



HEREFORD & WORCESTER Fire Authority

Full Authority

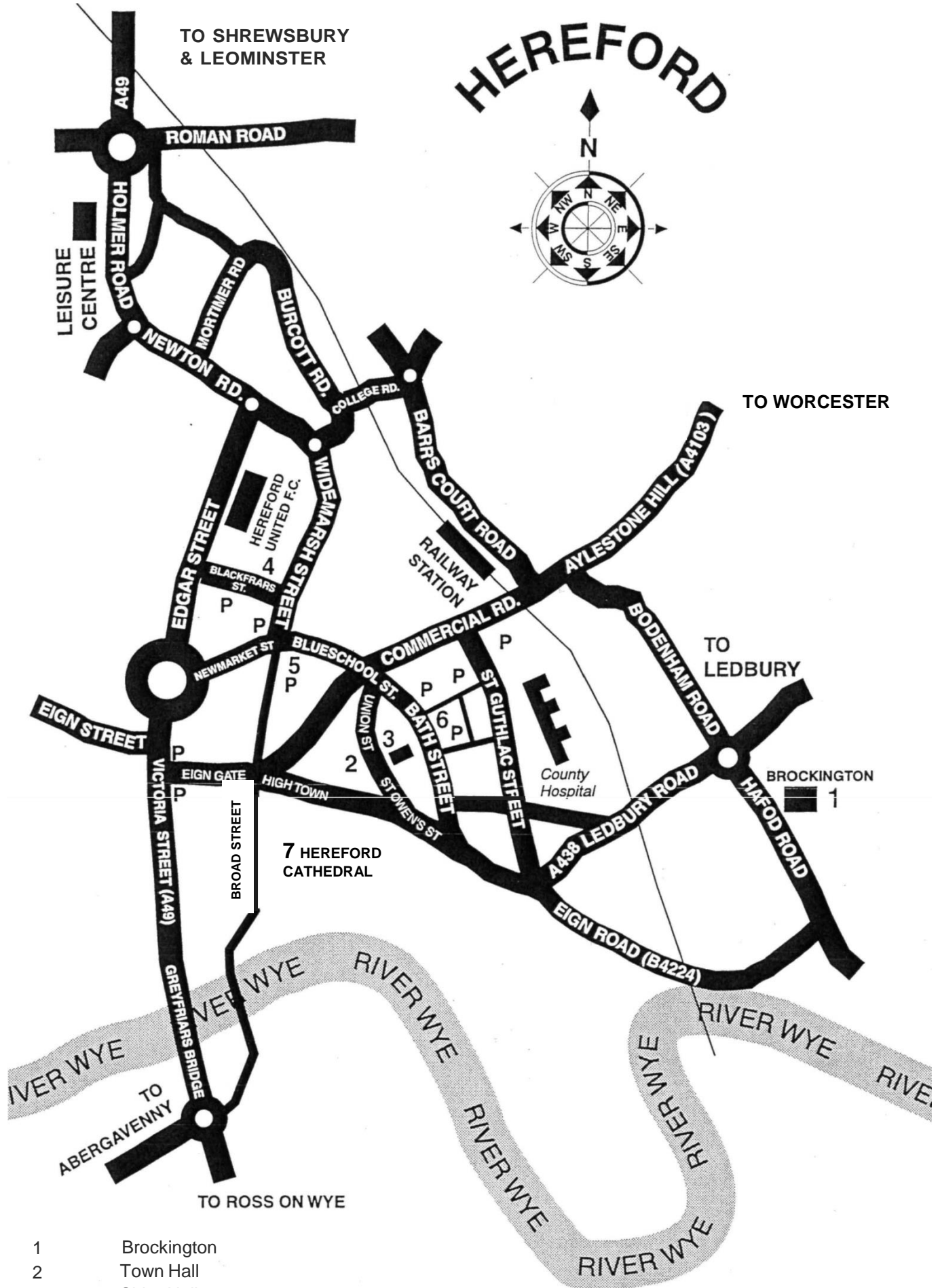
AGENDA

Thursday, 08 October 2015

10:30

Shire Hall

St Peter's Square, Hereford, HR1 2HY



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- the right to attend all Authority and Committee meetings unless the business to be transacted would disclose “confidential information” or “exempt information”;
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- the right to inspect agenda and public reports at least five days before the date of the meeting (available on our website: <http://www.hwfire.org.uk>);
- the right to inspect minutes of the Authority and Committees for up to six years following the meeting (available on our website: <http://www.hwfire.org.uk>); and
- the right to inspect background papers on which reports are based for a period of up to four years from the date of the meeting.

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WELCOME AND GUIDE TO TODAY’S MEETING. These notes are written to assist you to follow the meeting. Decisions at the meeting will be taken by the **Councillors** who are democratically elected representatives and they will be advised by **Officers** who are paid professionals. The Fire and Rescue Authority comprises 25 Councillors and appoints committees to undertake various functions on behalf of the Authority. There are 19 Worcestershire County Councillors on the Authority and 6 Herefordshire Council Councillors.

Agenda Papers - Attached is the Agenda which is a summary of the issues to be discussed and the related reports by Officers.

Chairman - The Chairman, who is responsible for the proper conduct of the meeting, sits at the head of the table.

Officers - Accompanying the Chairman is the Chief Fire Officer and other Officers of the Fire and Rescue Authority who will advise on legal and procedural matters and record the proceedings. These include the Clerk and the Treasurer to the Authority.

The Business - The Chairman will conduct the business of the meeting. The items listed on the agenda will be discussed.

Decisions - At the end of the discussion on each item the Chairman will put any amendments or motions to the meeting and then ask the Councillors to vote. The Officers do not have a vote.



Hereford & Worcester Fire Authority

Full Authority

Thursday, 08 October 2015,10:30

Agenda

Councillors

Mr D W Prodger MBE (Chairman), Mr R J Phillips (Vice Chairman), Mr R C Adams, Ms P Agar, Mr A Amos, Mr B A Baker, Mr S C Cross, Ms L R Duffy, Mrs E Eyre, Mr A Fry, Mr W P Gretton, Ms K S Guthrie, Mrs A T Hingley, Ms R E Jenkins, Mr J L V Kenyon, Mr R I Matthews, Mrs F M Oborski MBE, Professor J W Raine, Mr C B Taylor, Mr J W R Thomas, Mr P A Tuthill, Mr R M Udall, Mr G J Vickery, Mr S D Williams, Mr G C Yarranton

No.	Item	Pages
1	Apologies for Absence To receive any apologies for absence.	
2	Declarations of Interest (if any) This item allows the Chairman to invite any Councillor to declare an interest in any of the items on this Agenda.	
3	Confirmation of Minutes To approve the minutes from the previous meeting held on 17 June 2015.	8 - 16
4	Chairman's Announcements To update Members on recent activities.	

5	Public Participation	
	To allow a Member of the public to present a petition, ask a question or make a statement relating to any topic concerning the duties and powers of the Authority.	
	Members of the public wishing to take part should notify the Head of Legal Services in writing or by email indicating both the nature and content of their proposed participation no later than 2 clear working days before the meeting (in this case by 5pm on 5 October 2015). Further details about public participation are available on the Council's website. Enquiries can also be made through the telephone numbers/email listed below.	
6	A Service for the Future	17 - 23
	To introduce the work of the Local Government Association (LGA) in relation to Fire and Rescue Authorities. A short presentation will be provided at the meeting by guests from the LGA.	
7	Enabling Closer Working Between Emergency Services	24 - 53
	To consider and approve a response to the recent Government consultation document on a proposed series of measures to drive greater collaboration between the police, fire and rescue and NHS ambulance services.	
8	Approval of Early Retirement	54 - 55
	To extend the Scheme of Delegation so as to permit the Chief Fire Officer to determine any applications for early retirement received from officers at Station Commander rank.	
9	Constitution Changes	56 - 64
	To propose amendments to the Officer Employment Procedure Rules and subsequent amendments to the Appointments Committee terms of reference to give effect to the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015.	
10	Chief Fire Officer's Service Report	65 - 67
	To inform the Authority of recent key developments and activities.	

11	Minutes of the Audit and Standards Committee	68 - 69
	To receive the minutes from the meetings held on 29 June 2015 (attached) and 28 September 2015 [to follow].	
12	Minutes of the Policy and Resources Committee	70 - 88
	To receive the minutes from the meeting held on 14 September 2015.	



Hereford & Worcester Fire Authority

Full Authority

Wednesday, 17 June 2015,10:30

Minutes

Members Present: Mr R C Adams, Ms L R Duffy, Mr W P Gretton, Ms K S Guthrie, Mrs A T Hingley, Mr D W Prodger MBE, Mr C B Taylor, Mr P A Tuthill, Mr A Fry, Ms R E Jenkins, Mr S C Cross, Mr J L V Kenyon, Mr R M Udall, Mr G J Vickery, Mr R I Matthews, Mrs F M Oborski MBE, Mr G C Yarranton, Mr B A Baker, Mrs E Eyre, Mr R J Phillips, Mr S D Williams

Substitutes: none

Apologies for Absence: Professor J W Raine, Mr J W R Thomas, Mr A Amos

Absent: Ms P Agar

30 Election of Chairman

Resolved that Mr D W Prodger MBE be elected as Chairman of the Fire Authority for the ensuing year, to hold office until his successor becomes entitled to act.

31 Election of Vice Chairman

Resolved that Mr R J Phillips be elected as Vice-Chairman of the Fire Authority for the ensuing year, to hold office until his successor becomes entitled to act.

32 Declarations of Interest (if any)

Mr R J Phillips declared he was the Vice-Chairman of the Local Government NJC employers.

33 Confirmation of Minutes

Resolved that the minutes of the meeting of the Fire Authority held on 18 February 2015 be confirmed as a correct record and signed by the Chairman.

Chairman's Announcements

- The Chairman welcomed new Members and thanked outgoing Members.
- Congratulations were given to Councillor Fran Oborski who was recently awarded an MBE for political and public service in the Kidderminster and Wyre Forest area.
- Congratulations were passed to James Clarke and Jayne Collins from Kidderminster who won this year's Trauma Challenge and to the team from Ross on Wye who once again won this year's Service Extrication Challenge.
- Members were informed of forthcoming seminars and tours.
- Finally, Members were made aware of the building works taking place over the next few months at Headquarters.

Appointment to Committees

A report was presented on the allocation of Committee seats to political groups and which sought to make appointments to those committees.

Resolved that:

i) the number of seats on each Committee and the allocation of those seats to political groups be as follows:

Group	Appointments Committee	Audit & Standards Committee	Policy & Resources Committee
Conservative	4	7	7
Labour	1	2	2
Independent	1	1	2
2013	1	1	1
Non Aligned	0	1	1
(Total)	7	12	13

ii) the following Members be appointed as the Chairman and Vice-Chairman of the following Committees:

a. Appointments Committee

Chairman: Mr D W Prodger MBE

Vice-Chairman: Mr R J Phillips

b. Audit and Standards Committee

Chairman: Ms L R Duffy

Vice-Chairman: Mr G C Yarranton

c. Policy and Resources Committee

Chairman: Mr C B Taylor

Vice-Chairman: Mr R C Adams

iii) In accordance with the wishes of Group Leaders, membership of committees be as set out in Appendix 1;

iv) non-aligned Members Mr S C Cross and Mr J L V Kenyon be appointed to the Audit and Standards Committee and to the Policy and Resources Committee, respectively;

v) Ms P Agar and Mrs F M Oborski be appointed to the Equality and Diversity Advisory Group;

vi) Mr G C Yarranton be appointed to the Health and Safety Committee; and

vii) Mrs A T Hingley be appointed as the Chairman to the Young Firefighters' Association Executive Committee.

36 Appointments to Outside Bodies

A report was presented to consider appointments to the Local Government Association.

Resolved that:

i) the previous practice for representation and voting on the Local Government Association be continued, as follows:

a. that the Authority's four representatives on the Local Government Association should be the Leaders of each of the current four political groups or their nominees;

b. that the 13 Service votes on the Local Government Association Assembly be allocated between its representatives on a politically

proportionate basis as follows:

Conservative Group	8
Labour Group	2
Independent Group	2
2013 Group	1
Total	13; and

c. the corporate vote on the Local Government Association Assembly be exercised by the Chairman or his nominee;

ii) the place and vote available to the Authority on the Local Government Association Fire Commission be exercised by the Chairman of the Authority;

iii) the Authority's representative on the Project Arrow Joint Project Board be the Chairman or his nominee; and

iv) the Chairman, Vice-Chairman and Political Group Leaders represent the Authority on the Project Arrow Member Reference Group.

