

Report of Head of Legal Services

Fire Reform White Paper

Purpose of report

1. To inform Members of the publication of the Home Office consultation on the white paper "Reforming Our Fire and Rescue Service" and to provide an opportunity for discussion.
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Recommendation

It is recommended that a formal response on behalf of the Authority to the white paper reflecting the views expressed by Members be delegated to the Head of Legal Services in consultation with the Chief Fire Officer, Chairman, Vice-Chairman and Group Leaders.

Introduction and Background

2. The Home Office consultation on the white paper 'Reforming our Fire & Rescue Service' was published on 18th May 2022. It is broken down into three broad sections dealing with People, Professionalism and Governance. There are 48 separate consultation questions and it is open to respondents to reply to all or some of these. The closing date for responses is 26th July 2022.
3. Members are invited to discuss the proposals and the views expressed will then be collated and included in a formal response on behalf of the Authority. Members are also asked to contact the Chairman, Vice-Chairman or appropriate Group Leader with any specific issues they may wish to raise for consideration. In view of the timescales involved, it is proposed that it be delegated to officers to finalise the response in consultation with the Chairman, Vice-Chairman and Group Leaders. Members can also submit individual responses to the white paper if they so wish.
4. The key proposals in the white paper are set out below. Where relevant, these have been cross-referenced to the appropriate consultation question:

People

- Introduction of modern working practices - Chief Fire Officers should have the flexibility to deploy resources to address current and future threats faced by the public, beyond the core fire and rescue duties, without the constraints that exist under current national negotiating mechanisms (Q1)

- Fire & Rescue Services to play an active role in supporting the wider health and public safety agenda (Q2)
- No intention to remove the freedom for staff to participate in industrial action
- Fire & Rescue Services to have robust business continuity plans that consider a range of challenges, including the impact of industrial action and which will be independently assured (Q3)
- A review of current NJC pay negotiation arrangements (Q4)
- Clearer and consistent entry requirements for fire service roles to be considered (Q6)
- Schemes for direct entry and talent management to be considered (Q8)

Professionalism

- Introduction of a (possibly mandatory) 21st Century leadership programme to provide standardised training for assistant chief fire officers and above (Q9 - 11)
- Support for fire and rescue services to make better use of data and setting expectations for data governance and for securing data-sharing agreements with national and local partners, including LRFs (Q12)
- A centralised fire and rescue research capability to ensure that research is effectively prioritised, co-ordinated, quality assured and disseminated (Q14)
- Build on the work of the Fire Standards Board in order to continue setting clear expectations for the standards required from Fire & Rescue Services
- Consideration of whether the existing core code of ethics for fire & rescue services should be placed on a statutory footing through legislation (Q16-17)
- There would be a duty of Chief Fire Officers to comply with any statutory code but this duty would not extend to elected representatives in Fire Authorities or to individual members of staff (Q18-19)
- Introduction of a mandatory, statutory fire and rescue service oath for all FRA employees. Any breaches of the oath would be dealt with as an employment matter and not as a criminal offence (Q20-24)
- Creation of a College of Fire and Rescue (CoFR) as an independent body with statutory powers to:
 - develop and maintain the Leadership Programme and direct entry schemes
 - provide a strategic centre of data excellence
 - provide the central research function
 - take over responsibility for the creation of fire standards from the Fire Standards Board
 - create and maintain the proposed statutory code of ethics and the fire & rescue service oath
 - issue statutory codes of practice with approval from the Secretary of State (Q27)

Governance

- The government's preferred model is to transfer responsibility for fire and rescue services to a single elected individual in each area, rather than have governance by committee. This could be:
 - a directly elected combined authority mayor
 - PCC
 - a designated council leader (where Fire and Rescue Services remain within a County Council)(Q29-33)
- No detail is provided as to how a transfer of governance would be achieved nor any indication of timescales
- The legal basis for Fire and Rescue Authorities and how they operate, including scrutiny and oversight functions could be strengthened and clarified either through legislation or as part of the Fire & Rescue National Framework (Q35)
- Boundary changes will be considered where fire and police boundaries do not currently align (Q37)
- Any transfer of governance, particularly where services are part of a county council or unitary authority, should assess the impact on staff, assets and revenue transferred and council tax precept. The government's aim is that council tax bills will not be adversely affected by governance proposals.
- Operational fire budgets will be ring-fenced where fire services remain with a county council or unitary authority (Q38)
- Chief Fire Officers will be given operational independence, either through statute 'when parliamentary time allows' or through the Fire & Rescue National Framework. Examples are provided of the possible demarcation of responsibility between the political leader and the chief fire officer (Q40)
- Consideration will be given whether to legislate to make chief fire officers corporations sole (Q44)
- Fire Authorities could be required to produce a new strategic fire and rescue plan setting out priorities for the service on behalf of the public. This would be distinct from an operational plan prepared by the Chief Fire Officer which would deal with how strategic priorities will be met. (Q45-47)

Conclusion/Summary

5. Members are invited to consider the proposals in the white paper. It is envisaged that a response to the consultation will be submitted on before of the Authority but Members can also submit an individual response should they wish to do so.

Corporate Considerations

Resource Implications (identify any financial, legal, property or human resources issues)	Minor, administrative at this stage. Future changes proposed in the white paper may have significant resource implications.
Strategic Policy Links (identify how proposals link in with current priorities and policy framework and if they do not, identify any potential implications).	At this time there are no direct issues, however the future white paper may raise significant strategic and political issues for Members to consider.
Risk Management / Health & Safety (identify any risks, the proposed control measures and risk evaluation scores).	None
Consultation (identify any public or other consultation that has been carried out on this matter)	This document is available for all interested parties and persons to consult upon. Staff have been made aware through internal communications by CFO.
Equalities (has an Equalities Impact Assessment been completed? If not, why not?)	None known.

Supporting Information

Background papers –

Home Office White Paper ‘Reforming our Fire and Rescue Service’ - May 2022

<https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>