

Enabling Closer Working between the Emergency Services Consultation

Report of the Chief Fire Officer

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1 Purpose of Report

This report provides information on the content of the consultation “Enabling closer working between the Emergency Services” published by HM Government and available at:

<https://www.gov.uk/government/consultations/enabling-closer-working-between-the-emergency-services>

2 Recommendations

The Fire Authority is asked to:

- a) Note the contents of the report and the consultation document that has been circulated earlier; and
- b) Consider and agree the draft consultation response, attached at Appendix C.

3 Introduction

On 11 September the Home Office issued a consultation document on proposals to increase joint working between emergency services. HM Government believes that greater joint working can strengthen the emergency services and deliver significant savings and benefit for the public.

The intention is that, where a local case is made for the Police and Crime Commissioner (PCC) to take responsibility for the fire service in the interests of economy, efficiency, effectiveness and public Safety, the Government will remove the barriers to prevent that choice being made. The change must be agreed by the local people and will involve a change in legislation.

The consultation proposes a number of changes to the governance and approach of the emergency services. The main proposals are as follows:

- Introducing a high level duty to collaborate on the three emergency services to improve efficiency and effectiveness;
- Enabling Police and Crime Commissioners to take over governance of their local fire and rescue authority, where a local case is made;
- Where a Police and Crime Commissioner takes on the responsibilities of a fire and rescue authority, enabling him or her to create a single employer for police and fire staff, facilitating the sharing of back-office functions and streamlining management;
- Enabling Police and Crime Commissioners to be represented on fire and rescue authorities, in areas where such authorities remain in place;
- Bringing fire and rescue services in London under the direct responsibility of the Mayor of London by abolishing the London Fire and Emergency Planning Authority; and
- Encouraging local ambulance foundation trusts to consider their engagement with their local Police Crime and Commissioners and whether to have Police and Crime Commissioner representation on their council of governors.

4 Background

The proposals form part of the government's wider devolution agenda. There are a number of issues arising from the consultation, including some specific implications for Shropshire Fire and Rescue Service and the Fire Authority.

New Duty to Collaborate

The new duty to collaborate seeks to place a duty on emergency services to collaborate in delivering their services, and, in doing so, to seek efficiencies and greater effectiveness.

Strengthening Accountability and Governance

The most significant change proposed within the consultation is for the Police and Crime Commissioner to take over responsibility for the Fire Service in addition to the Police. The Government feels that the leadership provided to the Police by the directly elected PCC has provided, "clear local accountability" and "a strong incentive to pursue ambitious reform" and that this model would benefit the Fire Service, where it is agreed locally. The Government is, therefore, proposing to change legislation to enable this to happen, where it is agreed.

The sequence of events required to achieve any changes are as follows:

1. The PCC and Fire and Rescue Authority (FRA) prepare a business case;
2. The PCC consults locally on the business case;

3. Where the PCC and local consultation, including the “local constituent authorities”, agree, then a request is made to the Government for secondary legislation to transfer authority to the PCC;
4. If there is no agreement, then the PCC can submit the business case to the Home Secretary and Secretary of State for Communities and Local Government for their decision.

Introduction of a Single Employer under the PCC

If it is agreed that the PCC takes responsibility for Fire and Police, the Government is proposing that changes can be made so that the PCC will be allowed to become the single employer of all Police and Fire staff. This is to enable a PCC to move more quickly to share back-office staff and streamline upper tiers of management. They do not intend police officers to fight fires or provide the power of arrest for firefighters.

Funding

Government funding streams would remain separate for Police and Fire. Council tax precepts would also remain separate for the two services under a combined employer model.

Chief Officer Position

Also included is a proposal for the appointment of a chief officer to separate the governance and operational roles between the PCC and the senior fire and senior police officer (see Appendix B). This can be either a police or fire officer.

