



# Buckinghamshire & Milton Keynes Fire Authority

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**Meeting and date:** Executive Committee, 13 July 2022

**Report title:** Responses to the Home Office White Paper Consultation

**Lead Member:** Vice Chairman of the Authority

**Report sponsor:** Jason Thelwell, Chief Fire Officer

**Author and contact:** Graham Britten, Director of Legal & Governance

**Action:** Decision

**Recommendation:**

It is recommended that:

1. The content of the draft responses to the white paper consultation document submitted on behalf of the working group (comprised of the Group Leaders, the Vice Chairman, and Lead Members) be noted.
2. The draft responses be approved for submission to the Home Office on behalf of the Executive Committee.
3. The Chief Fire Officer, subject to the approval given above, be authorised to make amendments (to only the narrative text of the responses) in consultation with the Chairman and the Vice-Chairman.

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**Executive summary:** The purpose of this report is to obtain approval for the submission of the draft responses to the Home Office White Paper Consultation 'Reforming Our Fire and Rescue Service. This report is the item marked 'to follow' and listed as 'Home Office White Paper Consultation' in the Agenda.

A copy of the draft responses is attached as **Appendix 1**.

At its Annual Meeting on 15 June 2022 the Authority resolved, i.a., that a working group comprised of the Group Leaders, the Vice Chairman, and Lead Members be established in order for it to formulate responses to be approved at the meeting of the Executive Committee on 13 July 2022.

The Working Group met twice (27 June and 6 July) for discussions facilitated by the Chief Fire Officer and its Members have had further discussions outside of those meetings.

The Home Office will in due course publish a paper summarising the responses to this consultation at: <https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

**Financial implications:** No direct impact. Resources required to respond have been accommodated within existing budgets.

**Risk management:** Whether, or the degree to which, responses are made to the white paper creates no risk to the delivery of the Authority’s functions.

**Legal implications:** The Authority’s Scheme of Delegation to Officers provides that ‘Delegation to Chief Fire Officer does not include: [...] making a formal response on behalf of the Authority to any White Paper, Green Paper, Government Consultation Paper [...] without reference first to the Chairman of the Authority. However, when the timescales so requires, the Chief Fire Officer is authorised to respond without discussion with the Chairman. The content of such response shall be referred to the appropriate committee for their attention.’

**Privacy and security implications:** The Consultation requests respondents to provide the following information: job title or capacity in which they are responding to this consultation exercise and company name/organisation (if applicable). The approved response will be treated by the Authority as being in the public domain.

**Duty to collaborate:** The Policing and Crime Act 2017 requires the Authority to consider opportunities for collaboration with the police and ambulance services. The Monitoring Officer met with the Monitoring Officer and the Head of Governance and Compliance of the Office of the Thames Valley Police and Crime Commissioner (TVPCC) in advance of meetings of the Working Group. On its publication a copy of this report and its Appendix was shared with the Office of the TVPCC.

**Health and safety implications:** None arising from the recommendations.

**Environmental implications:** None arising from the recommendations.

**Equality, diversity, and inclusion implications:** None arising from the recommendations.

**Consultation and communication:** An article has been posted on the Authority’s intranet encouraging all staff to look at the proposals in the White Paper and to respond in their own right, or via a representative body, should they so wish.

**Background papers:**

Fire Authority Annual Meeting – 15 June 2022 Item 17: [Home Office Consultation ‘Reforming Our Fire and Rescue Service’](#)

Appendix	Title	Protective Marking
1	Draft response to the Home Office white paper ‘Reforming Our Fire and Rescue Service’	None

Draft responses to the Home Office White Paper Consultation ‘Reforming Our Fire and Rescue Service’

