

WEST MIDLANDS FIRE AND RESCUE AUTHORITY
COLLABORATION AND TRANSFORMATION COMMITTEE

18TH JULY 2022

1. AUTHORITY WHITE PAPER CONSULTATION RESPONSE

Report of the Clerk to the Authority

RECOMMENDED

- 1.1 THAT Committee members consider, amend as required, and approve the draft Fire Authority response to the Fire Reform White Paper consultation.

2. PURPOSE OF REPORT

- 2.1 To provide background to the Fire Reform White Paper and to give Collaboration and Transformation Committee members an opportunity to discuss and approve a West Midlands Fire and Rescue Authority response to the White Paper consultation (Appendix A) for submission by 26 July 2022.

3. BACKGROUND

3.1 Fire Reform White Paper

The Fire Reform White Paper (full title “Reforming Our Fire and Rescue Service: Building Professionalism, Boosting Performance and Strengthening Governance”) was published on 18 May 2022, after many months of delay.

The White Paper sets out the government’s plans for reform under three broad areas: People, Professionalism and Governance. It is broadly a response to Sir Tom Winsor’s three “State of Fire” reports in 2019, 2020 and 2021.

Ministers have since also stated that they want to “reform and strengthen” the fire and rescue service because of the findings of the Grenfell Tower Inquiry, the Kerslake Report on the Manchester

Arena Bombing, Dame Judith Hackitt's review into building safety and building on lessons learned from the COVID-19 pandemic.

3.2 **Consultation Response Development**

Each of the Party Groups from the Authority met in the past two weeks to be briefed by officers on the content of the White Paper and to discuss their support. The draft response from the Authority is included within **Appendix A**.

4. **EQUALITY IMPACT ASSESSMENT**

4.1 No Equality Impact Assessment has been undertaken for this report. However, the Home Office have undertaken an Impact Assessment of the various policy proposals contained within the White Paper, which can be found [here](#).

5. **LEGAL IMPLICATIONS**

5.1 There are various potential legal implications from the White Paper, but none directly from this report. It is expected that various policies proposed within the White Paper will require Primary or Secondary Legislation to have affect, such as Operational Independence and Governance changes. There is a consideration of these implications within the Impact Assessment linked above.

6. **FINANCIAL IMPLICATIONS**

6.1 There are no direct financial implications arising from this report but again, the Government's Impact Assessment (see above) assumes that the White Paper itself will have between £73.3 million and £179.8 million in immediate and ongoing costs, which will be spread between Fire Services in England and Central Government budgets.

7. **ENVIRONMENTAL IMPLICATIONS**

7.1 There are no anticipated direct environmental impacts arising from this report.

BACKGROUND PAPERS

- [Reforming Our Fire and Rescue Service: Building professionalism, boosting performance and strengthening governance](#)
- Reform White Paper Briefing prepared for WMFRA Party Groups

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

KAREN GOWREESUNKER
CLERK TO THE AUTHORITY

APPENDIX A**Fire Reform White Paper Consultation Response**
– WMFRA**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 widening of the role map for personnel is more effective if agreements can be reached between employers and employee representatives. We are concerned of the challenges that this proposal could produce and the potential for detrimental impacts on industrial relations if not agreed collaboratively with employee representatives.

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 | | | |

Increased flexibility about the way in which fire service resources are used and can adapt to new risks and ways of working have been utilised in the sector to date with varying degrees of success. Allowing fire and rescue services a more active role in supporting the wider health and public safety agenda is welcomed, but again the details are required.

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 | | | | |

Business continuity plans are already in existence and have proven to be effective and robust. We do not understand the need for any changes in this area.

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.

There is strong evidence that the current collective bargaining approach to management of national level pay, and terms and conditions has achieved industrial relations stability and ultimately affordable pay awards over many years. We feel any move away from this structure would jeopardise the process of engagement with key stakeholders and potentially (likely) lead to industrial dispute to the detriment of the service provided to the public.

Whilst an Independent review could be beneficial in suggesting improvements to the operation of the NJC, WMFRA are not supportive of a move to an independent pay body. These Independent bodies have not delivered for other sectors in terms of better pay or terms of conditions, nor harmonious industrial relations. They are not a proven model. If the government decides to move away from the current NJC, any alternative arrangement will need to ensure industrial relations, pay and terms and conditions arrangements at least as good as those achievable through the current mechanism.

