning**
- **Conducting**
- **Collating**

Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
	X			

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.**

We agree that fire service research should be better coordinated and support efforts to provide additional support in that area. This needs to be linked to a more consistent approach to community risk management planning, and the use of appropriate evidence and research to support risk analysis.

It will be important to ensure that any centrally organised approach to research does not limit the scope or scale of such research or reduce the capacity of academic institutions to undertake research which would be to the benefit of the sector or mean we do not learn from research from outside the UK.

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 or Disagree	Disagree	Strongly Disagree
		X		

We are committed to implementing and embedding the Core Code of Ethics within our service and ensuring all our staff understand their role in upholding it. We have already adopted the Code within our Values and spent considerable time ensuring understanding amongst all our staff. Strategic and operational leadership will be key to the successful embedding of the Core Code of Ethics, rather than placing it on a statutory footing, although we are not opposed to that approach.

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 or Disagree	Disagree	Strongly Disagree
		X		

See above

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 or Disagree	Disagree	Strongly Disagree
X				

We agree that Chief Fire Officers, as professional and operational leaders of their services, should have responsibility for ensuring adherence to and understanding of the Core Code of Ethics within their services. We would argue that this is already the case within services without Operational Independence on a statutory footing.

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 or Disagree	Disagree	Strongly Disagree
X				

We would agree with this approach as this reflects the current approach taken within services. The alternative would be for breaches of the Code to be a criminal or externally enforced matter, which we do not believe is appropriate.

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 or Disagree	Disagree	Strongly Disagree
		X		

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Q21: **Please give the reasons for your response**

We remain to be convinced of the benefits of a fire service oath. Our concern is that this is drawn from experience in the police, where such an oath is already required. Firstly, there is little evidence that having such an oath guarantees or even improves behaviour and standards amongst police officers, as recent high-profile cases will attest.

Secondly, we believe it is important to distinguish between police officers, who are warranted Crown employees, and firefighters, who are local government staff. We would argue this reduces the impact and importance of an oath given the very different role of firefighters in the public eye.

We can foresee challenges with implementing an oath to existing staff who may feel the requirement to take such an oath implies they have not upheld these values in their work to date.

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 or Disagree	Disagree	Strongly Disagree
			X	

As above, we believe it will be the strategic and operational leadership of a service that embeds the principles of the Core Code of Ethics within a service, not an oath or statutory footing.

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

Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
	X			

If the oath is to be introduced, it should be introduced for all staff.

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 or Disagree	Disagree	Strongly Disagree
	X			

We would agree for the reasons set out above – we do not believe a criminal or external process would be proportionate.

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

- Leadership
- Data
- Research
- Ethics
- Clear Expectations

Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
	X			

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

A consistent and comprehensive approach to risk analysis needs to be at the heart of all fire service decision making and planning, and set out within a CRMP. As a result, all staff, and in particular senior managers, need to understand a risk-based approach and apply it consistently.

Important that efforts around professionalism considered all of the roles that exist within the service, not just those in uniformed firefighting roles. Talent recognition, development and management needs to be in place for everyone within the service.

Efforts to diversify the professional experience of the FRS would be positive - can be achieved through direct entry schemes but should not be limited to that. Efforts should continue to be made to encourage people from a diverse range of professional backgrounds to consider fire services as a career.

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 or Disagree	Disagree	Strongly Disagree
	X			

Q28: **Please provide your reasons for your response**

We agree that there will be benefits to having an independent professional standards body for the fire and rescue service. The work of the Fire Standards Board and the NFCC in these areas has been important but would benefit from greater support and focus. We are clear that such a college would need to be truly independent to be successful and to secure the support and confidence of fire service leaders and employees.

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Governance

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 or Disagree	Disagree	Strongly Disagree
		X		

As the operational leadership of the service, we offer no view on what form governance of the fire and rescue service should take, as this is a matter for political leadership. Our only perspective is that whatever form governance takes, it must provide suitable oversight and scrutiny of the service and Chief Fire Officer and act in the public interest.