Boundary Changes

The paper recognises there may need to be changes to boundaries to allow Police and Fire Services to become coterminous. It also refers to the fact that some police areas will have more than one fire service within its area (such as here in West Mercia Police area with Hereford and Worcester and Shropshire Fire and Rescue Services within its boundaries). The proposal is that, if local decision makers agree, the two fire and rescue services should merge and council tax should be equalised, “normally within 5 years of the PCC taking on the governance”.

Scrutiny

Scrutiny of the new structure is also discussed with views sought on extending the Police and Crime Panel to include fire experts to allow scrutiny of the fire responsibilities of the PCC.

Complaints.

Where the PCC takes over both services but employs fire service personnel separately, then the complaints procedure would remain separate. Where there is a combined employer under the PCC, then the Government is seeking views in combining the complaints procedure for both groups of staff.

Workforce issues

The terms and conditions for firefighters is dealt with under the National Joint Council for Local Authority Fire and Rescue Services (NJC). The consultation proposes that the PCC has the choice to remain within the NJC, subject to negotiation with the NJC. Transfer of staff to the PCC under the combined employer model would be dealt with under the TUPE arrangements.

Police and Crime Commissioner invited onto the Fire and Rescue Authority

Where the Police and Crime Commissioner does not take responsibility for the fire service, it is proposed that they should have the opportunity to be represented on the Fire and Rescue Authority for that area and have voting rights.

London Fire and Emergency Planning Authority (LFEPA)

It is proposed to abolish the LFEPA. Depending upon the subsequent arrangements if this change occurs, there may be implications for the national fire service, as London has a role in providing some capacity in developing policy and in some of the wider resilience issues, such as hosting the Fire and Rescue Services National Coordinating Centre.

Civil Contingencies

Views are sought in terms of the potential impact on civil contingencies preparedness. This is currently dealt with by the Local Resilience Forum that is chaired by the Chief Constable. If the changes were made, it is unlikely to have any major impact on these arrangements.

Local Devolution

Views are sought on the potential impact of Police and Crime Commissioners on devolution to Mayors in areas that may elect mayors in terms of any impact on the civil resilience arrangements for the mayor's role.

Closer Working between PCC and Ambulance Trusts

The Government is encouraging local ambulance NHS trusts to consider their engagement with their local Police and Crime Commissioners and whether to have PCC representation on their council of governors.

5 Conclusion

The Government is asking for a response via specific questions within the document that are set out in Appendix C. Proposed responses are also included. The Government has been clear that any changes that are agreed are only implemented via local agreement with all parties, following consultation. The timescale for the introduction of PCCs with responsibility for fire is envisaged to be in 2017 for those areas, such as Hertfordshire, that have already moved more closely to a PCC / Fire model or more likely 2018 at the earliest.

Members are asked to review the proposed responses in Appendix C in terms of the response they wish to make to the Government.

6 Financial Implications

The financial impact is likely to be significant, however this will depend on the outcomes of the business case and subsequent consultation.

7 Legal Comment

The changes proposed will require a change in legislation. This is being pursued by the Government.

8 Initial Impact Assessment

An Initial Impact Assessment has been completed.

9 Equality Impact Assessment

There are no equality or diversity implications arising from this report. An Equality Impact Assessment is not, therefore, required.