37 Provisional Financial Results 2014/15

A report was presented with the financial results for 2014/15. Members were reminded that although this subject is normally a matter for the Policy and Resources Committee, this year the Committee did not meet between the end of the financial year and the date by which the Statement of Accounts had to be submitted.

During discussions about the transfer of staff to other stations, the Chief Fire Officer assured Members that where resources were available, staff that had been transferred would have the opportunity to have their skills updated as appropriate and they wouldn't be unduly disadvantaged for a return transfer to their original station should a vacancy occur.

[Councillor Guthrie left the meeting at 10.59am].

Resolved that the Authority:

- i) Notes the provisional financial results for 2014/15;**
- ii) Approves the transfer of £0.300m to the Operational Activity Reserve;**
- iii) Approves the transfer of £0.300m to an ear-marked reserve for late equipment delivery;**
- iv) Approves the transfer of the balance of £1.229m to a temporary earmarked reserve and require the Policy and Resources Committee to recommend its appropriate use; and**
- v) Approves the re-phasing of capital budgets to 2015/16 as detailed in Appendix 2.**

38 Annual Performance 2014-15

The annual performance for 2014-15 was presented using the set of Key Performance Indicators (KPIs) as agreed by the Senior Management Board.

Resolved that the Authority notes the following headlines taken from Appendix 1 relating to annual performance for 2014-15:

- i) the total number of incidents attended in 2014-15 is the lowest overall total in the nine years that the current data set has been collected. It is also the lowest number of incidents for each of the three main categories of incidents individually;**
- ii) sickness levels for all staff continue to remain within tolerance and are comparable with 2013-14;**
- iii) the Service saw a 6.5% increase in attendances at building fires that met the 10 minutes attendance standard, compared with the same period last year; and**
- iv) retained (on-call) first appliances were available for operational duty 94.3% of the time.**

39 Fire Authority Annual Report 2015-16

The Fire Authority's Report 2015-16 was presented for adoption and

approval for publication.

Resolved that the Fire Authority Annual Report 2015-16 be adopted and approved for publication subject to any final minor changes as agreed by the Chief Fire Officer in consultation with the Chairman.

40 Asset Management Strategy

A report was presented to Members on the progress made in the delivery of the Service's Asset Management Strategy to replace five fire stations and build four strategic training facilities. Members were made aware of the revised financial position on the capital projects confirming the funding gap had been reduced to zero.

Resolved that the Authority notes that since the Asset Management Strategy was proposed in March 2011:

- i) three fire stations have been replaced;**
- ii) three Strategic Training Facilities have been built;**
- iii) the Service has aligned its fire station replacement programme with the Police through closer collaboration; and**
- iv) the Place Partnership Limited venture has been registered as a company with a managing director having been appointed.**

41 Wyre Forest Blue Light Hub

An update on the Wyre Forest Blue Light Hub project was presented to gain authorisation for public consultation.

Resolved that the Authority approves the commencement of formal public consultation for the Wyre Forest Blue Light Hub project.

42 Members' Allowances

A report was presented to consider whether to make any alterations to the Members' Allowances Scheme for 2015/16 in light of the lack of change in the Consumer Price Index to April 2015.

Resolved that:

**i) the amended Members' Allowances Scheme 2015/16 be approved;
and**

**ii) there be no change to the level of Members' Allowances for
2015/16.**

43 Chief Fire Officer's Service Report

The Chief Fire Officer informed the Authority of recent key developments and activities. The Chief Fire Officer was thanked for setting up the Day Crewing Plus system. Members thanked Malvern Fire Station for their help on 9 May 2015 with the VE Day Celebrations.

Resolved that the report be noted.

44 Local Government Association Fire Conference and Exhibition 2015

The Chairman presented a report updating the Authority on issues raised at the recent Local Government Association (LGA) Annual Fire Conference and Exhibition 2015 held on 10-11 March 2015.

Resolved that the report be noted.

45 Minutes of Policy and Resources Committee

The Chairman of the Committee reported the proceedings of the Policy and Resources Committee meeting held on 25 March 2015.

Resolved that the minutes of the Policy and Resources Committee meeting held on 25 March 2015 be received and noted.

46 Minutes of Audit and Standards Committee

The Chairman of the Committee reported the proceedings of the Audit and Standards Committee held on 15 April 2015.

Resolved that the minutes of the Audit and Standards Committee meeting held on 15 April 2015 be received and noted.

The Meeting ended at: 12:30

Committee Seats 2015/16

<u>Policy and Resources Committee (13)</u>	<u>Conservatives (7)</u>	<u>Labour (2)</u>	<u>Independents (2)</u>	<u>2013 (1)</u>	<u>Non-Aligned (1)</u>
	Mr K Taylor (Chair) Mr R Adams (Vice Chair) Mr B Baker Mrs E Eyre Mr R Phillips Mr D Prodger MBE Mr P Tuthill	Mr R Udall Mr A Fry	Ms R Jenkins Mr J Thomas	Mrs F Oborski MBE	Mr J Kenyon
<u>Audit & Standards Committee (12)</u>	<u>Conservatives (7)</u>	<u>Labour (2)</u>	<u>Independents (1)</u>	<u>2013 (1)</u>	<u>Non-Aligned (1)</u>
<i>Cannot include: Chair/Vice-chair of Authority; Outgoing Chair of Authority; Chair of Policy & Resources; or Group Leaders</i>	Ms L Duffy (Chair) Mr G Yarranton (Vice- Chair) Mr A Amos Mr P Gretton Ms K Guthrie Mrs A Hingley Mr S Williams	Ms P Agar Mr G Vickery	Mr B Matthews	Prof. J Raine	Mr S Cross
<u>Appointments Committee (7)</u>	<u>Conservative (4)</u>	<u>Labour (1)</u>	<u>Independent(1)</u>	<u>2013 (1)</u>	
<i>Should normally include: Chair of Authority Chair of Policy & Resources Chair of Audit & Standards</i>	Mr D Prodger MBE (Chair) Mr R Phillips (Vice-Chair) Ms L Duffy Mr K Taylor	Mr R Udall	Ms R Jenkins	Mrs F Oborski MBE	

Member / Officer Working Group Representatives

Equality & Diversity Advisory Group:

Ms P Agar

Mrs F Oborski MBE

Health & Safety Committee:

Mr G Yarranton

Chairman of the Young Firefighters' Association Executive Committee

Mrs A Hingley

Report of the Chief Fire Officer

6. A Service for the Future

Purpose of report

1. To introduce the work of the Local Government Association (LGA) in relation to Fire and Rescue Authorities.
 2. A short presentation will be provided at the meeting by guests from the LGA.
-

Recommendations

It is recommended that the Authority notes:

- i) the work of the LGA in relation to Fire and Rescue Authorities; and***
- ii) the recent response to the Government Spending Review from the Chief Fire Officers' Association (CFOA) and the LGA.***

Introduction and Background

3. The LGA works with local authorities to ensure local government has a voice with national government. It aims to influence and set the political agenda on the issues that matter to local authorities and the people they serve.
4. The LGA Fire Commission provides a forum for member authorities to come together to discuss matters of common interest and concern, to exchange good practice and to influence the priorities and activities of the LGA. All Fire Authorities in associate or corporate membership of the LGA are entitled to representation on the Fire Commission and are entitled to vote on the basis of population. This Authority has nominated the Chairman to have a seat on the Fire Commission.
5. The Fire Commission is led by Fire Services Management Committee (FSMC) which reports to the LGA Community Safety Board, as shown in the structure at Appendix 1. Members are appointed by their respective political group to sit on FSMC with representation being based on the nationwide political balance amongst the Fire Authorities that are members of the LGA. The membership of the FSMC is attached at Appendix 2.
6. The role of the FSMC is to represent as an LGA body the views and concerns of the fire community ensuring that local circumstances have a voice in the national context. FSMC will take the lead on behalf of the LGA: on the future direction of the fire and rescue service; improvement within the sector; and on all

other day-to-day issues (e.g. technical or operational matters) affecting fire authorities.

7. Senior Advisor to the LGA, John Wright, the FSMC Chairman Cllr Jeremy Hilton and Helen Murray, LGA Principal Advisor to the West Midlands Region, have been invited to attend the meeting to provide Members with a further overview of the work of the LGA in influencing government and acting on other matters on behalf of fire authorities.

Government Spending Review

8. Since the Government announced its Spending Review in 2010, finance settlements for fire and rescue authorities (FRAs) have resulted in central government funding reductions to directly funded fire authorities from £1057m to £739m, a fall of £318m or 30%.
9. With regards to local taxation, in 2015/16, the average Band D council tax levied by precepting fire authorities is £70.00 per household whilst the average local authority Band D council tax is £1,484. On average the fire and rescue element of the council tax bill is £1.34 per week. Fire and rescue service council tax levels have only increased on average by 6.5% (£4.27) in the last five years with an average increase in 2015/16 of 1.47%.
10. In comparison, in 2015/16 this Authority precepts on average £76.50 per household, which equates to £1.47 per week. We have increased our council tax level by 3.8% since 2010/11 and by 1.92% in 2015/16.
11. Between 2010/11 and 2015/16 the underpinning budgets for precepting fire authorities were reduced by £141.7m in cash terms or 9.2%. It is estimated that in comparison this Authority has had its budget reduced by approximately 14% in cash terms during this period. It is useful to note that in the previous CSR period (2007/08 to 2010/11) the grant to this Authority was increased by 3.0% compared to the national average increase of 6.4%.
12. In the national context, approximately 80% of the fire and rescue service's budget is to pay for frontline staff, which will inevitably be impacted by cost savings. Since 2010, this Authority has seen a reduction of 82 wholetime operational staff, which has reduced the overall wholetime establishment from 314 to 232 as follows:
 - reduction of 1 Assistant Chief Fire Officer;
 - increase of 1 Group Commander;
 - reduction of 11 Station Commanders;
 - reduction of 1 Watch Commander; and
 - reduction of 70 Firefighters.
13. The Authority does not work on an authorised establishment for on call firefighters (Retained Duty System). The on-call headcount (not full time equivalent) has increased by 24 from 356 to 380 since 2010.

14. The Authority has reduced its fire control establishment of from 25 to and there has been a reduction in support staff in the same period from 142 to 100.
15. The fire and rescue service has driven down fires, deaths and injuries by over 50% in the last 10 years. The most recent data quoted by the LGA/CFOA shows that the decreasing trend is continuing:
 - 15.1 The provisional number of reported fire fatalities in England in 2014/15 was 258, down 6% from 274 in 2013/14, which is the lowest annual figure to date. Of these fatalities, 163 were from accidental dwelling fire fatalities, a decrease of 10% compared to 2013/14 and also the lowest to date.
 - This Authority recorded two fire related fatalities in 2014-15: one of those being deliberate. This figure is down from six in 2013-14 although as our number of fire related fatalities is historically low it is unwise to draw any conclusions from statistics from only two years' data.
 - 15.2 In England there were 3,235 non-fatal fire hospital casualties in 2014/15, which is 6% lower than in 2013-14 and 55% lower than in 2004/05
 - HWFRS dealt with 43 such casualties in 2013/2014, which was down to 25 in 2014/2015.
 - 15.3 Fire and rescue services attended a total of 154,700 fires in 2014/15, the second lowest on record.
 - 15.4 Fire and rescue services also attended 125,000 non fire incidents in 2014/15, which was down 5% from 2013/14, due to largely fewer flooding incidents compared to the previous year. The largest categories of non-fire incidents were road traffic collisions (25%) and attending medical incidents (13%)
 - The total number of incidents attended by HWFRS in 2014-15 is the lowest overall total in the nine years that the current data set has been collected. It is also the lowest number of incidents for each of the three main categories of incidents individually (fires, false alarms and special service (other non-fire emergency) incidents).
 - 15.5 The number of false alarm incidents attended was down by 4% in 2014/15 compared to 2013/14.
 - The total number of false alarms we attended has decreased overall by 4.8% in 2014-15.