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

Please provide the reasons for your response.

This approach has been previously explored by our FRA. This transition was ultimately unsuccessful. We would argue there are lessons to be learned from this process and would be happy to provide a copy of our future governance working group report from 2017 and related reports.

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 or Disagree	Disagree	Strongly Disagree
		X		

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 or Disagree	Disagree	Strongly Disagree
		X		

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

Yes	No

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

No comment.

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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 or Disagree	Disagree	Strongly Disagree
		X		

Q36: **Please provide the reasons for your response.**

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 or Disagree	Disagree	Strongly Disagree
		X		

We are already coterminous with both our police force and combined authority.

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 or Disagree	Disagree	Strongly Disagree
	X			

Q39: **Please provide the reasons for your response.**

The budget for fire and rescue services should be protected in any future governance model, to ensure that the work of the service is not undermined by unrelated priorities that would see its budget used elsewhere. However, we do recognise the need for appropriate flexibility in budgets to meet community priorities, and to pool/combine budgets where this is appropriate.

We would also at this point advocate for a clear capital budget alongside the revenue budget, in recognition of the significant capital costs associated with running an FRS.

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

Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
	X			

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

We broadly agree with the proposed division of responsibility between operational and political leadership, although we also recognise that there will also be some degree of overlap – some "grey" areas.

The reality of how budgets, priorities and response standards are set need to be factored into how this model is developed. Whilst the governing body are accountable, the CFO and officers work to recommend these aligned to their local CRMP and are the 'professionals' who recommend to the governing body based on an assessment of risk through a CRMP.

For example, we understand that estates will remain a matter for the governance, but the crewing and resourcing of those buildings will remain an operational matter.

Q42: **Are there any factors we should consider when implementing these proposals?** *See above.*

The outcomes of the NJC review is going to be critical to the success of a balanced leadership model as well as earlier indications as to the role of a CFO. It can be the case that political pressures influence the direction of travel set out in an Authorities strategy/priority and these will then interfere with the 'tasks' of a CFO/CEx.

Scheme of delegations – cap on expenditure, which would limit the true operational independence of the chief fire officer.

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

Please provide the reasons for your opinions.

Within our service, the Chief Fire Officer already operates with some degree of operational independence, as determined through our constitution. However, we know in our case that this approach can fail to provide the clarity necessary to help differentiate between operational and strategic matters, and it can impact on the ability to make changes. A more consistent, legislated approach across services would help provide clarity and certainty for both governing bodies and operational leaders.

It will be important to ensure that there remains appropriate oversight and scrutiny of CFOs to ensure they are held accountable, but with a focus on post-scrutiny rather than pre-scrutiny of decisions so as not to limit flexibility and responsive decision making.

It is also worth considering that although Operational Independence will bring with it additional accountability for CFOs, they in effect operate in this model already. While legally speaking an Authority is accountable for the performance and failures of a service, it is officers, and specifically Chief Fire Officers, who will ultimately bear the consequences, and public expectation is that professional firefighters are accountable for their performance and actions.

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

It will be important to consider what flexibility it is expected that Chief Fire Officers will have as employers – which will be dependent on other policy proposals contained within the white paper, such as reform of the NJC. We can foresee value in allowing Chief Fire Officers to become the employing entity. However, without other changes, such as to the NJC approach, CFOs as corporations sole will be limited in their capacity to make changes as the employer.

This includes around areas such as senior officer recruitment, although Corporation Sole does not currently prevent involvement from strategic governance in these matters. We see from the example of Police, where Chief Constables are corporations sole, that PCCs retain the right to be consulted on senior office appointments according to the Policing protocol.

It will be important to ensure that Chief Fire Officers are provided with support to understand their responsibilities as Corporations Sole – the outlined one day of training and transition in the Impact Assessment seems a conservative estimate of what will be a significant change.