10 Appendices

Appendix A

Police and Crime Commissioner proposed Organisational structure

Appendix B

Proposed Structure with Chief Officer

Appendix C

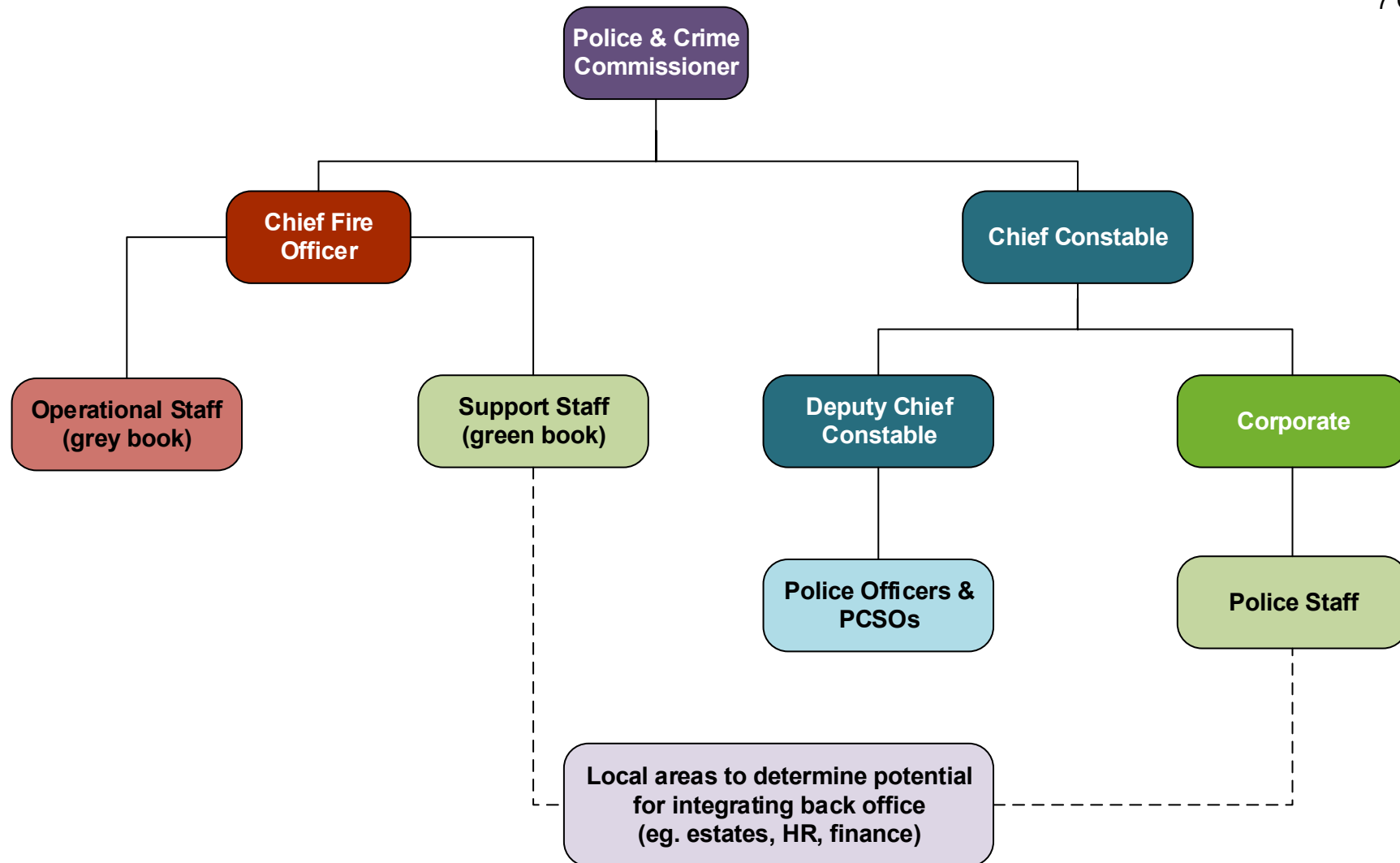
Consultation Response

11 Background Papers

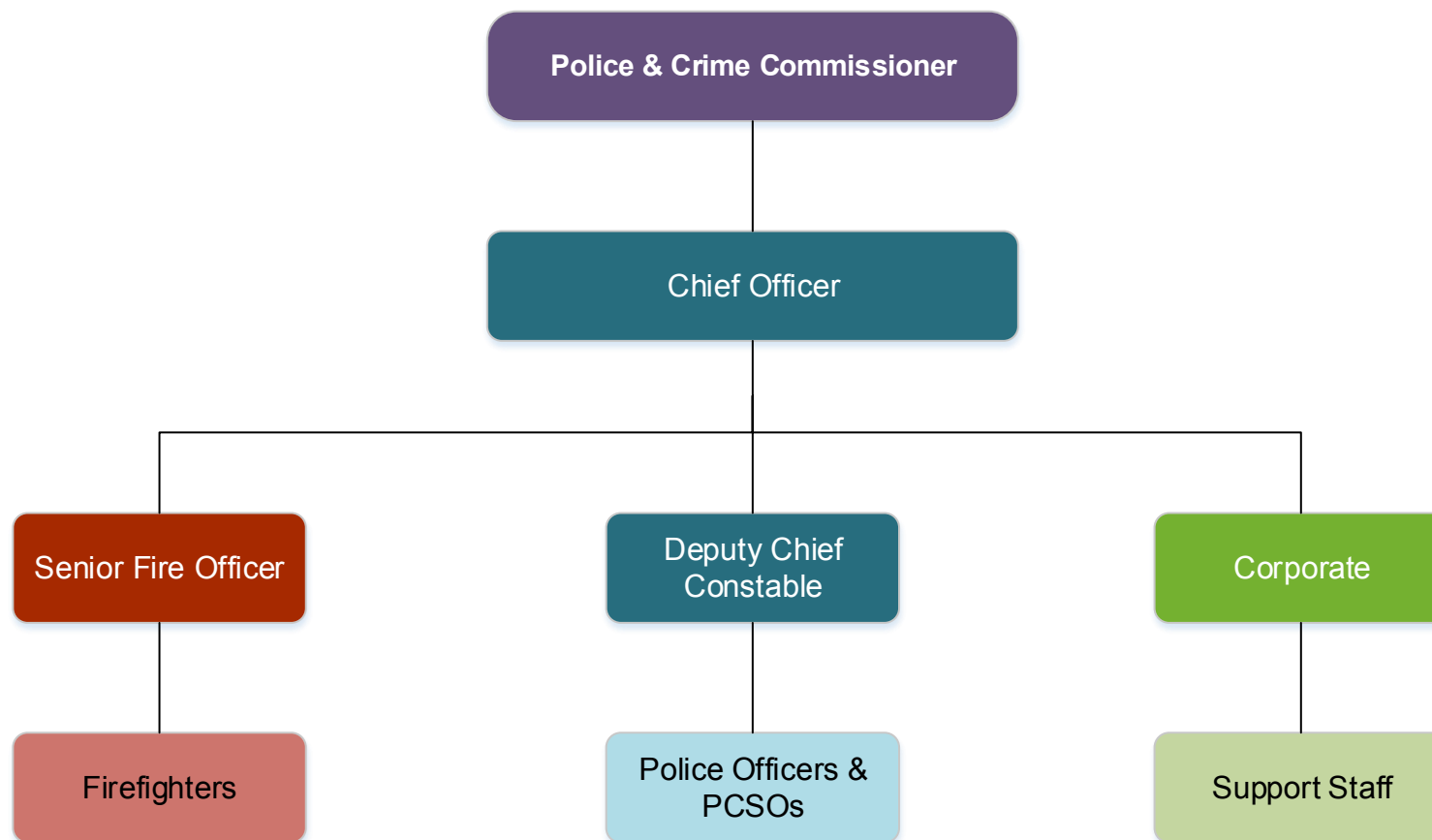
There are no background papers associated with this report.

**Police and Crime Commissioner
Proposed Organisational Structure**

Appendix A to report on
Enabling Closer Working between the
Emergency Services Consultation
Shropshire and Wrekin Fire and Rescue Authority
7 October 2015



Proposed Structure with Chief Officer



Consultation

Enabling closer working between the Emergency Services

Consultation questions and responses

How do you think this new duty would help drive collaboration between the emergency services?