A Service for the Future

16. CFOA and the LGA have recently published a response to the Spending Review. In the document entitled "A Service for the Future: 670,000 ways to add value", CFOA and the LGA recognise that the financial challenges that face public services, local government and the fire and rescue service will continue

over the current parliamentary term. CFOA and LGA state that there will also be other challenges, such as an ageing society and increasingly complex security threats, which will place new demands on fire and rescue services. All Members have been sent a copy of the document as a background paper.

17. The submission does not primarily focus on budget reductions, it also offers Government the opportunity to exploit the potential of the fire and rescue services to play a vital wider role that will contribute to the ambitions of the spending review. The submission contains a total of 7 recommendations to the Government, which aim to exploit this potential.

Conclusion/Summary

18. The LGA works with local authorities to ensure local government has a voice with national government and its Fire Services Management Committee ensures that the views and concerns of the fire community are raised. For example, CFOA and the LGA have recently published a response to the Spending Review.
19. Representatives from the LGA will be in attendance at the meeting to provide Members with a further overview of the work of the LGA in influencing government and acting on other matters on behalf of fire authorities.

Corporate Considerations

Resource Implications (identify any financial, legal, property or human resources issues)	N/A
Strategic Policy Links (identify how proposals link in with current priorities and policy framework and if they do not, identify any potential implications).	The LGA, Fire Commission and Fire Services Management Committee lobby central government to ensure that the voice of local Fire Authorities are heard.
Risk Management / Health & Safety (identify any risks, the proposed control measures and risk evaluation scores).	N/A
Consultation (identify any public or other consultation that has been carried out on this matter)	N/A
Equalities (has an Equalities Impact Assessment been completed? If not, why not?)	N/A. This report does not contain any recommended changes to Authority Policy.

Supporting Information

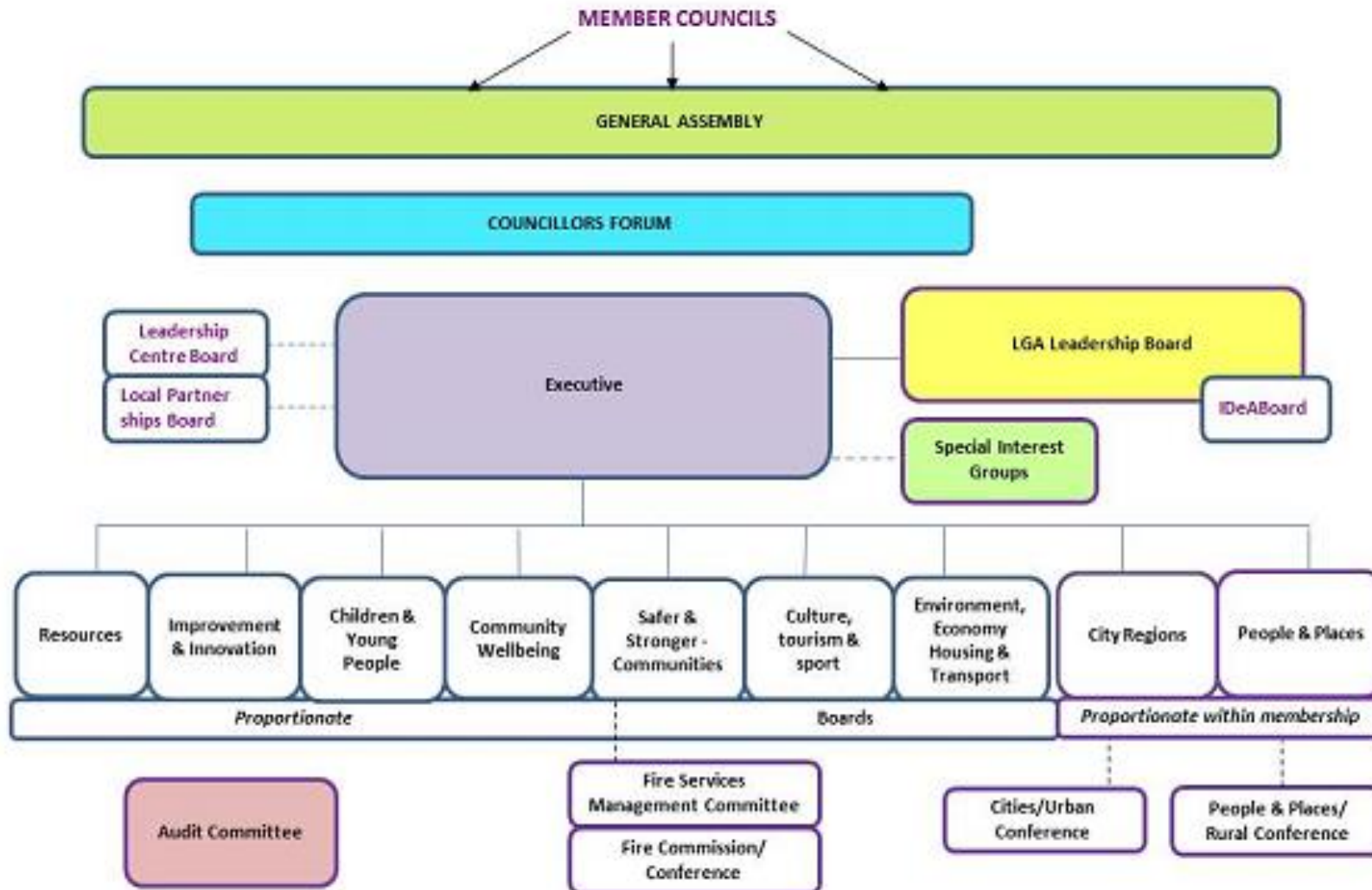
Appendix 1 – LGA Structure

Appendix 2 – Fire Services Management Committee Membership

Background papers - A Service for the Future: 670,000 ways to add value - CFOA and LGA, 2015

Contact Officer

Mark Yates, Chief Fire Officer
(01905 368202) Email: myates@hwfire.org.uk



Fire Services Management Committee Membership

- **Cllr Kay Hammond** (Deputy Chairman) Conservative Surrey County Council
- **Cllr Maurice Heaster** Conservative London Fire and Emergency Planning Authority (LFEPA)
- **Cllr Rebecca Knox** Conservative Dorset Fire Authority
- **Cllr Simon Spencer** Conservative Derbyshire Fire and Rescue Authority
- **Cllr Nick Chard** Conservative Kent and Medway Fire and Rescue Authority
- **Cllr Peter Jackson** Conservative Northumberland Council
- **Cllr Mark Healey** (Substitute) Conservative Devon and Somerset Fire and Rescue Authority
- **Cllr John Horner** (Substitute) Conservative Warwickshire County Council
- **Cllr Colin Spence** (Substitute) Conservative Suffolk Fire Authority
- **Cllr David Acton** (Deputy Chair) Labour Greater Manchester Fire and Rescue Authority
- **Cllr Michele Hodgson** Labour County Durham and Darlington Fire & Rescue Authority
- **Cllr John Joyce** Labour Cheshire Fire Authority
- **Ms Fiona Twycross** Labour London Fire and Emergency Planning Authority (LFEPA)
- **Cllr Darrell Pulk** Labour Nottinghamshire and City of Nottingham Fire and Rescue Authority
- **Cllr John Edwards** Labour West Midlands Fire and Rescue Authority
- **Cllr Les Byrom CBE** (Substitute) Labour Merseyside Fire and Rescue Authority
- **Cllr Thomas Wright** (Substitute) Labour Tyne and Wear Fire and Rescue Authority
- **Cllr Philip Howson** (Vice-Chair) UKIP East Sussex Fire Authority
- **Cllr Jeremy Hilton** (Chair) Liberal Democrat Gloucestershire County Council
- **Cllr Roger Price** (Substitute) Liberal Democrat Hampshire Fire and Rescue Authority

Report of the Chief Fire Officer

7. Enabling Closer Working Between Emergency Services

Purpose of report

1. To consider and approve a response to the recent Government consultation document on a proposed series of measures to drive greater collaboration between the police, fire and rescue and NHS ambulance services.
-

Recommendations

It is recommended that:

- i) the response to the document “Enabling Closer Working Between the Emergency Services” (as attached at Appendix 1) be agreed; and***
- ii) any further amendments be approved by the Authority Chairman in consultation with Group Leaders.***

Introduction and Background

2. The Government published its consultation document “Enabling Closer Working Between the Emergency Services” on 11 September 2015. The consultation seeks views on proposals for greater collaboration between the police, fire and rescue and ambulance services and a legal duty for all three emergency services to collaborate.
3. The Authority’s political group leaders have drafted a response attached at Appendix 1 for consideration by the Authority. The consultation period closes on 23 October 2015.

Enabling Closer Working Between the Emergency Services

4. The measures being consulted upon are:
 - a) introducing a new duty on all three emergency services to actively consider collaboration opportunities with one another to improve efficiency and effectiveness;
 - b) enabling Police and Crime Commissioners to take on the duties and responsibilities of fire and rescue authorities, where a local case is made;
 - c) where a Police and Crime Commissioner takes on the responsibilities of a fire and rescue authority, enabling him or her to create a single employer for police and fire staff,

facilitating the sharing of back office functions and streamlining management;

- d) in areas where a Police and Crime Commissioner has not become responsible for fire and rescue services, enabling them to have representation on their local fire and rescue authority; and
 - e) abolishing the London Fire and Emergency Planning Authority and giving the Mayor of London direct responsibility for the fire and rescue service in London, as will be the case in Greater Manchester.
5. In summary, the draft response argues that although there are some benefits to closer working between the emergency services any collaboration should be voluntary and agreed by all parties concerned otherwise it would not be true and effective collaboration. The consultation focuses on potential collaboration between the police and fire and rescue services, however, it would be beneficial if the ambulance service was also included in the debate to encourage further dialogue between all three emergency services with regards to voluntary partnership working at the local level.
6. It is proposed that the consultation document states that any collaboration between the emergency services must ensure that the existing relationship with local authorities is retained. It is through the local authority members being placed on fire authorities that local democratic accountability is maintained. Fire and rescue services currently work in tandem on many issues with local authorities due to the strong links forged by fire authority members and we would not want to lose these positive working relationships.
7. The draft response also indicates that the fire and rescue service is currently very cost effective and reflects the concern that any imposed collaboration would increase the cost of the service to communities due to the current disparity in precepts. Before any consideration is given to Police and Crime Commissioners (PCCs) taking responsibility for fire, a full analysis of the relative cost of fire authorities and PCCs should be instigated with the results being made publicly available.

Conclusion/Summary

8. The Government recently published a consultation document seeking views on proposals for greater collaboration between the police, fire and rescue and ambulance services and proposes a legal duty for all three emergency services to collaborate.
9. Group Leaders have drafted a response, on behalf of the Authority to the consultation, which closes on 23 October 2015. The Authority is asked to consider and approve the attached draft response prior to its submission.

Corporate Considerations

Resource Implications (identify any financial, legal, property or human resources issues)	The consultation seeks views on the introduction a new legal duty on all three emergency services to actively consider collaboration opportunities with one another. This includes the potential for PCCs to create a single employer for police and fire staff, facilitating the sharing of back office functions and streamlining management. The proposed response to the consultation highlights the concern that any imposed collaboration would increase the cost of the service to communities due to the current disparity in precepts.
Strategic Policy Links (identify how proposals link in with current priorities and policy framework and if they do not, identify any potential implications).	This report does not recommend any changes to policy.
Risk Management / Health & Safety (identify any risks, the proposed control measures and risk evaluation scores).	This report does not recommend any changes to policy.
Consultation (identify any public or other consultation that has been carried out on this matter)	Principal Officers have been consulted on the draft consultation response.
Equalities (has an Equalities Impact Assessment been completed? If not, why not?)	An EIA has not been completed as this report does not recommend any changes to Authority policy.

Supporting Information

Appendix 1 – Draft response to the consultation “Enabling Closer Working between the Emergency Services”

Contact Officer

Mark Yates, Chief Fire Officer
 (01905 368202)
 Email: myates@hwfire.org.uk



HM Government

Consultation

Enabling closer working between the Emergency Services

September 2015



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For further information on this consultation, contact: Bluelights@homeoffice.gsi.gov.uk

The consultation can be found on gov.uk.

