



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

**M. Pearson
CLERK TO THE AUTHORITY**

**To: The Chair and Members of the Audit &
Governance Committee**

(see below)

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AUDIT & GOVERNANCE COMMITTEE
(Devon & Somerset Fire & Rescue Authority)

Friday, 22 July, 2022

A meeting of the Audit & Governance Committee will be held on the above date, **commencing at 10.00 am in Committee Room A, Somerset House, Devon & Somerset Fire & Rescue Service Headquarters** to consider the following matters.

M. Pearson
Clerk to the Authority

SUPPLEMENTARY AGENDA No. 2

***PLEASE REFER TO THE NOTES AT THE END OF THE AGENDA LISTING
SHEETS***

- a Government White Paper "Reforming Our Fire and Rescue Service" -
Revised Proposed Response** (Pages 1 - 18)

Report of the Chief Fire Officer (AGC/22/15) attached. **Note:** this paper should be read in conjunction with report AGC/22/9 (previously circulated).

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Councillors Brazil (Chair), Hendy, Kerley, Partridge (Vice-Chair), Power, Prowse, Roome, Sellis and Thomas.

NOTES

1. **Access to Information**

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact the person listed in the “Please ask for” section at the top of this agenda.

2. **Reporting of Meetings**

Any person attending a meeting may report (film, photograph or make an audio recording) on any part of the meeting which is open to the public – unless there is good reason not to do so, as directed by the Chair - and use any communication method, including the internet and social media (Facebook, Twitter etc.), to publish, post or otherwise share the report. The Authority accepts no liability for the content or accuracy of any such report, which should not be construed as representing the official, Authority record of the meeting. Similarly, any views expressed in such reports should not be interpreted as representing the views of the Authority.

Flash photography is not permitted and any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

3. **Declarations of Interests at meetings (Authority Members only)**

If you are present at a meeting and you are aware that you have either a disclosable pecuniary interest, personal interest or non-registerable interest in any matter being considered or to be considered at the meeting then, unless you have a current and relevant dispensation in relation to the matter, you must:

- (i) disclose at that meeting, by no later than commencement of consideration of the item in which you have the interest or, if later, the time at which the interest becomes apparent to you, the existence of and – for anything other than a “sensitive” interest – the nature of that interest; and then
- (ii) withdraw from the room or chamber during consideration of the item in which you have the relevant interest.

If the interest is sensitive (as agreed with the Monitoring Officer), you need not disclose the nature of the interest but merely that you have an interest of a sensitive nature. You must still follow (i) and (ii) above.

Where a dispensation has been granted to you either by the Authority or its Monitoring Officer in relation to any relevant interest, then you must act in accordance with any terms and conditions associated with that dispensation.

Where you declare at a meeting a disclosable pecuniary or personal interest that you have not previously included in your Register of Interests then you must, within 28 days of the date of the meeting at which the declaration was made, ensure that your Register is updated to include details of the interest so declared.

	NOTES (Continued)
4.	<p><u>Part 2 Reports</u></p> <p>Members are reminded that any Part 2 reports as circulated with the agenda for this meeting contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Committee Secretary at the conclusion of the meeting for disposal.</p>
5.	<p><u>Substitute Members (Committee Meetings only)</u></p> <p>Members are reminded that, in accordance with Standing Orders, the Clerk (or his representative) must be advised of any substitution prior to the start of the meeting. Members are also reminded that substitutions are not permitted for full Authority meetings.</p>
6.	<p><u>Other Attendance at Committees)</u></p> <p>Any Authority Member wishing to attend, in accordance with Standing Orders, a meeting of a Committee of which they are not a Member should contact the Democratic Services Officer (see “please ask for” on the front page of this agenda) in advance of the meeting.</p>