The duty will augment and expand the existing relationships that the emergency services already have in sharing resources, skills and assets to improve services. However we have the following queries:

1. How will the action of considering collaboration be logged?
2. Who will have the final say, if a proposition is blocked by one service or another without good reason?

Do you agree that the process set out above would provide an appropriate basis to determine whether a Police and Crime Commissioner should take on responsibility for fire and rescue services?

The process will provide a basis for an assessment however the question that needs to be addressed is whether the Police and Crime Commissioner will add value with the additional responsibility for Fire. Fire and Rescue Services undertake a great deal of collaborative and joint working across a range of disparate organisations, of which the Police Service is one. As an example, Shropshire Fire and Rescue Service outsources 30% of its support services to other organisations, both public sector and private sector, and has partnerships with 30 more private and public organisations. The Service is small with the opportunities to make significant savings limited. Our longstanding approach of outsourcing and partnerships has provided us with substantial cost reductions savings and benefits. It is difficult to see the additional benefits in moving from the current integrated approach delivered by a dedicated Fire Authority to a role under a PCC that already has a demanding remit responsible for a Police Service.

What are the implications for remuneration for those PCCs, who take on the responsibility for fire and how will they be funded?

Do you agree that the case for putting in place a single employer should be assessed using the same process as for a transfer of governance?

To Follow

What benefits do you think could be achieved from empowering Police and Crime Commissioners to create a single employer for police and fire and rescue personnel, whilst retaining separate frontline services, where a local case has been made to do so?

There may be some benefits in streamlining functions between Services, although harmonising systems, policies and potentially terms and conditions across different organisations may be onerous and could negate some of the advantages of creating the single employer service.

One of the most prohibitive aspects of combining Services is the extent of cultural change required to actually realise any of the intended benefits. The investment of time and resources in successfully achieving cultural change needs to be weighed against the relatively small financial gain that might be made in the medium term. Collaboration and partnership working is something we are very much practised in and it allows us to identify the best partner on an issue.

Do you agree that the requirement for a chief officer to have previously held the office of constable should be removed for senior fire officers?

The role would appear be a Chief Executive Officers role to oversee the administration and direction of the whole combined organisation. This could be a useful role in providing some clarity of purpose and coordination. As it is more of a CEO role it could, therefore, be undertaken by a senior officer from either Fire or Police. The necessary checks and balances in terms of specific police and fire knowledge and expertise could be incorporated to allow either service to take the role. It would need to be considered in the light of the existing Chief Executive role of the PCC, who performs a similar function for the PCC alone.

How do you think the requirement for a Police and Crime Commissioner to have access to an informed, independent assessment of the operational performance of the fire service should best be met?

Introducing an inspectorate regime attached to the CFRAU could provide that scrutiny or an extension of the current peer challenge process. If the Police and Crime Panel is expanded to incorporate this role, then suitably qualified persons, representative of the area need to be included.

Do you agree that where a Police and Crime Commissioner takes responsibility for a fire and rescue service, the Police and Crime Panel should have its remit extended to scrutinise decision making in relation to fire services?

Yes, as long as they are suitably qualified and representative from all areas of the PCC footprint. Geographical, social and political considerations would need to be represented to provide scrutiny on key decisions relating to resources and policy.

Do you think that where a Police and Crime Commissioner takes responsibility for a fire and rescue service, the Police and Crime Panel should have its membership refreshed to include experts in fire and rescue matters?

Yes, but in addition to being experts in fire and rescue and in circumstances where two or more FRS are combined, they must also be representative of the local communities across the whole of the Police and Fire Service area.

Do you think that where a Police and Crime Commissioner puts in place a single employer for fire and rescue and police services personnel, complaints and conduct matters concerning fire should be treated in the same way as complaints and conduct matters concerning the police?

In principle we do not agree that these matters need to be treated in the same way, as the significantly broader role of policing would logically require more comprehensive avenues of investigation.