About this consultation

Topic	<p>Greater collaboration and a legal duty to collaborate for the three emergency services:</p> <ul style="list-style-type: none"> • Police • Fire and Rescue • Ambulance <p>Shared governance for police and fire under Police and Crime Commissioners (PCCs).</p>
Scope	To discuss how these proposals can be developed and implemented in order to deliver greater effectiveness and efficiency.
Geographical scope	<p>England</p> <p>Fire and ambulance services are devolved in Wales and, as such, the proposals in this consultation do not apply to Wales unless they decide to adopt them. However, Police and Crime Commissioners in Wales can apply for funding through the Police Innovation Fund to support emergency services collaboration.</p> <p>The proposals do not affect Scotland or Northern Ireland.</p>

Basic information

To	This consultation is open to the public
Duration	11 th September 2015 – 23 rd October 2015
How to respond	<p>Responses can be submitted online through the gov.uk website, or by email : Bluelights@homeoffice.gsi.gov.uk</p> <p>or by post:</p> <p>Emergency Services Collaboration Consultation Police Strategy & Reform Unit 6th Floor Fry Building 2 Marsham Street London SW1P 4DF</p>
Enquiries	Bluelights@homeoffice.gsi.gov.uk
Additional ways to become involved	Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio. The department is obliged to offer, and provide on request, these formats under the Equality Act 2010
After the consultation	The Government will consider all responses to the consultation carefully and a 'Response to Consultation' document will be published. This will explain the Government's final policy intentions. All responses will be treated as public, unless the respondent states otherwise.
Consultation Co-ordinator	<p>If you have a complaint or comment about the Home Office's approach to consultation, you should contact the Home Office Consultation Co-ordinator. Please DO NOT send your response to this consultation to the Co-ordinator.</p> <p>The Co-ordinator works to promote best practice standards set by the Code of Practice, advises policy teams on how to conduct consultations and investigates complaints against the Home Office. They do not process your response to this consultation.</p> <p>The Consultation Co-ordinator can be e-mailed at: HOC consultations@homeoffice.gsi.gov.uk.</p>

Foreword

The police, fire and rescue and NHS ambulance services play a vital role in serving and protecting our communities. This Government is committed to ensuring that they continue to deliver for the public and believes greater collaboration across all three services is fundamental to this ambition.

The services already work highly effectively side by side in a wide range of situations and there are examples in this consultation paper of existing collaborations between the emergency services which are not only improving effectiveness but saving taxpayers millions of pounds. We believe this way of working must become standard practice to deliver a more efficient and effective service for the public. We are also clear that the emergency services should be accountable to the communities they serve. In keeping with our broader approach to the devolution of powers to local people, we want to ensure that the public has a real say in the way that emergency services are delivered in their area. This includes providing the option for services to come together more closely where there is a good case and local will to do so.

Our manifesto was clear that *“we will enable fire and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners”*.

Our goal is to improve outcomes for the public through closer joint-working across all the emergency services, including the NHS ambulance service. To drive increased collaboration, we intend to introduce a duty to collaborate on the three emergency services, so that they will be required to consider collaboration with each other wherever it would drive efficiency or effectiveness. This shows clearly that we expect the three services to work together to deliver savings and improve services.

Directly elected Police and Crime Commissioners have clear local accountability and a strong incentive to pursue ambitious reform to improve local services and deliver value for money in the interests of local people. There are good examples around the country of joint working between emergency services, and we are aware of calls for stronger governance to help them do more. We therefore intend to remove the legal barriers and enable local areas to have this choice. We want to allow for the transfer of responsibilities of fire and rescue authorities to Police and Crime Commissioners where a local case is made that it would be in the interests of economy, efficiency and effectiveness, or public safety. The Government believes there could be significant benefits for the services and the communities they serve from this.

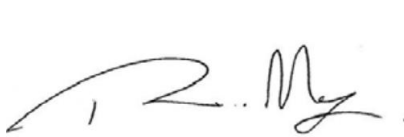
Furthermore, we propose to empower Police and Crime Commissioners, where a local case is made, to maximise the scope for efficient and effective police and fire services by enabling the creation of a single employer, facilitating the sharing of back office functions and streamlining management. This will give Police and Crime Commissioners the freedom to deliver the best possible services to the public, whilst maintaining the important distinction between operational policing and firefighting, with the law preventing a member of a police force from being a firefighter remaining in place, and there is no intention to give firefighters the power of arrest.

We also want to see Police and Crime Commissioners and NHS ambulance trusts working more closely together to ensure the demand that the police and NHS ambulance services place on each other, on a day-to-day basis, is dealt with in the most effective and efficient manner.

Our public services need to continue to adapt and innovate to carry on delivering the world-class services that communities deserve. We strongly believe that greater collaboration and closer working is the best way for the emergency services to achieve this.

The Government's wider devolution agenda and the proposals in this consultation paper provide opportunities for stronger local leadership to drive greater collaboration and more efficient and effective emergency services. They will also give the public a more powerful voice in determining the priorities for their local area through an individual who is directly elected by and accountable to them.

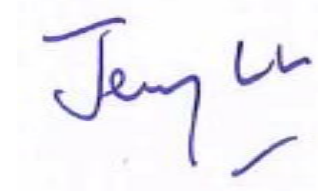
We look forward to receiving your responses to this consultation.

A handwritten signature in black ink, appearing to read 'T. May'.

Rt Hon Theresa May MP
Home Secretary

A handwritten signature in black ink, appearing to read 'Greg Clark'.

Rt Hon Greg Clark MP
Secretary of State for
Communities and
Local Government

A handwritten signature in blue ink, appearing to read 'Jeremy Hunt'.

Rt Hon Jeremy Hunt MP
Secretary of State for Health

Executive Summary

The Government is consulting on a series of measures to transform the delivery of local fire and police services, and drive greater collaboration between the police, fire and rescue and NHS ambulance services.

The measures being consulted upon are:

- introducing a new duty on all three emergency services to actively consider collaboration opportunities with one another to improve efficiency and effectiveness;
- enabling Police and Crime Commissioners to take on the duties and responsibilities of fire and rescue authorities, where a local case is made;
- where a Police and Crime Commissioner takes on the responsibilities of a fire and rescue authority, enabling him or her to create a single employer for police and fire staff, facilitating the sharing of back office functions and streamlining management;
- in areas where a Police and Crime Commissioner has not become responsible for fire and rescue services, enabling them to have representation on their local fire and rescue authority; and
- abolishing the London Fire and Emergency Planning Authority and giving the Mayor of London direct responsibility for the fire and rescue service in London, as will be the case in Greater Manchester.

This consultation is open until 23rd October 2015. Details of how to respond are set out at page 2 of this document.

Introduction and background

The Government is committed to driving increased collaboration between the emergency services to deliver more effective and efficient services for the public. Local services that are responsive and accountable to local people are best placed to make the right decisions for their communities. That is why the Government committed in its manifesto to “enable fire and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners”.

The profile of demand for all three emergency services is changing, with the best police and fire services managing demand earlier and investing in prevention and protection.

Police reform is working and crime, as measured by the independent Crime Survey for England and Wales, has fallen by more than a quarter since June 2010 and by 64% since its peak in 1995. It is at its lowest level since the survey began in 1981. However, a College of Policing analysis of demands on policing¹ found that whilst recorded crime has reduced, demand on the police has not reduced in the same way. The analysis shows the incoming and ongoing work of the police and suggests an increasing amount of police time is directed towards public protection work such as managing high-risk offenders and protecting victims who are at risk and often vulnerable. These cases are often extremely challenging and rightly require considerable amounts of police resource. The police need to continue to seek opportunities to maximise efficiency and effectiveness, including through collaborations.

Incidents attended by fire and rescue services have been on a long-term downward trend and have fallen by 48 per cent over the last decade. Fire related deaths and casualties have also been on a long-term downward trend. Accidental fire deaths in the home in England (which account for two thirds of all fire fatalities) have decreased by 36% over the last 10 years. Beyond the impact of societal change, this success is attributed to a range of factors: the valuable work of fire and rescue services on fire prevention, public awareness campaigns such as “Fire Kills”, standards to reduce flammability such as furniture regulations, and the growing prevalence of smoke detectors in homes (rising from 8 per cent in 1988 to 92 per cent in 2013-14).

Conversely, there is increasing demand on the ambulance service. Total calls to the ambulance switchboard have increased by 10% from just over 8 million in 2011/12 to over 9 million in 2014/15 (with nearly 1700 more emergency calls every day) and emergency responses to the most urgent calls have increased by 25%. However, the number of emergency journeys (where patients are transported to either a type 1 or type 2 A&E) has decreased slightly year on year. This is in part due to a change in reporting, however some of the reduction may have been as a result of increased ‘hear and treat’ (resolving calls over the phone) and ‘see and treat’ (resolving calls at the scene without transportation) for lower priority calls.

We know that collaboration presents a real opportunity for organisations in terms of increasing efficiency and effectiveness alongside the ever-present need to maximise available resources. The 2013 review of the fire and rescue service ‘Facing the Future’ by Sir Ken Knight² stated that “merging fire and rescue services with one or more of the other blue light services and/or sharing governance structures” could result in considerable gains. Sir Ken highlighted that “if all authorities spending more than the average reduced their expenditure to the average, savings could amount

¹ Estimating demand on the police service (2015)

² Facing the Future (2013)

to £196 million a year". This is a significant figure and amounts to approximately 10% of the annual budget for fire and rescue services.

The Public Accounts Select Committee's 2011 report, *Transforming NHS Ambulance Services*,³ found varying levels of collaboration between NHS ambulance, fire and police services and recommended that collaboration should be strengthened. The report also found that, although NHS ambulance services collaborate with fire and rescue services and police forces in some areas, there is scope for a more systematic approach to sharing procurement and back office services across the emergency services.

There are already examples of emergency services responding to that shift in demand and trying innovative and collaborative ways of delivering. For example:

- Northamptonshire's Interoperability Programme is working towards bringing the police and fire and, in the longer term, the NHS ambulance service ever closer together. Their achievements to date include joint delivery of training, fleet and logistics; co-location of premises; a fully integrated Prevention and Community Protection Team from police and fire; and a joint operations team which plans all operational activity across the three emergency services. They expect this programme of work to contribute to police savings of £21 million, and £2 million savings for the fire service, over four years.
- The emergency services across Surrey and Sussex are developing the Multi-Agency Information Transfer programme, which will enable an electronic connection between existing command and control systems, reducing the current four-minutes it takes to transfer information by phone to the fire service to just a few seconds. The scheme will see a fully integrated joint contact and control centre, amalgamating 13 contact centres and saving an estimated 7,500 operator hours per year.
- In Lincolnshire and a number of other areas, the fire service responds to emergencies jointly with the NHS ambulance service ("co-responding") to ensure patients receive treatment as soon as the emergency services arrive and transport them to hospital where necessary.
- In Hampshire, the police and fire and rescue services are developing a shared HQ, a strategic command centre, co-located stations and shared training facilities, delivering annual savings for both services of around £1 million.
- In Durham, Police Innovation Fund support is enabling the training of Tri-service Community Safety Responders acting as Police Community Support Officers, retained fire-fighters and community first responders (i.e. volunteer, on-call NHS ambulance personnel).
- Suffolk Police and Suffolk Fire Service have five shared fire and police stations, used by retained fire fighters and police Safer Neighbourhood Teams, and are looking to expand this further. They have a joint cadet scheme and plan to introduce a joint community safety unit.

There are also two major programmes to improve joint working between the emergency services:

- The Emergency Services Mobile Communications Programme will provide the next generation communication system for the three emergency services and other public safety users. This system will be called the emergency services network and will provide the next generation of integrated critical voice and broadband data for the emergency services.
- The Joint Emergency Services Interoperability Programme (JESIP, 2012-2014) delivered significant improvements in the ability of the emergency services to work together effectively in response to major incidents. The programme included the largest ever joint training programme undertaken by the emergency services, delivered successfully in collaboration with government support. Joint Emergency Services Interoperability Programme has now entered a phase of continual implementation to maintain the heightened level of interoperability achieved by the programme, and to ensure long-term change towards an embedded culture of interoperability and collaboration between the emergency services.

³ Transforming NHS Ambulance Services (2011)

The Government has invested over £70 million in local blue light collaboration projects⁴ and supports the Emergency Services Collaboration Working Group, which has published a national overview of collaboration,⁵ hosted a shared learning event with over 140 delegates, and published research⁶ to build the evidence base for greater collaboration.

However, the picture of collaboration around the country is still patchy and there is much more to do to improve value for money and the service to the public. Strong leadership will be required to drive greater efficiencies and improved outcomes.