It should also be noted that the NJC is a national body covering all four nations in the UK, rather than just an English body. This must be given due consideration when conducting any independent review of the machinery.

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 | | | |

Q7: Please provide the reasons for your response.

We believe that it would be beneficial to introduce consistent entry and promotion requirements. The entry requirements should not be a barrier for particular groups and the equalities and diversity agenda. We would not wish to see people who have the right attributes unable to join the service due to changes in entry requirements. Currently the WMFS has a requirement of GCSEs in English and Mathematics. WMFS has a robust recruitment process focused on the many aspects of firefighter and the character and qualities of the individual.

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 | |

To date we see no reason to allow graduate entry schemes allowing entry at officer level (e.g., for station/ area commanders). We are keen to improve the promotion requirements and have a consistent programme and training to develop the people resources we already have.

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.

A standardised, statutory leadership programme for those entering roles at Assistant Chief Fire Officer (ACFO) would be welcomed. WMFS has good internal processes for identifying future leaders and support programmes for development. A consistent programme across the sector for anyone progressing into management would be welcome with the above caveats.

We would wish to ensure that any 21st Century leadership course takes in the whole range of leadership and managerial issues likely to face the fire service going forwards to ensure that it is fit for purpose in preparing future leaders. There needs to be consideration given to how the sector should develop in the future and therefore what skills chief fire officers need as they progress. There are a wide range of issues that could be usefully covered by such a course that would support the development of the sector and its leadership.

We do not feel that this should be mandatory for chief fire officers. This gives no flexibility to local areas for who they might appoint as the most appropriate professional leader for their local area. There may be local circumstances which will play into this decision, based on particular challenges and issues affecting the fire service. We would not wish to see fire and rescue authorities pool of candidates for senior management positions limited.

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 | |

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 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.

WMFRA has a proud record of the smarter use of data with our digital transformation. The service would benefit from the sharing of data between organisations outside of the FRS, but any proposals must take account of GDPR regulations and privacy.

An additional priority should be the replacement of the current Incident Recording System with a modern National Fire Data Collection System (NFDCS) that meets the needs of the service. It is also important that there is a longer-term plan for investment and development in developing data and digital capabilities that supports better service delivery to the public.

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.

The priorities above set out important ways to improve the use and quality of evidence and research. We would like to see research that provides greater insight into early intervention and prevention, supporting FRSs to target work effectively and identify new and innovative ways to prevent fires and other emergencies.

Additional activities could include learning from recent events and incidents, as well as debriefs from other industries and sectors and research findings from academia both from the UK and internationally and feedback from HMICFRS.

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 would support a code of ethics as we do currently. Whilst not resistant to a statutory requirement, the WMFRA questions the requirement for this.

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 | |

The Core Code of Ethics was produced in May 2021, supported by the Home Office and the service and the fire authority are currently working hard on embedding the principles of the Core Code to ensure improvements in equality, diversity and inclusion. A code of ethics is not what will bring improvements, it is the will of the authority and service leadership to bring about change that will make the improvements in inclusivity that are required

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 | |

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 | |

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 | | |

Q21: Please give the reasons for your response

Again whilst not resistant to the proposal, WMFRA do not feel that the introduction of an oath would necessarily drive improvements in ethics as is the case with the proposed statutory code. We are also unsure of the origins of this proposal, as it had not been mentioned prior to the white paper consultation.

There are particular concerns about whether or not staff who have been the service for a significant period of time would be receptive to the introduction of an Oath, especially if there have never been any concerns regarding their behaviour.

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 | |

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 | |

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 | |

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?

The 'Leadership, people and culture' theme within "Fit for the Future" (developed jointly by the LGA and NFCC) sets out a range of improvement objectives including competence, attracting and retaining employees, and inspirational and inclusive leadership. A range of activities to support these objectives have been developed and these should be considered by government as part of any future work on professionalism.

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

WMFRA are supportive of the establishment of a College of Fire. This should complement and build on the existing work currently happening in this space for example by the NFCC workstreams. The cost of setting up and maintaining an independent body should be fully met by government.