**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
<p><b>Comments:</b></p> <p>In addition to their core duties , Section 11 of the Fire and Rescue Services Act 2004 confers a wide power on fire and rescue authorities to take any action that they consider appropriate in response to an event or situation that causes, or is likely to cause, one or more individuals to die, to be injured or become ill, or to cause or be likely to cause harm to the environment, including the life and health of plants and animals.</p> <p>However, unless the Grey Book contractually obliges firefighters to undertake duties beyond core fire and rescue activities they cannot be required to do so [as was held in Bull v Nottinghamshire and City of Nottingham Fire and Rescue Authority Lincolnshire CC v Fire Brigades Union [2007] EWCA Civ 240. Firefighters were not contractually obliged to carry out co-responding duties (attending medical emergencies where able to do so in advance of ambulance attendance) as that was not expressly provided for in the national scheme of conditions of service]</p>				

**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
<p><b>Comments:</b></p> <p>The Authority endorses all of the activities in the wider health and public safety agenda, undertaken by local agreement with its employees and representative</p>				

**Draft responses to the Home Office White Paper Consultation 'Reforming Our Fire and Rescue Service'**

bodies, as reported by Matt Parr CB, Her Majesty's Inspector of Fire & Rescue Services, 22 January 2021.

It agrees that further expansion into other roles should continue via local agreement with employees and representative bodies. In addition, it is mindful that its 'trusted brand' gives its employees access by consent to a wide variety of households enabling it to fulfil its 'fire prevention' duties, and would be concerned if alignment under a PFCC could negatively impact its image in that regard and also in the eyes of potential recruits.

[COVID-19 inspection: Buckinghamshire Fire and Rescue Service – Letter - HMICFRS \(justiceinspectors.gov.uk\)](https://www.justiceinspectors.gov.uk/COVID-19%20inspection%3A%20Buckinghamshire%20Fire%20and%20Rescue%20Service%20-%20Letter%20-%20HMICFRS)

'To protect communities, fire and rescue staff including firefighters were encouraged to carry out extra roles beyond their core duties. This was to support other local blue light services and other public service providers that were experiencing high levels of demand, and to offer other support to its communities.

The service carried out the following new activities: driving ambulances, assisting vulnerable people, delivering PPE, packing/repacking food parcels for vulnerable people, and delivering training to care home staff.'

'The service consulted locally to implement the tripartite agreement with the FBU and the Fire Officers Association. Other unions were engaged, including UNISON, if their members were asked to do extra work, including those activities covered under the tripartite agreement. All of the new work done by the service under the tripartite agreement was agreed on time for it to start promptly and in line with the request from the partner agency.

There were extra requests for work by partner agencies that fell outside the tripartite agreement, including the distribution of PPE across the Thames Valley. Throughout the pandemic, service staff helped the Thames Valley LRF's logistics cell to co-ordinate and manage the distribution of emergency supplies to key services, including care homes and primary care services. On-call staff helped facilitate a COVID-19 testing site at the request of Buckinghamshire Council. This work was agreed and undertaken on time and in line with the request from the partner agency.

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All new work, including that done under the tripartite agreement, was risk-assessed and complied with the health and safety requirements. All activities to support other organisations during this period were monitored and reviewed. The service has identified which to continue, for example, helping medical staff to gain entry to private properties. The relationship between Buckinghamshire FRS and South Central Ambulance Service has been strengthened as a result of FRS staff driving ambulances. Staff will continue to maintain their ambulance driving competencies and there will be joint training in future.'

'Buckinghamshire FRS is an active member of the Thames Valley collaboration group, strengthening its relationships with its partners, local authorities and South Central Ambulance Service. This has enabled the emergency services to support the LRF more effectively, which in turn has provided better service to communities across the Thames Valley. Buckinghamshire FRS is looking at ways its workforce can support these organisations more consistently especially during periods of high demand.'

'Good practice and what worked was shared with other services in the Thames Valley collaboration group. The service moved into the new Blue Light Hub in Milton Keynes on 30 June 2020, despite the pandemic. Thames Valley Police, South Central Ambulance Service and NHS Blood and Transplant will join them in the new building later this year\*.