The Government's wider devolution agenda and the proposals in this consultation paper provide opportunities for stronger local leadership to drive greater collaboration and more efficient and effective emergency services. They will also give the public a more powerful voice in determining the priorities for their local area through an individual who is directly elected by and accountable to them.

⁴ Winning bids from the Fire Transformation Fund can be found at:
<https://www.gov.uk/government/news/fire-services-improvement-fund-public-get-a-win-win-better-local-services-and-at-lower-cost>

Successful bids to the Transformation Challenge Award can be found at:

<https://www.gov.uk/government/publications/transformation-challenge-award-winning-bids>

Successful bids to the 2015/16 Police Innovation Fund can be found at:

<https://www.gov.uk/government/news/home-office-rewards-police-innovation>

⁵ National overview of collaboration (2014)

⁶ Working group research report

Proposals

A new duty on all three emergency services to collaborate with one another

Collaboration between emergency services occurs in many areas of the country but it is not as widespread or as wide-ranging as it could be in delivering efficiencies and better services. We want to spread existing best practice across all areas of the emergency services, making collaboration common practice. However, the varying extent of collaboration to date indicates that there are limitations to innovation without a driver for change and there is significant scope for improving the way in which opportunities are identified and implemented.

We believe that as part of good public service delivery, the opportunities to collaborate should be kept under regular consideration. In order to ensure that this is the case, **the Government intends to introduce a new statutory duty on the three emergency services to collaborate with one another to improve efficiency and effectiveness.**

This new duty would drive greater collaboration and ensure that all opportunities for collaboration to improve efficiency and effectiveness between the emergency services are fully explored whilst allowing decisions to be taken at a local level. The duty is intended to be broad to allow for local discretion in how it is implemented so that the emergency services themselves can decide how best to collaborate for the benefit of their communities. However, there would be a clear duty on local emergency services to consider opportunities for collaboration, where these could improve efficiency and effectiveness. It is important to note that this duty to collaborate should not be considered a burden to the emergency services – it is about seeking efficiencies.

Question

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

Hereford & Worcester Fire and Rescue Service (HWFRS) is already working well with the Police. The Chief Fire Officer has built a close working relationship with the Chief Constable of West Mercia Police Force and this has filtered down through the Service resulting in on-going dialogue between the two organisations to explore opportunities to collaborate on a range of projects that will drive efficiencies. For example, the property capital replacement programmes of both organisations are now aligned and any fire station which is being considered for replacement will have facilities for sharing space with the Police.

In October 2014, the Government announced that both bids from this Authority for funding from the Transformation Fund had been successful, with the Authority receiving a total of £4.27 million to enable the co-location of the Fire Service headquarters and West Mercia Police headquarters and to create a new Blue Light Hub in the Wyre Forest area.

Therefore, this Authority does not believe that a new duty would benefit further collaboration as this already exists and is being driven forward locally. However, further dialogue with the ambulance service at the national level would improve the potential for all three emergency services to work more closely at the local level.

The proposed new duty also raises concerns with regards to the potential boundary changes that would be required. These changes risk the loss of some partnerships and would reduce our flexibility in establishing partnerships with other organisations outside the blue light services.

Strengthening accountability and governance

The governance arrangements for the three emergency services are very different: directly elected Police and Crime Commissioners are responsible for the governance of the police; fire and rescue authorities are responsible for the fire and rescue service; and ambulance services are NHS trusts or NHS foundation trusts.

Police and Crime Commissioners were elected in 2012 and they set the direction for their police force in cutting crime, giving the public a voice at the highest level. Police and Crime Commissioners must set their priorities out in a police and crime plan, set the policing precept (the element of council tax that goes to policing) and hold the chief constable to account for operational delivery. In their 2014 report “Police and Crime Commissioners: progress to date”, the Home Affairs Select Committee concluded that Police and Crime Commissioners had provided greater clarity of leadership for policing in their area and were increasingly being recognised by the public for the strategic direction they are providing.

There are 46 fire and rescue authorities across England, which are either single purpose fire authorities comprised of councillors co-opted from relevant constituent authorities within the fire authority area, or are county councils which also have responsibility for the fire service. Each fire and rescue authority must produce an integrated risk management plan that identifies and assesses all foreseeable fire and rescue related risks that could affect its community and must hold their Chief Fire Officer/Chief Executive to account for the delivery of the fire and rescue service. The 2013 Review of the fire and rescue service, ‘Facing the Future’, reported that scrutiny and challenge “*varies considerably in the fire and rescue authorities in England*”.

Collaboration and innovation that will deliver necessary efficiencies requires leaders to drive forward change. The Knight Review also found that progress could be “hindered by local relationships” and concluded “economies of scale are likely to be missed in this way without greater leadership”. Sir Ken stated that Police and Crime Commissioners “could clarify accountability arrangements and ensure more direct visibility to the electorate” and he raised the prospect of Police and Crime Commissioners taking on responsibility for the fire and rescue service.

The Government believes that the sharp focus of directly accountable leadership can play a critical role in securing better commissioning and delivery of emergency services at a local level and that, where a local case is made, Police and Crime Commissioners are uniquely placed to do exactly that.

Police and Crime Commissioners already have this clear local accountability and a strong incentive to pursue ambitious reform to improve local services and deliver value for money in the interests of local people.

However, it is not possible under current legislation for a Police and Crime Commissioner to take on the responsibilities of the local fire and rescue authority in their area.

The Government intends to remove this barrier by legislating to enable Police and Crime Commissioners to take on the responsibilities of the fire and rescue authority in their area, where it is in the interests of economy, efficiency and effectiveness or public safety, and where a local case is made.

We would expect the process for determining whether a Police and Crime Commissioner should assume governance for fire and rescue to be based on the legislative provisions that exist currently for the merger of fire and rescue authorities with each other, as follows:

- Where a Police and Crime Commissioner is interested in taking on governance of the fire and rescue service, they would work with the fire and rescue authority to prepare and publish a business case. The Police and Crime Commissioner would be required to consult locally on the business case and seek views on whether the transfer should take place. The business case would need to consider any equality issues as a result of the proposals in accordance with the Equality Act 2010.

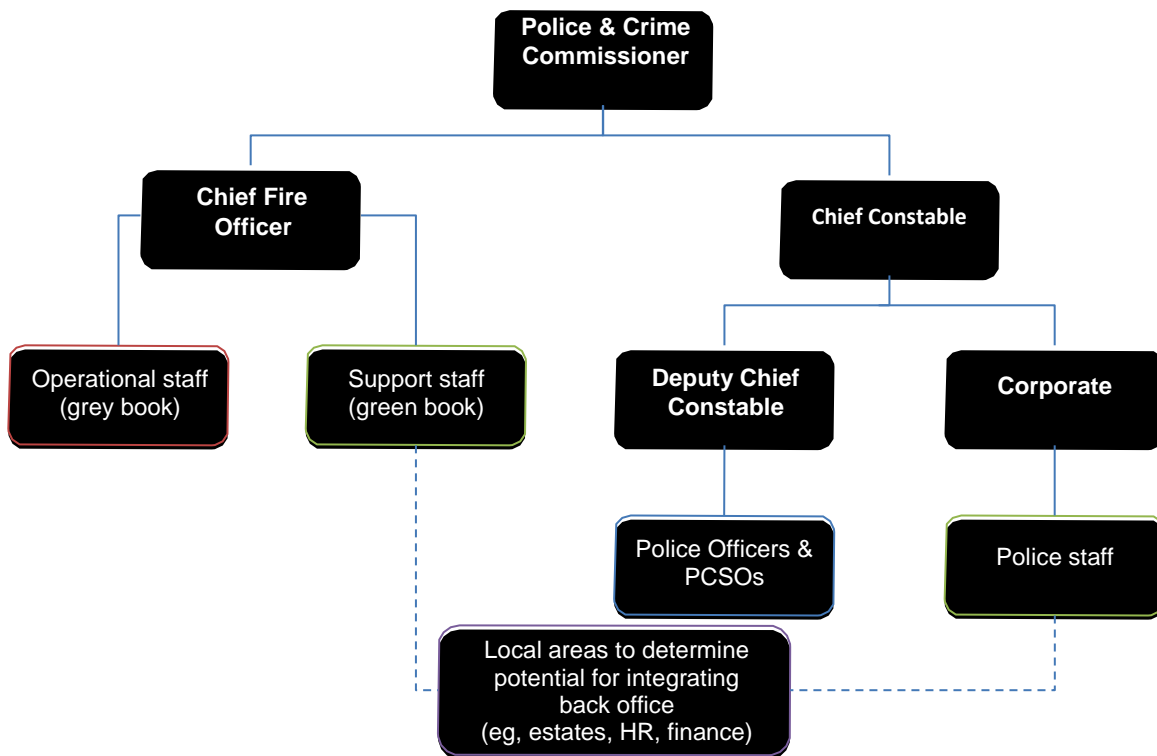
- Where the Police and Crime Commissioner and all the relevant constituent authorities for the area are in agreement that the fire and rescue service should transfer to the Police and Crime Commissioner, and subject to the outcome of the public consultation, the Police and Crime Commissioner would request that the Government introduces secondary legislation to give effect to the transfer.
- If all parties are not in agreement, the Police and Crime Commissioner would be able to submit the business case to the Home Secretary and Secretary of State for Communities and Local Government, for them to reach a view as to whether the governance change was in the interests of economy, efficiency and effectiveness or public safety. To inform their view, they could seek an independent assessment and would take into account the results from the local consultation. This could be from the Chief Fire and Rescue Advisor and HM Inspectorate of Constabulary or from an otherwise independent person with appropriate expertise. The Secretaries of State would take a decision on whether or not to approve the transfer of fire and rescue services to a Police and Crime Commissioner based on the findings of that independent assessment.
- The secondary legislation referred to above would transfer responsibility for governance of the local fire and rescue service to the Police and Crime Commissioner. This would allow Police and Crime Commissioners to drive ambitious reform of their local fire and rescue service and collaboration with police to improve services and deliver value for money. It would also give fire and rescue services direct local accountability through elected Police and Crime Commissioners.

There would also be benefits in terms of greater joint working. However, the scale of those costs and benefits would depend on the nature of existing local arrangements, transitional costs and the extent of collaboration taking place under a single Police and Crime Commissioner. These costs and benefits would be set out by the Police and Crime Commissioner and fire and rescue authority in their business case when demonstrating the value for money basis of their proposal.

Where a Police and Crime Commissioner takes on governance of the fire and rescue service, central government funding would be paid to the Police and Crime Commissioner for the two services in separate funding streams, providing transparency over the level of funding provided for each service.

Where central government funding is currently paid to a county council with responsibility for fire and rescue, additional work would be needed locally to identify the appropriate level of funding to transfer to the Police and Crime Commissioner.

The diagram below illustrates the structure where a Police and Crime Commissioner takes responsibility for fire and rescue locally (the Police and Crime Commissioner will employ all fire personnel).



Question

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

As there is already clear evidence of existing collaboration between HWFRS and West Mercia Police we do not see that there is a need for such a process. This Authority argues that where evidence of existing collaboration is in place further collaboration should only take place if all parties agree – forced collaboration is not collaboration. However, in circumstances where it may be appropriate for the PCC to take on responsibility for fire and rescue this should only occur if agreement is reached by all parties and there is clear and strong evidence of public consent to the proposal.

Empowering Police and Crime Commissioners to maximise opportunities for efficient, effective services

Enabling Police and Crime Commissioners to take over governance of fire and rescue services would allow them to make valuable reforms and improve joint working with the police service. However, greater gains could be made through the integration of back office functions such as estates, HR and IT which support the two services. To facilitate this, we will enable the Police and Crime Commissioner, where a local case is made, to put in place a single employer for local fire and policing (rather than two separate employers under the governance model), with the Police and Crime Commissioner ultimately accountable to the public. This would remove the barriers that can prevent the full potential of fire and police collaboration, including the need to draw up contracts and collaboration agreements to share back office services and streamline upper tiers of management. The important distinction between operational policing and firefighting will be maintained, with the law preventing a member of a police force from being a firefighter remaining in place, and there is no intention to give firefighters the power of arrest.

Where a Police and Crime Commissioner takes on the responsibilities of their local fire and rescue authority, the Government intends to enable, where a local case is made, the Police and Crime Commissioner to put in place a single employer under the governance of the Police and Crime Commissioner. Frontline police and fire services will continue to be separate.