REPORT REFERENCE NO.	AGC/22/15
MEETING	AUDIT & GOVERNANCE COMMITTEE
DATE OF MEETING	22 JULY 2022
SUBJECT OF REPORT	GOVERNMENT WHITE PAPER “REFORMING OUR FIRE AND RESCUE SERVICE” – REVISED PROPOSED RESPONSE
LEAD OFFICER	Chief Fire Officer
RECOMMENDATIONS	<i>That, subject to any amendments as may be made at the meeting, the final response from this Authority to the White Paper (a revised draft of which is attached at Appendix A to this report) be submitted to the Government by the deadline of 26 July 2022.</i>
EXECUTIVE SUMMARY	<p>Elsewhere on the agenda for this meeting is a report of the Chief Fire Officer (AGC/22/9) proposing a suggested Authority response to the Government White Paper “Reforming Our Fire and Rescue Service”. Publication of the White Paper was reported to the Authority Ordinary meeting on 10 June 2022. In light of the response deadline (26 July 2022), the Authority resolved to delegate authority to this Committee to approve and return a response.</p> <p>Since publication of the agenda for this meeting, the initial draft response has been discussed further at the Members’ Forum meeting held on 19 July 2022. The Appendix to this paper now sets out a revised draft response, reflecting the discussions at the Members’ Forum meeting, for consideration.</p>
RESOURCE IMPLICATIONS	Nil.
EQUALITY RISKS AND BENEFITS ANALYSIS	Not applicable
APPENDICES	A. Revised draft consultation response to Government White Paper “Reforming Our Fire and Rescue Service”
BACKGROUND PAPERS	Nil.

LEE HOWELL
Chief Fire Officer

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APPENDIX A TO REPORT AGC/22/15

DEVON AND SOMERSET FIRE & RESCUE AUTHORITY

DRAFT RESPONSE TO THE WHITE PAPER “REFORMING OUR FIRE AND RESCUE SERVICES”

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

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

Fire and Rescue Services already have statutory duties set out by Government.

It already has a power to respond to other eventualities and take any action it considers appropriate where the event or situation is one that causes or is likely to cause one or more individuals to die, be injured or become ill or harm to the environment.

Therefore, FRS already have the power to deploy resources to help address current and future threats faced by the public beyond core fire and rescue duties.

The Governments vision within the white paper is to focus on providing excellence in their core prevention, protection, response and resilience functions rather than broaden the role so arguably legal provisions already exist to deliver the vision as set out by the Government.

Core duties are fundamental. Where duties are expected to be carried out that are outside statutory duties, appropriate funding must be provided.

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

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

We have supported the Ambulance Service colleagues for many years through the co responding scheme (where we attend life critical calls at the request of the Ambulance Service including the deployment of defibrilators). We have 20 fire stations who provide this support and have saved countless lives.

Devon and Somerset FRS has been active in supporting the Ambulance Service during the C19 pandemic and can evidence over 170 lives having been saved within the region as a result. We have operated co-responding schemes for over 20 years where fire crews will be mobilised to life threatening calls by the Ambulance Service and this takes pressure from them and the wider health system.

We have also been instrumental in shaping the covid response within the region through our participation and leadership of various sub groups. We continue to engage effectively with public health officials to develop sustainable ways to improve whole system improvements, recognising the pressures on the health service.

It is perhaps a missed opportunity that the Governments vision has not extended to build a more sustainable fire/ambulance model centrally, with HM Treasury support, enhancing the role of a Firefighter and improving outcomes for the public through a more centrally enabled mechanism.

At a local level, we have been able to build a model funded by the local Ambulance Service locally with Firefighters engaged on a voluntary basis.

We also provide joint police/fire roles (special constables/on call firefighters as well as PCSO/on call firefighters) so working with partners is embedded locally.

A wider national expectation/vision would enable delivery at local level as well as opening a cross Departmental debate at national level.

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

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

Business continuity arrangements have been strengthened (and tested) in recent years, including during a national strike in 2013. Whilst there is always room for improvement, we believe that the Civil Contingencies Act 2004 provides a sufficient legal basis to keep the public safe in the event of strike action.

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

OPTION A

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

Q5: Please provide the reasons for your response.

The arrangements need to improve. Discussions take place on an annual rather than multi year basis as the funding from Government is only allocated on an annual basis.