The hub's design promotes engagement between the three services. It includes flexible working spaces for all services, and informal breakout spaces to promote collaboration.' \* All now in place.

There have already been many benefits realised since all three blue light partners moved into the hub. For example, during the pandemic, working so closely with health partners, ensured the safest possible environment in respect of controls and procedures to ensure safe working environments for all personnel. These procedures and measures were then replicated across all three services. Thus ensuring as far as possible both the safety of all staff and therefore securing the best possible service provision for the public.

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Other benefits include having instant access to partners regarding operational matters and safeguarding issues, along with the ability to train together and share data and intelligence at both strategic and operational levels has improved the service to the public not just in that locality. Additionally building improved relationships and understanding at all levels of the organisations has undoubtedly been an added benefit across the wider service areas and the direction of travel is to build upon these successes.

**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
<p><b>Comments:</b></p> <p>Section 7 of the Fire and Rescue Services Act 2004 places duties on a fire and rescue authority to plan and provide arrangements for fighting fires and protecting life and property from fires within its area. A fire and rescue authority is required to secure the provision of sufficient personnel, services and equipment to deal with all normal circumstances, as well as adequate training. A fire and rescue authority must also put in place effective arrangements for receiving and responding to calls for help and for obtaining information which it needs to carry out its functions.</p> <p>Section 8 of the Fire and Rescue Services Act 2004 places a duty on a fire and rescue authority to make provision for rescuing persons from road traffic collisions and for dealing with the aftermath of such accidents; and to put in place effective arrangements for receiving and responding to calls for help and for obtaining information to exercise its functions (for example, knowledge of local road and trunk road network).</p> <p>The duties are ‘target duties’ for which no absolute standard need be attained, however case law suggests that grounds for non-provision must be ‘compelling and</p>				

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reasonable'. Everything that can reasonably be done, must be done - including taking reasonable steps to provide cover and making reliable contingency plans for industrial action which may include plans to use staff within the fire and rescue authority who do not participate in industrial action.

The statutory guidance issued under the Fire and Rescue Services Act 2004, [The Home Office Fire and Rescue National Framework for England, May 2018](#) states

"2.11 Fire and rescue authorities must have effective business continuity arrangements in place in accordance with their duties under the Civil Contingencies Act 2004. Within these arrangements, fire and rescue authorities must make every endeavour to meet the full range of service delivery risks and national resilience duties and commitments that they face. Business continuity plans should not be developed on the basis of armed forces assistance being available."

Text in its two previous iterations (published 2008 and 2012 respectively) which states that an emergency includes a period of industrial action has been deleted from the current National Framework.

'The Civil Contingencies Act 2004 lays down duties for specified "Category 1 responders", including Fire and Rescue Authorities, to assess, plan and advise in relation to emergencies. For a Fire and Rescue Authority, an emergency includes a period of industrial action.' [2008]

'The Civil Contingencies Act requires fire and rescue authorities to put in place business continuity management arrangements for emergencies. For a fire and rescue authority, an emergency includes a period of industrial action.' [2012].

Like the duties under the Fire and Rescue Services Act 2004, the duties under the Civil Contingencies Act 2004 are 'target duties'. Even if breaches of these duties are established by a judicial determination, there is no effective remedy or sanction for non-provision.

Therefore there is no 'effective oversight' provided by the legislation itself aside from indirectly via the intervention protocol for the Secretary of State for failure of a fire and rescue authority to comply with the National Framework and the biennial reporting mechanism to Parliament.

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The Authority supports the view that there should be a duty on all unions to maintain emergency arrangements for the protection of the community during periods of industrial action.

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
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**Q5: Please provide the reasons for your response:** The current arrangements for the negotiation of pay have been in place since 2004, with pay previously agreed through a pay formula. The issue that faces all Fire Authorities is the ability to pay for any increases, with the precept capped at 2 per cent, this only allows for pay to be increased by the same amount. Any changes to the mechanism, should set out, how any increases in pay would be funded.