We would envisage applying the same process for creating a single employer as proposed above for transferring governance. Closer working between fire and rescue and the police services could take place over time, but it should also be possible to enable Police and Crime Commissioners who wish to move quickly to share back office functions and streamline upper tiers of management immediately to put in place a single employer at the same time as transferring governance. In such circumstances, the notification to the fire and rescue authority, business case and public consultation would include the intention to take this step.

Questions

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

As discussed in our response to question 2, we do not agree with the need for a process regarding transfer of governance to the PCC, therefore we would not wish the process to be used to put in place a single employer. This should be left to local determination if all parties agree and public consent has been granted.

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

We believe that benefits would be limited. However, if the police and fire and rescue services had a local case to share back office functions in order to create further efficiencies, this could be achieved without creating a single employer.

In cases where a single employer was created great care would need to be taken not to lose the unique knowledge of specialist services through amalgamation. A single employer would have to ensure that frontline service delivery remained separate and well defined with the local fire service retaining its distinct brand and public respect.

To retain the division between governance and operational functions, under this model the single employer will be led by a chief officer, who will employ all fire and police personnel. The new chief officer would need to hold the rank of chief constable as this is required in legislation for police forces. The chief officer would appoint a senior fire officer to lead fire operations and a deputy chief constable to lead police operations, under their command. The chief officer would be accountable to the Police and Crime Commissioner for both fire and policing.

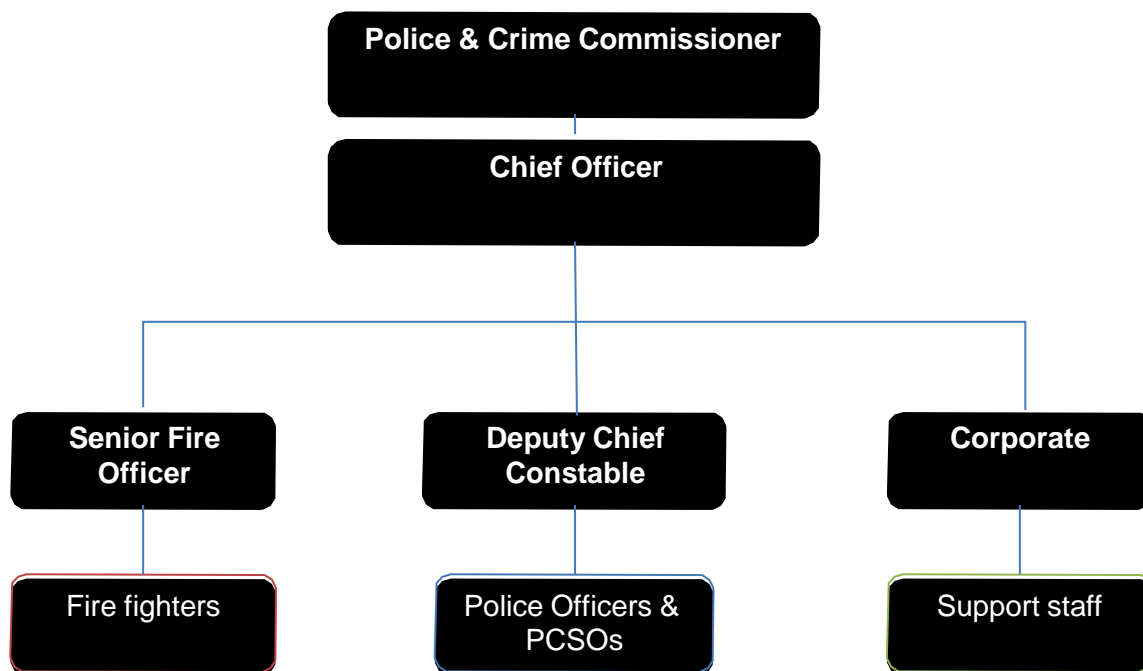
The post of chief officer would be open to both senior police officers and fire officers, since they will have relevant experience. To achieve this, we will remove the requirement for senior fire officers applying for chief constable roles to previously have been a constable. We will also work with the College of Policing to ensure senior fire officers have access to the necessary training that would allow them to apply for chief officer posts.

Question

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

Although we do not agree with the principle of a single employer led by a chief officer, if such a structure were in place then this requirement should be retained. We believe this is fundamental in retaining public confidence in the service and in preserving the confidence of staff and public in their chief officer.

Where a Police and Crime Commissioner takes on governance of the fire and rescue service and creates a single employer, central government funding would be paid to the Police and Crime Commissioner for the two services in separate funding streams. Council tax precepts for fire and police will also remain separate, ensuring that local taxpayers are clear about the level of their contribution. The Police and Crime Commissioner will consider how to deliver best value for money through these budgets, which may include investing in shared back office functions.



Associated issues

Boundary changes

In England, excluding London, there are 29 fire and rescue authorities that have coterminous boundaries with police forces (20 of these are stand-alone authorities with responsibility for fire services only, and the other nine fire and rescue authorities are county councils where the provision of a fire service is one of many functions and would need to be separated from these local authorities in order to be transferred to the local Police and Crime Commissioner). There are 15 fire and rescue authority areas that are not coterminous with police force boundaries.

Where the fire and police boundaries do not align, it would be for local areas to consider how boundaries should be changed before a Police and Crime Commissioner could take on fire and rescue responsibilities for their area. Boundary changes for fire and rescue authorities are provided for, in very limited circumstances, under powers in the Fire and Rescue Services Act 2004 but this will likely require amendment. Boundary changes for police forces can be made under powers in the Police Act 1996. Local areas would be able to include proposals for boundary changes within their business case for governance changes and, where desired, for a single employer.

We are not ruling out mergers between neighbouring fire and rescue authorities in the future. However, where fire and rescue authorities wish to merge, they should consider whether the aims of economy, efficiency and effectiveness, or public safety, are best achieved through a merger or by transferring their functions to the Police and Crime Commissioner and collaborating with their local police force. This approach continues to ensure that decisions about the provision of local services are made in the best interests of the communities they serve.

Where the Police and Crime Commissioner shares their boundary with more than one fire and rescue authority, and local decision makers determine that fire and rescue authorities should merge so that fire and police share the same boundary, the differing levels of council tax payable for fire and rescue services in the former fire and rescue authority areas will need to equalise; normally this would be achieved within five years of the Police and Crime Commissioner taking on governance.

Improving performance

The inspection regime for policing is undertaken by Her Majesty's Inspectorate of Constabulary. Her Majesty's Inspectorate of Constabulary plays an important role in the checks and balances for police by shining a light on how forces are performing. It ensures that independent information on force performance is available to the public, so that they can make informed decisions about their force and hold the Police and Crime Commissioner to account at the ballot box. The Inspectorate also allows the Police and Crime Commissioner to see how the force they are responsible for is doing compared to others, placing pressure on those forces performing less well than their peers, and identifying areas of best practice to be shared across forces.

The performance of fire and rescue services is scrutinised by a voluntary peer review process, usually held every three years. Challenge and support from peers can be a significant factor in helping them improve performance and be a catalyst for change. There are opportunities to strengthen peer reviews and to give the public reassurance about performance, effectiveness and efficiency. This recognises Sir Ken Knight's call for the peer review process to be strengthened.

The Government is interested in views on how the performance of fire and rescue services could be better reviewed and supported under Police and Crime Commissioners.

Question

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

The fire and rescue services have an assessment regime in place which provides an informed and independent view of operational performance. However, we would reinforce the view put forward by Sir Ken Knight in his report "Facing the Future" with regards to the lack of a national regulator and inspectorate to provide oversight and assurance of the fire and rescue service.

Scrutiny

Police and Crime Commissioners have well-established scrutiny mechanisms, based on the powers and functions of dedicated Police and Crime Panels, external audit, and transparency requirements.

Fire and rescue authorities' scrutiny arrangements are also well established, with decision making scrutinised by elected councillors. Fire and rescue authorities are also subject to local audit and transparency requirements set out in the Fire and Rescue Service National Framework.

The Government believes that where a Police and Crime Commissioner takes on responsibility for fire and rescue, the remit of the Police and Crime Panel should be expanded to include scrutiny of the Police and Crime Commissioner's fire responsibilities, (including any necessary changes to membership to ensure fire and rescue expertise). This approach would support the public in holding the Police and Crime Commissioner to account for all elements of their role. The Government expects the highest levels of transparency and has set out the information that Police and Crime Commissioners must publish to support the public in effectively holding them to account. These requirements will apply to Police and Crime Commissioners in their expanded roles

Questions

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

We do not agree that PCCs should take responsibility for fire and rescue services. However, if this were the case we would question whether the Police and Crime Panel (PCP) would be the appropriate forum to scrutinise decisions made by the PCC in relation to fire services. In their current format PCPs have no real power in holding PCCs to account, resulting in a lack of accountability which would need to be strengthened before the remit of PCPs were extended to include fire services.

We would argue that the current governance regime of fire authorities has stronger links to the communities through representation of constituent authorities providing better transparency and accountability than the PCC with regards to its decision making.

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

We do not agree with the principle of a PCC taking responsibility for a fire and rescue service. However, in such circumstances a combined Panel would not provide enough focus on fire and rescue matters, particularly due to the disparity between the police budget and the fire and rescue budget. We believe that a separate Panel would be justified to scrutinise issues in relation to decisions on fire and rescue matters. It would then be the responsibility of local authorities to nominate members with relevant knowledge and experience.

The majority of complaints and conduct matters against fire officers and staff are currently handled internally by the fire and rescue services. The public has recourse to the Local Government Ombudsman in certain cases of maladministration. The Health and Safety Executive may also investigate in certain situations.

Where a Police and Crime Commissioner takes on responsibility for fire and rescue services, it will be necessary to look at how complaints against fire officers and staff should be handled.

In cases where a Police and Crime Commissioner takes over governance of a fire and rescue service but employs fire service personnel separately, with police personnel continuing to be employed by a chief constable, the Government believes that the complaints system should also remain separate. The complaints system for fire should continue to operate as it currently does, with the Police and Crime Commissioner holding the chief fire officer to account for its administration. Where complaints raise more serious issues, either of health and safety or maladministration it believes that – as at present – these should continue to be referred to the Health and Safety Executive or Local Government Ombudsman.

Where a Police and Crime Commissioner puts in place a single employer for fire and rescue and police services, the Government is considering whether complaints and conduct matters concerning fire and rescue personnel should be treated in a similar way as complaints and conduct matters concerning the police. Police complaints are currently handled under the Police Reform Act 2002. The misconduct system for police staff is based on ordinary contracts of employment and varies by force. The Government is currently in the process of overhauling the police complaints and

disciplinary systems, but is seeking in this consultation to gather views on the wider principle that complaints and conduct matters for fire and police should be treated in the same way under a single

employer model. The Government is also interested in views on whether there would need to be any specific exceptions for fire personnel in these circumstances – for example, from provisions relating to deaths and serious injuries, and on any wider implications for the Independent Police Complaints Commission.

Question

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

The role of the police officer is distinct to the role of the firefighter, as is the liability attached to each role. As the nature of complaints is different for each service we would not wish to change the way that complaints and conduct matters relating to the fire and rescue services are treated. This issue goes to the very core of this proposal in that Police and Fire have very unique and distinct roles and have very different public perceptions. This authority suggests that fire services receive a very low level of complaints about the services provided when compared to the Police. We would also suggest that the fire services enjoy a far greater degree of public confidence in the services provided when compared to Police.

Workforce issues

Where a Police and Crime Commissioner takes responsibility for a fire and rescue service, whether the staff are employed directly by the Police and Crime Commissioner or by a chief officer who would also employ police personnel, they would be covered by the Cabinet Office Code of Practice – ‘Staff Transfers in the Public Sector’. This requires provision to be made for staff to transfer on a basis which follows the Transfer of Undertaking (Protection of Employment) Regulations 2006.

Terms and conditions of firefighters and control staff are negotiated on a UK-wide basis via the National Joint Council for Local Authorities’ Fire and Rescue Services. The National Joint Council has no statutory basis and it is for fire and rescue authorities to decide whether or not to remain members. Fire and rescue authorities also have the power to negotiate changes to terms and conditions at local level whilst remaining members of the National Joint Council. The Government proposes that this same choice should remain open to Police and Crime Commissioners, who would need to approach the National Joint Council if they wished to become members.