The timing of discussions often results in assumptions to budgets having to be made with actual awards made in year that have to be funded. A much better approach will be to agree a multi year approach which will mean that accurate budgeting can be made at a local level for decisions made at a national level.

The affordability of pay settlements is directly linked to (a) the amount of Government grant allocated or (b) the ability to raise council tax precept.

For many years, central Government has restrained public sector fire awards and without funding being provided through central grant or the ability to increase local tax raises, any pay rises agreed nationally need to be funded locally.

Inflation is running almost five times more than the Government set council tax cap (10% vs 2% currently permitted). Whilst technically it is possible to raise council tax above the level set by Government, this needs to be through a referendum first which with circa 18 billing authorities would cost over £1m just to undertake a referendum which is not viable.

The impact of current Government capping levels is to restrain the ability to fund nationally agreed pay awards at a local level. With the magnitude of pay claims currently being made (and others to follow), this will put real pressure on local budgets. As such, local council tax precept flexibility will provide Fire Authorities with more tools to meet such pay inflation if these are not to be met through central Government grant.

If Government grant increases and/or council tax capping levels is less than inflation, there will be limited ability to fund pay awards locally. The process for determining national pay awards also requires reform.

In the event that a national pay award body is determined, this should be independent of Government, unless Government wish to take a more direct approach in terms of setting national terms of employment which currently sit with the local employers. Having independent recommendations without the ability to fund pay awards will cause additional tension at a national/local level.

The National Joint Council covers all four nations of the UK and is not an English only body. Different funding arrangements apply for Devolved Administrations and so the funding model and ability to pay for pay awards agreed by representatives from four nations is a complicating factor. As such, if the NJC is to remain in place, consideration of an English only arrangement is recommended.

OPTION B

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

Q5: Please provide the reasons for your response.

The National Joint Council (NJC) provides a structure that allows national negotiations, working to Grey Book standards means that all Fire Services offer the same rates of pay and do not start 'out bidding' each other. The current pay negotiation's structure offers a stable base for all.

The voluntary agreement currently in place between employer and employee works and is cost effective. The current structure has provided many years of stability. It should be noted that the NJC covers all four nations of the UK and is not an English only body. Different funding arrangements apply for Devolved Administrations and so the funding model and ability to pay for pay awards agreed by representatives from four nations is a complicating factor. As such, if the NJC is to remain in place, consideration of an English only arrangement is recommended.

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

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

Q7: Please provide the reasons for your response.

Entry requirements should be a matter for employers who have duties under the Health & Safety Act to employ competent people.

There are concerns around the introduction of different entry requirements for on call staff given the well-rehearsed problems of recruitment.

Different FRS have different recruitment pools that they can draw from e.g. where potential on call staff live/work. Having arbitrary standards, such as requiring a degree for example, may have a catastrophic impact on the ability for rural/semi rural fire services to operate.

What is important is an outcome based, competency standard. FRS will not compromise on professional standards and these should remain the focus of consistency at a national level as recent legal cases have confirmed that 'a firefighter is a firefighter' irrespective of duty system employed.

In addition, equality impact assessments (covering equality diversity and inclusion) are likely to show that some underrepresented groups are less likely to hold higher education qualifications so care should be taken to ensure any national standards are not discriminatory. Again, this responsibility will remain with local FRA's as the employer rather than Government.

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?

OPTION A

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

The abolishment of the previous Fire Service Appointment and Promotion Regulations at the time of the 2004 fire white paper, removed the requirement to have complete set command courses in order, starting with junior officer course. This effectively did away with single tier entry resulting in the ability for non-traditional entrants to join the Service. Such entrants bring with them skills and experience from outside the Service. It should be noted that progression routes for Firefighters to move through to the highest rank would continue to be available in a similar way to the Military.

Direct entry is possible already and has been undertaken at senior roles (including Deputy Chief Fire Officer level) albeit on an infrequent basis. The complication arises where there is an operational command element associated with a senior position. If this is a requirement of the role (i.e. to provide senior operational command at major incidents), care will need to be taken that before putting an individual in a command position of a risk critical service that they are trained and competent to do so.