The Authority would be against local pay negotiations for Grey and Gold book employees. Support Services employees' pay is currently already agreed at a local level outside of national terms and conditions.

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

For operational roles this could enable greater equalities and collaboration through the recruitment process, centralised recruitment processes and centralised training

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facilities. These entry requirements should be evidenced and proportionate to the role.

As the Authority has a range of employment propositions for operational roles, these would need to be fully explored and the equalities issues fully reviewed and considered. The Authority has an Appointments Board, Development Centres/Promotional processes, transferees, flexi firefighters, On Call and Wholetime, whereas other Fire and Rescue Services may not have this whole range. For support services employees, it would be difficult to have consistent entry requirements due to the nature and scope of the roles and size of individual Fire and Rescue services.

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
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**Comments:** This approach already exists in many areas regarding specialist and professional support roles, including some of the most senior positions within FRS’s and this should not be limited to traditional ‘operational’ or ‘grey book’ roles.

Regarding the more traditional operational roles, smaller FRS’s would find this challenging as has been identified with the work around station and area managers, as in effect the operational element of the role requires an intense and sometimes lengthy process to ensure command and operational competence. Therefore the operational element of the role would have to be covered in another way which would increase costs.

The equalities aspects of this approach need to be fully considered, the development centres and development pool ensure a consistent process is followed for all.

The transferee request process is in place, for internal employees to broaden their experience and request alternative locations or roles to help with their development and work life balance.

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**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
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**Q10: Please provide the reasons for your response:** The introduction of a leadership programme would enable recognised development for all staff and equip staff with the knowledge, competence and confidence to fulfil their roles in the community. All aspects and content of the programme would need to be explored in consultation with Fire and Rescue services and employees. It would enable a consistent approach across all Fire and Rescue services.

**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
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**Comments:** As question 9

**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.

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<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<p><b>Comments:</b> A national capability would provide consistency in the way data is analysed and reduce duplication of effort across services. Benchmarking across services would be more meaningful and lead to better outcomes for the service and community</p>				

- **Data-focused training**

<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<p><b>Comments:</b> Data focused training is key to ensure all services are proficient in the data they collect and what they do with it. GDPR considerations need to be considered.</p>				

- **Consistent approaches to structuring data**

<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<p><b>Comments:</b> Consistency would allow data to be aggregated more easily at a national level.</p>				

- **Clear expectations for data governance**

<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
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**Comments:** GDPR and clear data expectations are key to ensure data is collected, utilised and analysed effectively

- **Securing data-sharing agreements.**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
<p><b>Comments:</b> Sharing data across partners will allow services to more easily identify those who may be at a greater risk in our communities so that they can target their limited resources more effectively.</p>				

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**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.**

**Response:**

Updates/upgrades to systems allow data to be captured more easily, accurately and in a timelier manner (e.g. use of smart devices, AI )

**Research**

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

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

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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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Comments:				

- Commissioning

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Comments:				

- Conducting

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Comments:				

- Collating

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
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<b>Comments:</b>
<b>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.</b>
<b>Response:</b> None identified at this stage.

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

<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<p><b>Comments:</b> The Authority is aware that there is a Code of Ethics issued by the College of Policing in July 2014 pursuant to the power under section 39A of the Police Act 1996. Its status as a statutory code of practice applies only to chief police officers, however it is an advisory Code of Ethics for all officers and police staff, including ‘all those engaged on a permanent, temporary, part-time, casual, consultancy, contracted or voluntary basis’ [paragraph 1.3.3]. It is understood that before the Code of Ethics was issued, a consultation was held on a draft including with, i.a, all the main staff associations and unions and Her Majesty's Inspectorate of Constabulary, the public. As fire and rescue services now fall under the HMICFRS it would seem appropriate for consistency for a similar approach to be adopted and applied to all fire and rescue service staff as well as those engaged on a permanent, temporary, part-time, casual, consultancy, contracted or voluntary basis</p> <p>The Authority has already a stated position in letters to the Minister of State (Minister for Building Safety and Fire) and Chairman of the NFCC that higher standards of vetting for fire and rescue staff should be mandated not least because,</p>				