An independent review of the conditions of service of fire and rescue staff in England concluded earlier this year. The Government is considering the findings of that review.

Enhancing collaboration between police and fire and rescue

In areas where fire and rescue services remain the responsibility of a fire and rescue authority, it will still be beneficial to ensure that Police and Crime Commissioners and fire and rescue authorities have meaningful opportunities to drive effective collaboration between fire and police services.

The Government intends that, where a Police and Crime Commissioner has not become responsible for the fire and rescue service in their local area, they should nevertheless have the opportunity to be represented on the fire and rescue authority or its committees with voting rights according to the proposals of the Police and Crime Commissioner and the constituent authorities.

This would be feasible for 'standalone' fire and rescue authorities but would be more complex in areas where a county council has responsibility for a fire and rescue service, and might not have a dedicated sub-committee for fire. In such cases, any voting rights extended to Police and Crime Commissioners would need to be restricted only to matters affecting the fire and rescue service. It would also be important to consider how adding Police and Crime Commissioners to the membership of fire and rescue authorities might affect the political balance of those bodies.

Question

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

No, we do not agree that such a formal arrangement is necessary, particularly where executive arrangements are in place as this would be extremely difficult to implement in practice. However, it is important for the Fire Authority Chairman to maintain regular contact with the PCC on matters of common concern and common benefit.

London Fire and Emergency Planning Authority

In December 2013, the Department's response to the Communities and Local Government Committee's report on the Greater London Authority Act 2007 and the London Assembly on the potential reorganisation of the London Fire and Emergency Planning Authority noted that Ministers would be willing to consider alternative governance models for fire in London.

Since publication of that response, it has become increasingly clear that the current arrangements in London are unsustainable and reform of fire decision making in the capital is needed. There are now too many instances of the Mayor having to use his powers to direct the London Fire and Emergency Planning Authority on the exercise of its functions. Having to repeatedly issue directions to a decision making body that has shown itself unable to engage responsibly with its city's directly elected Mayor is inappropriate, time consuming and costly to the taxpayer.

The Government believes that abolishing the London Fire and Emergency Planning Authority would strengthen democratic accountability by removing the current confusion whereby the Mayor is accountable for setting the annual budget for fire, but is in a minority position on London Fire and Emergency Planning Authority in respect of decisions relating to fire provision. It would also mean that the position in London will be consistent with the Government's proposals for metro mayors and Police and Crime Commissioners elsewhere in England to be able to take on the governance of fire and rescue services.

Therefore, the Government intends to legislate to abolish the London Fire and Emergency Planning Authority and to enable the Mayor of London to take direct responsibility for fire and rescue.

In the event of London Fire and Emergency Planning Authority being abolished, oversight of the London Fire Brigade on behalf of the Mayor/Police and Crime Commissioner will need to become the responsibility of another body. There are different ways in which fire responsibilities could be incorporated into the mayoral structure. For example, they could be given to the existing Mayor's Office for Policing and Crime; a new Mayoral agency for fire and rescue could be created; or the Greater London Authority could perform the function.

Questions

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

This Authority does not wish to comment on matters that purely affect London.

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

This Authority does not wish to comment on matters that purely affect London.

The London Fire Brigade undertakes a pan-London resilience and emergency planning function on behalf of London's local authorities. London Fire and Emergency Planning Authority also has the day-to-day operational responsibility for the London Resilience Team which supports the work of the London Resilience Forum and delivery of the Mayor of London's responsibilities for resilience. The Government will discuss with the Mayor's Office, the Greater London Authority, London Councils and the local authorities how strategic oversight for resilience in the capital and continued co-ordination of London's resilience and emergency planning activities are maintained.

Civil Contingencies

Police forces and fire and rescue services have duties placed on them under the Civil Contingencies Act, both as individual emergency responders and as members of local resilience forums. The proposal for Police and Crime Commissioners to take on responsibility for fire and rescue would represent a significant change in the organisational context for resilience planning at local level. Views are therefore sought on the implications for local resilience where a Police and Crime Commissioner is responsible for both police and fire.

Question

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

The current arrangements in place with the Local Resilience Forum ensure that the police and fire and rescue services work well together at various levels within their respective organisations. However, we are concerned that if a PCC had responsibility for police and fire that both the Chief Fire Officer and Chief Constable would lose some independence with regards to their decision making in strategic command situations.

Local devolution

Under local devolution proposals, responsibility for local resilience and accountability could transfer to metro mayors and/or combined authorities. In some cases, metro mayors could take on the role of Police and Crime Commissioner and/or fire and rescue authority. Views are invited on the implications and options for responsibilities for civil resilience for areas that will have a metro mayor.

As part of this Government's commitment to build a Northern Powerhouse – the vision based on solid economic theory that enabling the cities and regions of the north to come together to pool their strengths in order to become greater than the sum of its parts - the Cities and Local Government Devolution Bill will enable the new directly-elected Mayor of Greater Manchester to take on the role of the Police and Crime Commissioner, and extends the period of office of the current Police and Crime Commissioner until 2017.

The Greater Manchester Fire and Rescue Authority will be abolished and legislation will enable the transfer of its functions to the Elected Mayor. Appropriate arrangements will be introduced to oversee the operational discharge of functions.

Question

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

We would be concerned with regards cross boundary responsibility and would need assurance that collaboration across boundaries was not lost.

Closer working between Police and Crime Commissioners and NHS ambulance trusts

Police and Crime Commissioners have shown ambition for their forces to collaborate closely with other emergency services. For example, Northamptonshire has a joint operations team which plans all operational activity across the three emergency services. In London, the Mayor (who is the Police and Crime Commissioner for London) has driven closer working between the Metropolitan Police Service and London Ambulance Service to manage the increasing demand on both services.

The Government believes that Police and Crime Commissioners have an important role to play in how their local NHS ambulance service is run. They can drive greater joint working with the other emergency services, which can not only reduce pressures on the services but also help those needing medical treatment. We want to see Police and Crime Commissioners and NHS ambulance trusts working more closely together to ensure the demand the police and NHS ambulance services place on each other, on a day-to-day basis, is dealt with in the most effective and efficient manner.

The Government is also committed to continue to encourage joint working with the NHS ambulance service, whether on co-responding or the wider agenda to improve health outcomes.

The Government therefore encourages local ambulance NHS foundation trusts to consider their engagement with their local Police and Crime Commissioners and whether to have Police and Crime Commissioner representation on their council of governors.⁸

Police and Crime Commissioners will be able to harness the local partnerships they have built across their force areas to help the NHS ambulance trusts achieve their aims, and this should support both the Police and Crime Commissioner and ambulance leaders to ensure that the police and NHS ambulance services reduce any inappropriate demands they place upon the other. As each NHS ambulance trust covers more than one police force area, we would allow for flexibility and let Police and Crime Commissioners decide with their ambulance NHS foundation trusts what representation works best locally.

⁸ There are ten regional ambulance trusts which provide ambulance services in England, of which five are currently foundation trusts. Each foundation trust is governed by a council which represents the interests of the public, ambulance staff and partner organisations, and influences the strategic direction taken by the trust.

Other views or comments

Questions

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

This Authority would agree that there are some benefits to closer working between the emergency services however any collaboration should be voluntary and agreed by all parties concerned otherwise it is not true and effective collaboration. This consultation focuses on potential collaboration between the police and fire and rescue services, however it would be beneficial if the ambulance service was also included in the debate to encourage further dialogue between all three emergency services with regards to voluntary partnership working at the local level.

Any collaboration between the emergency services must ensure that the existing relationship with local authorities is retained. It is through the local authority members being placed on fire authorities that local democratic accountability is maintained. Fire and rescue services currently work in tandem on many issues with local authorities due to the strong links forged by fire authority members and we would not want to lose these positive working relationships.

We believe that the fire and rescue service is currently very cost effective and we are concerned that any imposed collaboration would increase the cost of the service to our communities due to the current disparity in precepts. Before any consideration is given to PCCs taking responsibility for fire, a full analysis of the relative cost of fire authorities and PCCs should be instigated with the results being made publicly available.

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

We see rurality as an equalities issue, therefore any debate about collaborative working must involve all three emergency services in order to identify improvements in the emergency response to rural communities. There is currently a deficit in service provision between rural and urban areas.

Due to our strong community links, the fire and rescue service can identify and access vulnerable people in situations where other emergency services may be unable to. We would not want to lose this relationship with our local communities as a result of collaboration with other organisations.

Concluding remarks

Three governance models are being proposed for closer working between the police and fire, and it will be for local areas to consider those options and put forward an approach that best suits their own circumstances. There is no intention to amalgamate the two services and we will not be changing legislation which currently precludes a police constable from acting as a firefighter; nor would a firefighter be able to undertake activity which requires warrant powers. Central government funding for the two organisations will continue to remain separate, as will council tax precepts, maintaining transparency for local taxpayers on the level of funding to each service.

Government strongly believes that the proposed models will enhance collaboration and improve closer working between the emergency services and greatly enhance the service provided to the local communities – but still retain their individual identities and operational functions.

The Government believes that greater collaboration between NHS ambulance service and the other emergency services has the potential to deliver better services for the public and greater efficiency. This will help the NHS ambulance service focus on its core role of delivering clinical NHS services. The Government expects the NHS ambulance service to do more in helping people access the right care closer to home through greater collaboration with primary and community care so that people are only transported to A&E when their clinical condition requires it.

Consultation questions

1. How do you think this new duty would help drive collaboration between the emergency services?
2. Do you agree that the process set out above would provide an appropriate basis to determine whether a Police and Crime Commissioner should take on responsibility for fire and rescue services?
3. Do you agree that the case for putting in place a single employer should be assessed using the same process as for a transfer of governance?
4. What benefits do you think could be achieved from empowering Police and Crime Commissioners to create a single employer for police and fire and rescue personnel, whilst retaining separate frontline services, where a local case has been made to do so?
5. Do you agree that the requirement for a chief officer to have previously held the office of constable should be removed for senior fire officers?
6. How do you think the requirement for a Police and Crime Commissioner to have access to an informed, independent assessment of the operational performance of the fire service should best be met?
7. Do you agree that where a Police and Crime Commissioner takes responsibility for a fire and rescue service, the Police and Crime Panel should have its remit extended to scrutinise decision making in relation to fire services?
8. Do you think that where a Police and Crime Commissioner takes responsibility for a fire and rescue service, the Police and Crime Panel should have its membership refreshed to include experts in fire and rescue matters?
9. Do you think that where a Police and Crime Commissioner puts in place a single employer for fire and rescue and police services personnel, complaints and conduct matters concerning fire should be treated in the same way as complaints and conduct matters concerning the police?
10. Do you agree that Police and Crime Commissioners should be represented on fire and rescue authorities in areas where wider governance changes do not take place?
11. Do you agree that the London Fire and Emergency Planning Authority should be abolished and direct responsibility for fire and rescue transferred to the Mayor of London?
12. In the event that the London Fire and Emergency Planning Authority is abolished, how should responsibility for fire and rescue be incorporated into the mayoral structure?
13. To what extent do you think there are implications for local resilience (preparedness, response and recovery) in areas where the Police and Crime Commissioner will have responsibility for police and fire?
14. To what extent do you think there are implications for resilience responsibilities in areas where an elected metro mayor is also the Police and Crime Commissioner and responsible for the fire and rescue service?
15. Are there any other views or comments that you would like to add in relation to emergency services collaboration that were not covered by the other questions in this consultation?
16. Do you think these proposals would have any effect on equalities issues?

Information about you

1. Which of the following best describes your organisation or the professional interest that you represent? *Please select one option.*

- Police and Crime Commissioner
- Police force
- Individual police officer or police staff
- Fire and rescue authority
- Individual Fire Officer or fire staff
- Local Authority
- Ambulance trust
- Individual ambulance trust employee
- Representative body (please specify)
- Professional body
- Industry body
- None – I am responding as a member of the public
- Prefer not to say
- Other (*please specify*)

Fire and rescue authority

2. Which organisation or force do you represent? *Providing this information is optional.*

3. If you are a police officer or police staff which of the following best describes your rank? *Please select one option.*

- Constable
- Sergeant
- Inspector
- Chief Inspector
- Superintendent
- Chief Superintendent
- Chief Police Officer ranks
- PCSO
- Special Constable
- Police staff
- Other (*please specify*)

4. If you are a fire and rescue authority employee which of the following best describes your role?

Please select one option.