Failure to do so would result in a breach of the Health & Safety at Work Act. Development and training programmes, supported with relevant assessment do however allow progression for non traditional entrants and has been in place on an 'ad hoc'/local basis for many years.

There has been no centrally coordinated programme so consistency is limited and would benefit from a nationally coordinated approach. It doesn't have to be a full time program (this could make it cost prohibitive).

OPTION B

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

Any form of direct entry would impact safety if managers were to be placed in operational supervisory positions with little or no experience of actual incidents. Direct entry could undermine trust in operational decision making for those tasked with carrying them out. It could lead to a lack of experience and expertise at complex emergencies putting public safety and firefighter safety at risk.

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

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

Q10: Please provide reasons for your response.

An Executive Leadership Programme replaced the former Brigade Command Course in 2008 and is the equivalent of the Police Strategic Command Course. Many officers also attend external leadership programmes such as the Winsor Leadership Trust which provides added value. However, the provision of centrally determined leadership programmes at all command levels (including junior levels) will provide consistency. In the meantime, local leadership programmes will continue.

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

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

This will restrict the ability to attract external talent into the Service at this level as they are highly unlikely to have completed such a course prior to application. If appointed on the basis that they will need to pass it as a condition of employment, they will be left without employment if they do not pass the course which will present a risk that may be too great for some to be prepared to take, thereby reducing external interest in the Fire Service. If the Governments approach is to facilitate external entrants at station and area managers only, making such a course mandatory would be feasible.

The most senior operational officer in most FRS is a Chief Fire Officer (who is also Head of Paid Service/Chief Executive in many areas). In a small number of FRS, a Chief Executive has been appointed who will attend multi agency Gold Command meetings but would not command operational incidents (This being delegated to an operationally competent officer).

Whilst this could save money in some areas as an operational allowance may not be required for those appointed as a Chief Executive rather than a Chief Fire Officer, there would need to be sufficient senior operational officers to provide out of hours cover. As such, savings in some areas may need to be used to offset by additional costs in others.

The ability to attract external candidates would therefore be restricted if a “21st century leadership programme should be mandatory before becoming an assistant chief fire officer or 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?

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

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

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.

Sharing data with partners will allow safe and effective deployment of the right resources e.g. if Services had real time data from Councils/Health they would know where those most at risk may live. Better data sharing will assist Services improve response and targeting as well as awareness of other hazards such those who are bed bound, those using oxygen or addition etc.

The replacement of the current Incident Recording System with a modern National Fire Data Collection System that meets the needs of the Service. It is also important that there is a longer plan for investment and development of digital and data capabilities at a local and national level as well as national efforts to overcome data governance barriers.

A funded team, possibly within the College of Fire, will support the evolution of fire and rescue services, enabling services to respond and adapt to the increasingly digital world we live in. It would support the delivery of the White paper vision by developing nationally consistent services and capabilities enabled by technology.

e.g. The Police Digital Service is the delivery vehicle for the [National Policing Digital Strategy](#). The Police Digital Service harnesses the power of digital, data and technology to enable UK policing to better protect the communities it serves. They have a team of experts in commercial services, technical assurance, data, digital transformation and innovation, with unique experience in policing and national programme delivery. Together with our public and private sector colleagues, they are driving 12 of the 15 ‘in-flight’ national programmes.

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?

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

Collaborating
Commissioning
Conducting
Collating

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 will improve the use and quality of evidence and research. More national research relating to early intervention and prevention will support Services to work effectively and identify new and innovative ways to prevent fires and other emergencies.

Additional activities could include learning from recent events and good practice identified by HMICFRS.

This should extend to centrally enabling procurement frameworks so that FRS can draw down from centrally agreed mechanisms with good practice evaluated, captured and shared. Having a national mechanism to draw down developers/business analysis and data scientists will benefit the public purse and ensure that knowledge is shared nationally.

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

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

The Police have values embedded in all training and development and this reinforces the code of ethics.

Any code of ethics should be consistent with the Seven Principles of Public Life outline the ethical standards those working in the public sector are already expected to adhere to. They were first set out by Lord Nolan in 1995 in the first report of the Committee on Standards in Public Life and they are included in a range of codes of conduct across public life.