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inter alia, since the duty to collaborate arose under the Policing and Crime Act 2017, there are an increasing number of examples of collaborative working with both the police and ambulances services with only firefighters not subject to enhanced DBS checking, when they may be working side by side and sharing information with their blue light partners at incidents, training events, and shared facilities such as ‘Blue Light Hubs’

**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
<p><b>Comments:</b> There may be issues introducing a statutory code of ethics where fire and rescue staff are employed by, for example, county councils as to those employers’ extant disciplinary procedures.</p> <p>The NFCC code of ethics was published in May 2021, it aligns to the Authority’s current vision and values. If Fire and Rescue services do not have a vision and values, they would benefit from adopting a code of ethics.</p>				

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**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
<p><b>Comments:</b> The premise of q18 is that ‘services’ should act in accordance with the code, which is disputed on the basis that the Authority believes that the duty to comply with a code of ethics should be on the individuals themselves (i.e. whoever is obliged to comply with its obligations, be they employees under ‘contracts of service’, or per response to q16, third parties engaged under ‘contracts <i>for</i> service’). If individuals fail to comply with the code of ethics, non-compliance should be dealt under the relevant procedures of the fire and rescue authority. It should not necessarily follow that non-compliance with the code by an individual bound by it should give rise to culpability of the chief fire officer.</p>				

**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
<p><b>Comments:</b> For the reasons stated in response to Q18.</p>				

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

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Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree								
<p><b>Q21: Please give the reasons for your response.</b></p> <p>It is understood that, for example, Thames Valley Police has circa 8 thousand personnel, of whom circa 3 thousand are not obliged to swear an oath of office. (As at 28 June 2022)                      Actual</p> <table data-bbox="190 709 893 945"> <tr> <td>Police officers</td> <td>4,570</td> </tr> <tr> <td>Police staff (exc. OPCC)</td> <td>3,001</td> </tr> <tr> <td>PCSOs</td> <td>299</td> </tr> <tr> <td>TOTAL</td> <td>7,870</td> </tr> </table> <p>Section 98 of the Employment Rights Act 1996 sets out the five potentially fair reasons for an employer to dismiss an employee. (i.e. per section 98(4), depending on whether in the circumstances (including the size and administrative resources of the employer's undertaking) the employer acted reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee, and determined in accordance with equity and the substantial merits of the case.)</p> <p>Section 98(2)(d) provides that one potentially fair reason is ‘that the employee could not continue to work in the position which he held without contravention (either on his part or on that of his employer) of a duty or restriction imposed by or under an enactment.’</p> <p>It therefore follows that failure by an employee to swear an Oath specified in legislation would give rise to the sanction of dismissal. The resource implications of following fair procedures which may result in dismissal for failure to swear a statutory Oath are likely to be significant yet are not mentioned in the Home Office Impact Assessment.</p>					Police officers	4,570	Police staff (exc. OPCC)	3,001	PCSOs	299	TOTAL	7,870
Police officers	4,570											
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PCSOs	299											
TOTAL	7,870											

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**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
<p><b>Comments:</b> A positive act by an employee such as being required to sign or affirm an agreement, procedure or policy will generally increase adherence.</p>				

**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
<p><b>Comments:</b> For the reasons stated in responses to Q20 and 21</p>				

**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
<p><b>Comments:</b> It should be a matter between the employer and employee in the same way as other areas of non-compliance with implied or express terms of employment contracts. It should not, in itself, be subject to criminal sanctions.</p>				

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

- Leadership
  
- Data
  
- Research
  
- Ethics
  
- Clear Expectations

<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
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**Comments:** It can be argued that the fire and rescue service is indeed already a very professional service and goes about its business in a highly professional manner. There is, however, always room for improvement and it is agreed that the areas listed are some of the key areas of focus to continue with those improvements.