Do you agree that Police and Crime Commissioners should be represented on fire and rescue authorities in areas where wider governance changes do not take place?

Yes, this would augment the current good relationship we have with our local PCC. Would there be a fire representative on the Police Panel? Perhaps a reciprocal arrangement would be an advantage?

Do you agree that the London Fire and Emergency Planning Authority should be abolished and direct responsibility for fire and rescue transferred to the Mayor of London?

This would be for the opinion of LFB, however it should be noted that the LFB / LFEPA provide a national drive in a number of areas of policy and provide the Fire and Rescue Services National Coordination Centre role and we would wish to see that maintained.

In the event that the London Fire and Emergency Planning Authority is abolished, how should responsibility for fire and rescue be incorporated into the mayoral structure?

As per the response above, this is a matter for LFEPA

To what extent do you think there are implications for local resilience (preparedness, response and recovery) in areas where the Police and Crime Commissioner will have responsibility for police and fire?

Police and Fire operate successfully at present via the LRF structure and local associations such as the National Inter Agency Liaison Officers (NILO)

arrangements. As long as the roles within the current Joint Emergency Services Interoperability Programme (JESIP) structure is adjusted to incorporate any changes we do not think that a dramatic change, either positive or negative, would result.

To what extent do you think there are implications for resilience responsibilities in areas where an elected metro mayor is also the Police and Crime Commissioner and responsible for the fire and rescue service?

Police and Fire operate successfully at present via the LRF structure and local associations such as the NILO arrangements. As long as the roles within the current JESIP structure is adjusted to incorporate any changes we do not think that a dramatic change, either positive or negative, would result.

Are there are any other views or comments that you would like to add in relation to emergency services collaboration that were not covered by the other questions in this consultation?

It is felt that there is more benefit to be gained via focussed and productive prevention activities within the current model than the limited savings achieved by amalgamating back office services into a combined Police / Fire organisation.

SFRS provides benefit to its local communities by generating natural partnerships and combinations tailored to their local area, driven by the local politicians on the Fire Authority. This arrangement has worked very successfully and resulted in a 50% reduction in activity and has been replicated in all areas of the Country.

FRS/FRA are always looking to improve its effectiveness and efficiency and provide as economic service it can. An ability to change governance arrangements by transferring responsibility to the PCC provides an additional opportunity to do this. However, FRS/FRA have more productive partnerships with local authorities and local health services who can really enhance Prevention activities in particular, than with the Police Service.

Our relationship with the Police is very positive and we have excellent evidence of very close partnership working here in Shropshire really making a difference in our role of public protection in particular with regard to e.g. arson prevention and the sharing of resources. Although may gain additional advantage from merging back office functions with the Police, we are a Service that already outsources 25% of its back office and in addition has contracts/commissioning arrangements/partnerships and other joint enterprises with over 138 other service providers, very few of the links being with the Police.

The proposal seems to conflict with the very strong relationships we are making at national level with health service which is formalising local arrangements already in place. Here in Shropshire we have very productive relationships, sometimes driven by secondments, with the Local Authority and the local health services.

The position here in the West Mercia Police footprint is one where 2 FRS are situated in the 1 Police area. SFRS is an efficient and effective service that is heavily outsourced and linked into the local public and private services in Shropshire as fundamental part of the delivery of its services. By transferring the responsibility for fire to the PCC we would be governed from outside the Shropshire area (Police HQ is in Worcester). This would mean that the political and operational strategy for the FRS in Shropshire, one of the largest inland counties, would be undertaken from beyond its borders. It would also mean the transference of jobs and resources to the new centre of operations in Worcester which would contradict the localism agenda of HM Government.

Do you think these proposals would have any effect on equalities issues?

As long as the links and relationships that have been generated by FRS in their local area are not interrupted by the move to the PCC there does not appear to be an equalities issue.