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

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

Having a statutory code will set requirements of behaviour and provide a framework against which performance (good and bad) can be judged.

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

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

This would provide a statutory basis against which performance can be assessed through performance development reviews.

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

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

This would provide a statutory basis against which performance can be assessed through performance development reviews.

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

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

Q21: Please give the reasons for your response.

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office. The principles also apply to all those in other sectors delivering public services.

Selflessness. Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty - Holders of public office should be truthful.

Leadership - Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Members of the judiciary swear their allegiance to the queen, and to her heirs and successors; police officers in England and Wales pledge their allegiance to the queen, but not her heirs and successors.

The Hippocratic Oath has been eclipsed as a document of professional ethics by more extensive, regularly updated ethical codes issued by national medical associations, such as the AMA Code of Medical Ethics and the British General Medical Council's Good Medical Practice. These documents provide a comprehensive overview of the obligations and professional behaviour of a doctor to their patients and wider society. Doctors who violate these codes may be subjected to disciplinary proceedings, including the loss of their license to practice medicine.

Therefore, the statutory code of ethics (outlined above) would form the basis of employment expectations and failure to uphold these may lead to disciplinary action. This would be determined locally. An oath could be a requirement for new employees as a condition of employment. To require this as part of a contract of employment would require a variation to contract (which is voluntary).

The alternative of issuing new contracts of employment would not be conducive to driving positive behavioural change. Much better to set a standard (code of ethics) and then hold people to it.

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

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

As outlined above.

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

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

As outlined above.

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

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

As outlined above.

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

OPTION A

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

- Leadership
- Data
- Research
- Ethics
- Clear Expectations

Whilst leadership and ethics are vitally important, training standards and health & safety of staff working in a risk critical industry (all outcomes) we feel should feature more strongly than data, research and clear expectations (which are important but should be enablers).

OPTION B

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

All Services need to be supported to build equality and diversity. A range of improvement objectives including competence, attracting and retaining employees as well as inspirational leadership is underway nationally. These should be used by the government as part of any future work on professionalism.

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

See above.

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

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

Q28: Please provide your reasons for your response

The Fire Service College was sold to Capita in 2012 as the focus of the Government of the day was to 'let a 1000 flowers bloom' rather than create a centrally focused training facility. Fire and Rescue Services were seen very much as a Local Authority based service with little central coordination required or desired. Since that time, there is a recognised need to provide consistent standards and national operational guidance to improve the delivery of Fire and Rescue Services.

More detail is required as to how it will be funded.

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

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

Strongly disagree. Whilst there is always room for improvement, the Fire Authority model works effectively and at a much lower cost than the cost of a typical Office for Police and Crime Commissioner. Whilst a direct comparison between an OPCC and Fire Authority are not possible (the OPCC for example has a number of directly employed staff and direct responsibilities that require appointment of its own staff), the annual budget for a typical OPCC can be circa £6m. The approximate cost of the Fire Authority is £0.275m.

No Council in Devon have agreed to proceed with a directly elected Mayor. In Torbay where a directly elected Mayor was previously in place, a recent decision has been made to remove the post and revert to a Cabinet style approach. A similar approach has been agreed in Bristol with a move away from an elected Mayor.

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

Please provide the reasons for your response.

See above. There is no democratic mandate to move to a directly elected individual.

Although there are a range of models, most Services are overseen by a committee of elected councillors who come from a range of political parties, are elected locally and can be voted out if the majority of voters believe that they are not doing their jobs properly. It should be for local areas to decide on how they should be governed and there should be no forced transfers of Governance.

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

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

This is a matter for Mayoral Combined Authorities

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

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

Strongly disagree. Whilst there is always room for improvement, the Fire Authority model works effectively and at a much lower cost than the cost of a typical Office for Police and Crime Commissioner. Whilst a direct comparison between an OPCC and Fire Authority are not possible (the OPCC for example has a number of directly employed staff and direct responsibilities that require appointment of its own staff), the annual budget for an OPCC appears to range from £1.5m to £2.0m. The approximate cost of the democratic services function of the Fire Authority is £0.275m.