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

**Response:** As above, the areas listed are some of the key elements for improvement. Other areas could include investment in people and development along with continual development and implementation of professional standards.

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**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
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**Q28: Please give the reasons for your response:**A centralised funded College of Fire and Rescue has the potential to enhance the development of staff, be more inclusive and enhance the leadership of the fire and rescue service.

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**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
<p><b>Comments:</b></p> <p>Whilst there are clearly some merits to the proposal, it is not clear that there is a compelling case for this change, at this time. It risks unnecessary distraction and costs for the Fire and Rescue Service.</p> <p>Any transfer should remain a matter for local determination where a strong local case is made that it is in the best interests of either efficiency, economy and effectiveness or public safety for such a transfer to take place. (i.e. applying the statutory criteria that exist in respect of PFCCs under section 4A(5) of the Fire and Rescue Services Act 2004 before an order can be made transferring FRA functions to a PCC)</p> <p>However, given the direction of travel appears set on this approach, it is important that some of the key challenges, considerations to ensure the best of the existing model is retained and implementation risks are well understood- to ensure any changes are successful. These are set out elsewhere in our response.</p>				

<p><b>Q30: What factors should be considered when transferring fire governance to a directly elected individual?</b></p>
<p><b>Please provide the reasons for your response:</b></p> <p>There are some important factors which need careful consideration should this change be pursued :</p> <ul style="list-style-type: none"> <li>• whether a single person would be able to effectively represent an entire fire and rescue authority area.</li> </ul>

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If the fire and rescue authority area is geographically large (such as the Thames Valley) there may be issues relating to distinct differences in demographics, built environment, and risk profiles among communities which may lose the advocacy of local political representatives

- the adequacy of checks and balances.

A 4-year term has benefits in terms of continuity of direction for both the chief fire officer and the fire and rescue service and provides more stability than can occur with, typically, annual appointments onto a combined fire and rescue authority. Although a directly elected individual is accountable to the public at the ballot box there may be a lack of accountability if the individual's geographical area is particularly large such that the electorate feels disengaged and thereby disenfranchises itself.

- whether, if a PFCC model were adopted, sufficient training and induction would need to be provided to panel members to enable effective scrutiny. Current scrutiny arrangements for the PCC are not strong enough to hold the PCCs to account and consideration should be given to legislating to give PCPs 'teeth' particularly if their scrutiny role is to equate to the level that currently exists in well governed fire and rescue authorities .
- whether, if a Police and Crime Commissioner, a single Police, Fire and Crime Commissioner could cope with the workload of the additional fire and rescue functions.

In a combined fire and rescue authority good governance arrangements would typically include the appointments of 'Lead Members' as well as a Vice Chairman. This enables a cadre of councillors from within the wider authority to, for example, take a lead role in providing support and constructive challenge to senior officers in the development of strategies and plans and contributing towards the strategic direction of the authority; act as a 'sounding board' for senior officers on issues within the portfolio, and be supportive in dealing with any problems at a strategic level; review, in conjunction with senior officers, the service within the portfolio; keep abreast of related developments and policies at national, regional and local level; take the lead in reporting on issues within the portfolio; and be accountable to scrutiny for issues within the portfolio.

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- whether, if a PFCC model were adopted, the ‘trusted brand’ of the fire and rescue service which gives its employees access by consent to a wide variety of households enabling it to fulfil its ‘fire prevention’ duties, could be negatively impacted in that regard and also in the eyes of potential recruits.
- whether an elected individual would have adequate skills and robustness to, on his or her own, hold a chief fire officer to account without the additional inputs and support available from other councillors on an authority.

It is also a concern that in a combined PFCC model that Fire and Rescue Services will get insufficient focus when set alongside with the larger challenges of the Police Service.