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 |

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

Please provide the reasons for your response.

The WMFRA are supportive of the LGA position that governance models of the fire sector must be a matter for local determination. We are pleased to see that any mandate for change has been removed but remain concerned at the proposal that any change from an FRA to an alternative would not require local agreement with FRA/Local Authority (LA) leaders. This could lead to effectively 'hostile takeover bids' by existing PCCs and Mayors. WMFRA strongly rejects any 'forced move' to a PFCC/ mayoral model as do LA leaders on the West Midlands Combined Authority, the West Midlands Police & Crime Commissioner and trade unions. These models are not proven to improve effectiveness or efficiency of service delivery.

The current tests of economy, efficiency, effectiveness and public safety provides clear criteria for any transfer of governance where there is local opposition. There should also be consideration of local performance as a part of any transfer process. It is clear from the inspection process that there are a wide variety of service performances, regardless of governance type.

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 |
|-----|----|
| X | |

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

If the government are keen to ensure a directly elected individual is responsible, why has the option of a fire commissioner not been considered? However, we would be resistant to this as detailed above due to the challenges of one individual scrutinising and holding the service to account.

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.

If the Government does undertake a review of the Fire Framework with the intention of strengthening and clarifying the legal basis for fire and rescue authorities the LGA, FRAs and key stakeholders should be included in any discussions that might affect the running of fire and rescue authorities.

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 | | |

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.

This is a matter on which we would urge the Government to consider the views of county

council and unitary authorities, and as a result WMFRA neither agree nor disagree with this proposal.

However, we request that consideration is given to remediating the (lack of) a capital grant for the fire sector. Currently fire sector capital requirements are funded from the current revenue funding arrangements, central budget grant allocations, and local precepts. Fire authorities have either earmarked savings or borrow to fund their capital requirements. We are not aware of any other public service in the position where a specific capital grant allocation is not part of the budget settlement and request that this is addressed as part of any potential reforms.

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?

WMFRA are supportive of a clear demarcation between operations and governance. The WMFRA constitution is continually reviewed to reflect this. We are not convinced that this demarcation is required in legislation.

The proposals around who would be responsible for senior management appointments (beyond the Chief Fire Officer) are a concern. We would wish to ensure that there is still local flexibility and discretion in any leadership model.

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

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

Please provide the reasons for your opinions.

The key point here is the definition of operational independence of CFOs/ CEOs and the differences of opinion between stakeholders and individuals as to what that actually is. There must not be a move away from necessary oversight and scrutiny of decisions. This proposal should not prevent oversight of all matters by FRAs/ PFCs or the governance structures democratically holding the service and officers to account. Matters that should remain a decision of the governance representatives (taking account of advice of the CFO/ CEO/ monitoring officer/ treasurer) should include for example: the opening/ closing of fire stations, HR policies.

Both the operational and political leadership of the sector have distinct and complementary roles to play. There should be a clear understanding between each of what their respective roles are, however, it should be for local areas to determine how best to resolve issues and work at a local level, based on clear principles of good governance.

By working together with clear processes for resolving issues, and discussions over issues such as closing fire stations, staff, crewing levels, etc and their impact on budgets and the estate, this should lead to the right decisions being made at a local level. This is especially important as FRAs are the employer, not the chief fire officer, as well as holding responsibility for the estate and the budget.

There will be times when there will be both strategic and operational elements to a decision. Crewing is a particular example where there are both strategic and operational issues that should be considered – for instance a change to crewing could mean that a station changes from 24-hour crewing to day-crewing plus or retained. The impact on the local community must therefore be a fully considered and appropriately represented in any decision making alongside the operational elements of any change.

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

WMFRA are not supportive of the corporation sole model. This would place much power in the hands of an unelected individual who is an employee themselves. Currently FRAs are 'the employer' of all employees. We are concerned that scrutiny and oversight would be compromised.

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 | | | |

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 | | | |

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.

We wish to ensure that there is a clear line of accountability in any proposed changes. The chief fire officer will need to provide assurance that they are meeting the strategic objectives as set out within any strategic plan, or the IRMP if this stays the same. We know that this separation is in place in Mayoral areas and PFCC areas.