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?

No.

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

OPTION A: Not applicable.

OPTION B: We do not agree that there should be any transfers of governance where it is not agreed and supported locally. Giving members real power to scrutinise would allow effective oversight. Primary legislation could be introduced to create a cabinet/scrutiny model for governance on combined authorities.

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

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

Q36: Please provide the reasons for your response.

Unless the Governments vision is to enhance the contribution of the Fire & Rescue Service within the wider societal system of public and health protection, most of the current legislative basis for Fire Authorities can be seen to be appropriate. The point however at Q2 is reiterated here.

If Chief Fire Officers are to have operational independence and possibly become corporation sole (i.e. the employer), this will require legislative amendments. A Fire Authority – Chief Fire Officer Protocol (similar to the PCC – Chief Constable Protocol) will provide clarity as to the arrangement. This may require changes to be made to the National Framework and/or statutory instruments.

Any legislative changes that provide more power for Services to protect life and property is welcomed.

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

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

We feel that the model works well as is currently the case. We do not believe the case has been made for boundary changes just to enable changes to governance.

Devon and Somerset Fire and Rescue Service is not coterminous with Devon and Cornwall Police, Avon and Somerset Police or the South Western Ambulance Service.

Whilst it would be possible to change boundaries, this is likely to come at significant time and cost to demerge Devon and Somerset FRS. Devon and Somerset FRS is one of the largest fire services in the Country. As such it enjoys economies of scale that may not be presented in the event that a smaller service was to be created. This is likely to negatively affect any business plan for boundary review.

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

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

This is a matter for County Councils/Unitary Authorities

Q39: Please provide the reasons for your response.

This is a matter for County Councils/Whole Unitary Councils to take a view on.

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

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

Opening and closing fire stations needs to be clarified as it is not clear as to where the decision lies in the proposed consultation. At present, opening and closing fire stations is a reserved matter for Fire Authorities who take operational advice from officers but it is the Fire Authority who 'decides' as directly elected representatives of the community.

Rather than have the option as written, it would be better to clearly delineate who is to make decisions as to closure of fire stations. The table could be amended to clarify that opening and closing fire stations is a matter for the Fire Authority after reviewing the professional advice from the Chief Fire Officer. This is the 'as is' model.

Allocating responsibility to both the Fire Authority and the CFO as a joint matter would indicate that there needs to be agreement. Operational independence would see the professional head of the Service providing advice to which elected politicians would give due regard to the risk presented, professional view expressed and public feedback.

As the budget is set by the Fire Authority (working within the financial parameters set by central government), there may be occasions where the only way that the CFO can meet the budget requirement is to close fire stations/change crewing arrangements. At present there exists clarity as to who is responsible for closure of fire stations.

It may be worthwhile in clarifying that any changes in crewing arrangements that result in a worse service being provided to the public (i.e. moving from 24/7 crew to day crew which will result in a delayed response time), that this be a reserved matter for the Fire Authority. The alternative where this is delegated to the CFO may see a deeply unpopular change applied by officers with no ability by those elected politicians to affect the decision that would have public impact.

In terms of appointment of staff, as the CFO is the Head of Paid Service/Chief Executive and is held to account by the Fire Authority, it would seem entirely reasonable for the CFO to appoint the staff that report to them (and for who they are accountable). This is the model used by the Police as the Chief Constable appoints all staff. Whilst the Chief Constable is a 'corporation sole', the same effect can be generated within a Fire context through amendments to Schemes of Delegation to allow the Fire Authority to remain as the employer but delegating the appointment of all staff to the Chief Fire Officer.

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

See above

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

See above.

Q43: What factors should we consider when giving chief fire officers operational independence? Please provide the reasons for your opinions.

In terms of operational activity, the Health & Safety at Work Act requires competent staff to be employed. This is particularly important for risk critical industries such as the Fire and

Rescue Service. As such, the person making operational decisions needs to be trained and competent to do so and will be held to account in a criminal and civil court for their actions as a result in the event that things go wrong and people get hurt.