**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	<b>Disagree</b>	Strongly disagree
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**Comments:**

Any transfer should remain a matter for local determination where a strong local case is made that it is in the best interests of either efficiency, economy and effectiveness or public safety for such a transfer to take place. (i.e. applying the statutory criteria that exist in respect of PFCCs under section 4A(5) of the Fire and Rescue Services Act 2004 before an order can be made transferring FRA functions to a PCC)

**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?**

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Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
<p><b>Comments:</b></p> <p>The Authority acknowledges the direction of travel that is signalled in the White Paper, however any transfer should remain a matter for local determination where a strong local case is made that it is in the best interests of either efficiency, economy and effectiveness or public safety for such a transfer to take place. (i.e. applying the statutory criteria that exist in respect of PFCCs under section 4A(5) of the Fire and Rescue Services Act 2004 before an order can be made transferring FRA functions to a PCC).</p> <p>The Authority has set out elsewhere in its response the key risks, challenges and implementation risks associated with effecting this change. It is important these are fully understood and mitigated to ensure any change is successful.</p>				

**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**

<p><b>Q34: If yes, please explain other options and your reasons for proposing them.</b></p>
<p><b>Response:</b> N/A.</p>

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

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Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
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**Q36: Please provide the reasons for your response**

The duties and powers of fire and rescue authorities are set out in the Fire and Rescue Services Act 2004, with the ability of the Secretary of State to add to the types of emergencies under their responsibility by Statutory Instruments made under section 9 of the Fire and Rescue Services Act 2004. The responsibilities for combined fire and rescue authorities in terms of financial matters and precept raising are set out in other local government legislation.

However their responsibilities vis-à-vis oversight of the fire and rescue service and/or chief fire officer is left to local determination.

It would seem appropriate for Parliament to legislate using, as a precedent, the duties under section 79 of the Police Reform and Social Responsibility Act 2011 for the Secretary of State to, following due consultation, issue a 'policing protocol'. (See response to q42 below)

**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
<b>Comments:</b>				

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The Authority acknowledges the direction of travel that is signalled in the White Paper, however any transfer should remain a matter for local determination where a strong local case is made that it is in the best interests of either efficiency, economy and effectiveness or public safety for such a transfer to take place. (i.e. applying the statutory criteria that exist in respect of PFCCs under section 4A(5) of the Fire and Rescue Services Act 2004 before an order can be made transferring FRA functions to a PCC)

It is axiomatic that a PFCC would require coterminous boundaries. In order to take on responsibility for the governance of fire and rescue, section 4A(2) of the Fire and Rescue Services Act (added by the Policing and Crime Act 2017, January 31, 2017) requires that a PCC’s police area must be coterminous with the area of the FRA proposed to be created by the order or, where a PCC takes on more than one FRA within their area, the PCC’s police area must be the same as the areas of those FRAs when taken together.

This will present local challenges, which may in themselves render any business case unlikely to achieve the statutory criteria which must be met before an order can be made to transfer FRA functions to a PCC. Within the Authority’s area, for example, the City of Milton Keynes although earmarked in the Levelling Up White Paper as being in the same region as Buckinghamshire Council, and while within the Thames Valley PCC’s boundary, has synergistic alignments with other administrative bodies such as the South East Midlands Local Enterprise Partnership and the Bedfordshire, Luton and Milton Keynes Clinical Commissioning Group.

**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?**

<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
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**Q39: Please provide the reasons for your response**

If legislation is implemented that creates changes to the executive of a county or unitary council so that a leader within the executive has direct responsibility for fire and rescue functions the budget for fire and rescue should be ring-fenced. A model for this would be similar to that introduced by the amendments made to the Fire and Rescue Services Act 2004 by the Policing and Crime Act 2017, which requires a PFCC establish and maintain a fire fund separate from the policing fund with all receipts and expenditure of the fire and rescue functions being paid into and out of that fire fund.

This would also require full transparency of the total cost of providing the fire and rescue service. It would be important to accurately show the cost of shared activities, including for example, how the share of central support services such as finance, HR and IT are passed on to the fire and rescue service. This would ensure the cost of fire and rescue in a council can be more accurately compared with the cost of services under other governance models. The same principle of accurately recording the full cost of services must also be applied to ensure sufficient funding is given to council fire and rescue services if and when they become a standalone service or combine with another fire and rescue service.