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 or Disagree	Disagree	Strongly Disagree
X				

Whatever model of governance exists and whether or not operational independence is placed on a statutory footing, there needs to be a clear division between strategy and operational planning. It is important that political leaders understand the limits of their strategic leadership and oversight role, without seeking to dictate operational plans.

Strategies set by political leaders should be focused on the broad aims and vision for the service and acting in the public interest, not on specific operational issues. We know from the current example of Police and Crime Commissioners that strategic plans (Police and Crime Plans) will include commitments and promises that clearly stray into operational decision making, such as promises of additional staff and areas of focus for police resources.

The Community Risk Management Planning Process must be the means by which operational decisions are made and operational priorities set – using evidence and risk analysis to determine the best approach to service delivery.

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 or Disagree	Disagree	Strongly Disagree
	X			

Ref. AU/C&T/2022/Sept/91908223

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 or Disagree	Disagree	Strongly Disagree
	X			

Q48: **Please provide the reasons for your response.**

As described above, the operational plan, expected to be a CRMP, should be the responsibility of the operationally independent Chief Fire Officer, who has the professional understanding and sector competence to develop such a plan. The role of the authority/governance model must be to scrutinise and oversee the delivery of that plan in the public interest, rather than seek to set it themselves.

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Appendix B

**Mayor of the
West Midlands**

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

26th July 2022

To whom it may concern,

Re: Fire Reform Consultation

Following the recent publication of the *Reforming Our Fire and Rescue Service* consultation, I am writing to set out my views on the questions raised - particularly those relating to governance.

Fire and rescue services perform a vital function for our communities, not only in terms of responding to emergencies but also their important preventative work. It is right, therefore, that communities have a say in how their local fire and rescue service is run. As is pointed out in the White Paper, public awareness of Fire and Rescue Authorities is low, whilst public awareness of directly-elected Police and Crime Commissioners is increasing - albeit with more work to do.

I am therefore firmly of the belief that a single elected individual taking responsibility for fire and rescue services is a positive step, and one that I would welcome. This reform would provide significant benefits for the public in terms of accountability and transparency of a service that not only performs a vital public function, but also places a levy on their council tax bills. Accountability and transparency in this context are hugely important.

It is important to note here, however, the unique political context in the West Midlands. You will no doubt be aware that in 2019 it was proposed that the West Midlands Combined Authority (WMCA) take on the functions of the West Midlands Fire and Rescue Authority (WMFRA). Extensive work was carried out on this, however the WMCA Board were ultimately unsupportive. This position has not changed, and indeed this position has recently been reiterated. This issue will not be brought back before the WMCA Board. Therefore, this matter could only be revisited if the mechanism for any proposed transfer mirrors that proposed in the Levelling-Up and Regeneration Bill in respect of policing functions.

Currently in the West Midlands there is a separate Police and Crime Commissioner and Metro Mayor, leaving two potential options for a change in fire governance. Should reforms be enacted to bring about a transfer to a single elected official, these reforms should be accompanied by a process for determining who that single elected official is.

My personal view is that the WMCA taking on the functions of the WMFRA would be a positive step. The WMCA's responsibilities include matters relating to housing, skills and health inequalities and therefore taking on fire and rescue responsibilities would provide significant opportunities for joint working, particularly in respect of the preventative work which is so important for safeguarding our region.

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Whilst I am supportive of a single elected individual taking responsibility for these functions, it is important that the Chief Fire Officer has operational independence. To this end I concur with the proposed demarcation between the executive leader and chief fire officer set out on page 31 of the White Paper.

Reform of fire governance provides us with an important opportunity to enhance public accountability and transparency in respect of a vital public service. This is an important part of the Levelling Up agenda and I sincerely hope that these opportunities are explored to their full potential.

Yours sincerely,

Andy Street
Mayor of the West Midlands

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