If the operational plan refers to how the resources (finances and people) are to be directed, managed and deployed, there will need to be associated scrutiny of operational decisions. This is currently undertaken through a series of Fire Authority Committees and Full Authority at present.

A clear 'scheme of delegation' will outline **what** sits with the Chief Fire Officer and what is reserved for the 'Executive Leader' (Fire Authority). In terms of **how** decisions are made will be supported by the Code of Ethics and the Fire Authority – Chief Fire Officer Protocol. In addition, the Seven Principles of Public Life.

Devon and Somerset Fire Authority is currently reviewing its Scheme of Delegation and anticipates incorporating the principles outlined within the white paper in terms of separation of roles between the elected body (Fire Authority) and the Head of Paid Service (Chief Fire Officer).

At present HMICFRS inspect Fire Services. Fire Services are provided with a budget from Fire Authorities who also agree the Community Risk Management Plan. Operational independence would provide greater clarity in this respect.

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

The Chief Fire Officer would have overall responsibility for leading the Service, creating a vision and setting direction and culture that builds public and organisational confidence and trust, and enables the delivery of a professional, effective and efficient fire and rescue service. The Chief Fire Officer would hold direct accountability for the operational delivery of fire services and the effective command and leadership of the fire and rescue response to major incidents.

Clarity as to roles and expectations, including that within 'schemes of delegation' will need to outline what sits with the Chief Fire Officer and what is reserved for the 'Executive Leader' (Fire Authority). In terms of how decisions are made will be supported by the Code of Ethics and the Fire Authority – Chief Fire Officer Protocol.

We are not convinced that Chief Fire Officers need to be made corporation sole and in doing so become the 'employer'. Operational independence can be achieved more appropriately through other means.

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

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

The strategic plan is a Community Risk Management Plan, supported by the Medium Term Financial Plan. These have been quite detailed in the past and combined operational aspects with strategic context and intent.

There is a need to clarify what aspects of changes to service delivery need to be consulted on as arrangements for the three emergency services differ significantly in this respect. If the public are consulted on the strategic plan to include measures against which the Service will be held to account, issues such as changes to the number, type and distribution of fire engines should be left to operational managers to determine to meet the strategic intent/objectives required. Closure of fire stations clearly is an exception as outlined above which would require local (proportionate) consultation.

Moving forward, the Strategic Plan may need to look more like the Police and Crime Plan which is a legal document that the Office of the Police and Crime Commissioner (OPCC) must produce under the Police Reform and Social Responsibility Act 2011. One of the PCC's legal duties is to issue a Police and Crime Plan for the force area.

Clarifying what elements should sit within a strategic and operational plans will be essential.

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

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

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

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

Q48: Please provide the reasons for your response.

In terms of operational activity, the Health & Safety at Work Act requires competent staff to be employed. This is particularly important for risk critical industries such as the Fire and Rescue Service. As such, the person making operational decisions needs to be trained and competent to do so and will be held to account in a criminal and civil court for their actions as a result in the event that things go wrong and people get hurt.

If the operational plan refers to how the resources (finances and people) are to be directed, managed and deployed, there will need to be associated scrutiny of operational decisions. This is currently undertaken through a series of Fire Authority Committees and Full Authority at present.

A clear 'scheme of delegation' will outline **what** sits with the Chief Fire Officer and what is reserved for the 'Executive Leader' (Fire Authority). In terms of **how** decisions are made will be supported by the Code of Ethics and the Fire Authority – Chief Fire Officer Protocol. In addition, the Seven Principles of Public Life.

The Chief Fire officer will work to the strategic objectives set out in the Community Risk Management Plan as agreed by the Fire Authority.

About you

Please use this section to tell us about yourself

Full name

Mike Pearson

Clerk & Monitoring Officer

22 July 2022

Company name/organisation

**Devon and Somerset Fire Authority
Service Headquarters
Clyst St George
Exeter
EX3 0NW**

If you would like us to acknowledge receipt of your response, please tell us.

Address to which the acknowledgement should be sent, if different from above

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