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**Balanced Leadership Model**

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

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

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

<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
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**Q41. Do you have any other comments to further support your answer?**

It is believed by the Authority that the same outcomes could be achieved under existing governance models by the demarcating of responsibilities via a combination of a ‘scheme of delegation’ to a Chief Fire Officer and terms of reference for whatever is the political oversight body to which the Chief Fire Officer reports, together with an agreed Member:Officer Protocol to complement a Members’ Code of Conduct.

However it is accepted that this can lead to inconsistencies between fire and rescue services dependent on what constitutional arrangements and safeguards have been put in place.

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

Section 79 of the Police Reform and Social Responsibility Act 2011 required the Secretary of State to, following due consultation, issue a ‘policing protocol’ to which the following persons must have regard: (a) the Secretary of State in the exercise of policing functions; (b) each elected local policing body; (c) the chief officer of each police force maintained by an elected local policing body; and (d) police and crime panels.

The current policing protocol was brought into force by the Policing Protocol Order 2011 (Statutory Instrument 2011/2744) on 16 January 2012.

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Provisions of particular significance are that a police and crime commissioner “must not fetter the operational independence of the police force and the chief constable who leads it” [paragraph 18] and that "the operational independence of the police is a fundamental principle of British policing. It is expected by the Home Secretary that the professional discretion of the police service and oath of office give surety to the public that this shall not be compromised." [paragraph 30]

The Authority believes that the respective responsibilities of a Chief Fire Officer and the political oversight body should be demarcated similarly by a protocol made via a Statutory Instrument and, moreover, there would be merit in setting out the means of enforcement and sanctions for non-compliance within such a protocol which are absent in the Policing Protocol Order.

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

**Please provide the reasons for your opinions.**

As set out above at Q42

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

Factors that should be taken into account are:

- Operational independence is not contingent on making a Chief Fire Officer a corporation sole, it only would be necessary if a change of employer for fire and rescue employees from the governance body were needed. Operational independence is wholly unrelated to creating a separate legal entity for a Chief Fire Officer

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- If the chief fire officer became a corporation sole under a PFCC, this would be at odds with, and conflicts with, the existing provisions under the Policing and Crime Act 2017 for a single employer model.
- If the chief fire officer in a county council FRS became the employer as a corporation sole consideration would need to be given as to which employees transfer from support services from the wider council's back office.

The necessity for making a chief constable a 'corporation sole' simultaneously with the abolition of police authorities under the Police Reform and Social Responsibility Act 2011 was the change in employment arrangements for the civilian staff engaged to support a police force. Previously these staff were employed by the police authority, but under the Police Reform and Social Responsibility Act 2011 Act they became employed by the chief constable. Changing the legal status of the chief constable enabled these staff to be employed, and new staff to be appointed, under contracts of employment with rights and liabilities which pass to the chief constable's successor when he leaves office.

Where Police and Crime Commissioners have become Police Fire and Crime Commissioners they have become, as the fire and rescue authority, the employer of fire and rescue staff. None of have them have used the powers under the Policing and Crime Act 2017 to adopt the 'single employer model' i.e. to delegate fire and rescue functions to a single chief officer for policing and fire in which the chief officer as, a corporation sole, employs both police staff and fire and rescue staff.

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**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
<p><b>Comments:</b> For the reasons set out in response to q41</p>				

**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
<p><b>Comments:</b> For the reasons set out at Q48 response.</p>				

**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
<p><b>Q48: Please provide the reasons for your response</b> This mirrors existing arrangements in which the Authority approves the Public Safety Plan (Integrated Risk Management Plan/ Community Risk Management Plan), Corporate Plan, and the Medium-Term Financial Plan/annual budget; with the Chief Fire Officer responsible for operational implementation of those plans.</p>				

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