- Non-uniformed staff
- Fire fighter
- Leading Fire fighter
- Crew Manager
- Watch Manager
- Station Manager
- Group Manager
- Area Manager
- Brigade Manager
- Assistant Chief Fire Officer
- Deputy Chief Fire Officer / Deputy Chief Executive Officer
- Chief Fire Officer / Chief Executive Officer
- Other (*please specify*)

5. If you are an ambulance service employee which of the following best describes your role?

Please select one option.

- Control room staff
- Patient Transport Service staff
- Ambulance support
- Paramedic
- Management role
- Support staff
- Other (*please specify*)

Report of the Head of Legal Services

8. Approval of Early Retirement

Purpose of report

1. To extend the Scheme of Delegation so as to permit the Chief Fire Officer to determine any applications for early retirement received from officers at Station Commander rank.
-

Recommendation

It is RECOMMENDED that the existing delegated authority to the Chief Fire Officer to approve the early retirements, in consultation with the Chairman and Treasurer, in the case of employees whose salary is less than £45,000 be extended to include Officers at Station Commander rank subject to the pension costs still not exceeding £45,000.

Introduction and Background

2. At its meeting on 3 October 2013 the Authority agreed that the Scheme of Delegations to Officers be amended to authorise the Chief Fire Officer to approve early retirements, in consultation with the Chairman and Treasurer in the case of employees whose salary is less than £45,000 and where the pension costs do not exceed £45,000. The aim of this decision was to ensure that Members continued to be involved in scrutinising proposals involving the most senior staff but that other decisions were delegated to the appropriate management level.
3. Members will be aware that the changes in fire cover as part of the Community Risk Management Plan (CRMP) that were agreed at the Fire Authority meeting on 1 October 2014 required a reduction of 44 wholetime firefighters. There are currently 43 uniformed posts that are unsupported by the Authority's revenue budget.
4. On 18 February 2015 the Authority agreed that staff who volunteer for redundancy be offered an enhanced redundancy payment calculated on the basis of actual pay (rather than the statutory maximum) plus 75% enhancement and that this be applied to all staff groups. The Service has sought volunteers for redundancy and early retirement and has received 11 applications. The invitation for redundancy/early retirements has been extended to uniformed staff up to and including Station Commanders. Applications will be dealt with on a case by case basis having regard to the needs of the service, whether individual cases are cost-effective and whether it will assist the Authority in its reduction of uniformed posts as required by the CRMP through the creation of a 'bumped redundancy'.

5. When approving the scheme of delegation in 2013, it had not been envisaged that members would need to be involved in approving cases involving mid-ranking staff Station Commander level. Although a Station Commander's basic salary is less than £45,000, once the flexi-duty allowance is taken into consideration this takes it over that threshold.

Conclusion/Summary

6. It is important that Members should be involved in determining applications for early retirement which affect the most senior staff within the organisation or where the costs are significant. Station Commanders are not seen as coming within that category and it is suggested that any applications for early retirement at this level could properly be dealt with under the scheme of delegation.

Corporate Considerations

Resource Implications (identify any financial, legal, property or human resources issues).	Reduction in overall staff numbers in accordance with the Authority's CRMP.
Strategic Policy Links (identify how proposals link in with current priorities and policy framework and if they do not, identify any potential implications).	None
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).	None.
Equalities (has an Equalities Impact Assessment been completed? If not, why not?)	None – not applicable.

Supporting Information

Background papers –

The Scheme of Delegations to Officers

Fire Authority papers 3 October 2013 and 18 February 2015

Contact Officer

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Report of the Head of Legal Services

9. Constitution Changes

Purpose of report

1. To propose amendments to the Officer Employment Procedure Rules and subsequent amendments to the Appointments Committee terms of reference to give effect to the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015.
-

Recommendations

It is recommended that:

- i) the amended Officer Employment Procedure Rules as attached at Appendix 1 be adopted; and*
- ii) the amended terms of reference for the Appointments Committee as set out at Appendix 2 be adopted.*

Introduction and Background

2. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 amended the rules which principal councils must abide by when taking disciplinary action against the Head of Paid Service, Monitoring Officer and/or Treasurer (Chief Financial Officer). Dismissals of such officers may now only be by a decision of the full Authority; where it is a disciplinary dismissal the full Authority must have regard to the advice of a committee including at least two Independent Persons.
3. Although these regulations do not apply to fire authorities, there is no reason in principle why the same procedures ought not to apply and the opportunity has therefore been taken to review our Officer Employment Procedure Rules in light of these new regulations.

Current Position

4. The Authority's current Officer Employment Procedure Rules require any dismissal of the Head of Paid Service (Chief Fire Officer) to be approved by a meeting of the full Authority, following recommendation by the Appointments Committee. There is currently no requirement for the involvement of any independent person with regards to the potential dismissal of the Head of Paid Service.

5. The Chief Fire Officer is employed under terms and conditions as set out in the NJC Gold Book. The Gold Book recommends that where the Chief Fire Officer is designated as the Head of Paid Service, consideration is given to the adoption of the disciplinary procedure for local authority Chief Executives. This includes the right of appeal under the disciplinary procedure, however the current Appointments Committee terms of reference do not provide an opportunity for the Head of Paid Service (Chief Fire Officer) to appeal against any disciplinary action or potential dismissal.
6. With regards to the other statutory officers; the Treasurer (Chief Financial Officer) and the Monitoring Officer Authority, approval by the full Authority is not required with regards to dismissal. The Appointments Committee currently has no responsibility for considering such issues in relation to the Treasurer and the Monitoring Officer yet this responsibility is beyond the delegated powers of the Chief Fire Officer.
7. Following discussion with the Chairman, it was agreed to bring forward a report recommending changes to the Authority's Officer Employment Procedure Rules and to the terms of reference of Appointments Committee so as to include provisions equivalent to those in the 2015 Regulations.

Recommended Amendments

Officer Employment Procedure Rules

8. The main substantive proposed change is in paragraphs 7(b) to (e) (appendix 1) which set out the procedure involved in the dismissal of the three statutory officers; the Head of Paid Service (Chief Fire Officer), the Treasurer and the Monitoring Officer. The post of Deputy Chief Fire Officer has also been included due its important strategic position within the organisation.
9. It is recommended that the procedure involves a recommendation to the Authority by a Discipline Panel, constituted from the Appointments Committee membership and to include two voting Independent Persons. The Independent Persons will be drawn from the pool of Independent Persons appointed under the Localism Act 2011 for the purposes of the members' standards and ethics regime.
10. In addition, there are some further proposed amendments which clarify the definition of disciplinary action (paragraph 5, appendix 1) and which provide a cross reference to the Appointments Committee terms of reference (paragraph 3.2, appendix 1).

Appointments Committee

11. The main substantive proposed change to the Committee terms of reference is in paragraphs 7 to 11 (Appendix 2) which sets out the constitution of the Discipline Panel, as described above and also a separate Appeal Panel.
12. Although the Chief Fire Officer's annual appraisal is not related to the 2015 Regulations, the opportunity has been taken to give the Appointments

Committee overall responsibility for ensuring that the Chief Fire Officer's appraisal is carried out on an annual basis (paragraph 5, appendix 2).

Conclusion/Summary

13. Members will be familiar with the new regulations requiring amendments to the relevant disciplinary procedures of their constituent authorities (i.e. Worcestershire County Council and Herefordshire Council). Although these regulations do not apply to fire authorities, it is recommended that the Authority adopts a similar to that of the constituent authorities to provide Members with a consistent approach.

Corporate Considerations

Resource Implications (identify any financial, legal, property or human resources issues)	No additional resources required.
Strategic Policy Links (identify how proposals link in with current priorities and policy framework and if they do not, identify any potential implications).	None
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)	Consultation has been carried out with the Chief Fire Officer, Treasurer and Monitoring Officer
Equalities (has an Equalities Impact Assessment been completed? If not, why not?)	An Equalities Impact Assessment has not been completed as this is not a policy affecting the communities. However, the involvement of independent persons will provide further fairness in the process and meet best practice guidelines.

Supporting Information

Appendix 1 – Draft Officer Employment Procedure Rules

Appendix 2 – Draft Appointments Committee Terms of Reference

Background papers -

- Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015
- National Joint Council for Brigade Managers of Local Authority Fire and Rescue Services Gold Book
- Herefordshire Council Constitution
- Worcestershire County Council Constitution

Contact Officer

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Draft Officer Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations

- (i) The Authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or officer of the Authority; or of the partner of such persons.
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the Chief Fire Officer or an officer nominated by him/her.

(b) Seeking support for appointment.

- (i) The Authority will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Authority. The content of this paragraph will be included in any recruitment information.
- (ii) No Member will seek support for any person for any appointment with the Authority.

2. Appointments to be advertised

Where the Authority proposes to employ any officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Authority will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. Appointment of certain officers

- 3.1 The full Authority shall approve the appointment of the Chief Fire Officer/Chief Executive (Head of Paid Service), following the recommendation of such an appointment by a committee, before an offer of appointment is made to him/her.
- 3.2 The appointment of the Deputy Chief Fire Officer, Treasurer and Monitoring Officer shall be made by the Appointments Committee (provided that this shall not preclude the Chief Fire Officer from temporarily designating any officer as Deputy Chief Fire Officer in accordance with the needs of the Service).

4. Other appointments

(a) Officers

Appointment of officers other than those mentioned in paragraph 3.1 above (other than assistants to political groups) is the responsibility of the Head of the Paid Service or his/her nominee, and may not be made by Members of the Authority.

(b) Assistants to political groups.

Appointment of an assistant (if any) to a political group shall be made in accordance with the wishes of that political group.

5. Disciplinary action

- a) Disciplinary action means any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the Authority be recorded on the Officer's personal file, and includes proposals for dismissal for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed terms unless the Authority has undertaken to renew such a contract.
- b) Members of the Authority will not be involved in the disciplinary action against any officer other than the Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer, Treasurer and Monitoring Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Authority's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

7. Dismissal

- (a) Members of the Authority will not be involved in the dismissal of any officer other than the Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer, Treasurer and Monitoring Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Authority's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.
- (b) Subject to 7(c), disciplinary action against and dismissal of the Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer, Treasurer and Monitoring Officer shall be the responsibility of the Discipline Panel. The appropriate line manager of the officer concerned or the Panel may suspend that officer pending any appropriate investigations or hearings. The Chief Fire Officer/Chief Executive may only be suspended in accordance with Standing Order 9.6(1) (Urgent Decisions Procedure) and as though references therein to the Chief Fire Officer were a reference to the Monitoring Officer.
- (c) No notice of dismissal shall be given to the Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer, Treasurer or Monitoring Officer unless the dismissal is first approved by a meeting of full Authority and the procedure set out in 7(d)-(e) is complied with.

- (d) A Discipline Panel will be established which will include two Independent Persons as full voting members of that Panel. 'Independent Persons' are those appointed by the Authority under Section 28(7) of the Localism Act 2011 and their remuneration, allowances or fees for the membership of the Panel must not exceed that payable in respect of their role under that section.
- (e) The Discipline Panel must be appointed at least 20 working days before the Authority meeting which is to consider whether or not to approve a proposal to dismiss the officers referred to in 7(c). Before the taking of a vote at such an Authority meeting on whether or not to approve such a dismissal, the Authority should take in to account:
- i) any advice, views or recommendations of the Discipline Panel;
 - ii) the conclusions of any investigations into the proposed dismissal; and
 - iii) representations from the relevant officer.

DRAFT APPOINTMENTS COMMITTEE (AND AD-HOC PANELS)

Terms of Reference, Constitution, Rules and Procedures

Role

1. To determine arrangements for the recruitment to the posts of Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer, Treasurer and Monitoring Officer.
2. To conduct interviews and make recommendation to the Authority on the appointment of the Chief Fire Officer/Chief Executive prior to any offer of appointment being made.
3. On behalf of the Authority, the Committee will conduct interviews and appoint the Deputy Chief Fire Officer, Treasurer and Monitoring Officer and will report its decision to the Authority.
4. To approve and review the terms and conditions of employment of the Chief Fire Officer/Head of Paid Service, Deputy Chief Fire Officer/Deputy Head of Paid Service, Treasurer and Monitoring Officer.
5. To ensure that the Chief Fire Officer's appraisal is carried out on an annual basis by the Authority Chairman, Policy & Resources Committee Chairman and Audit & Standards Committee Chairman.
6. All Members will undertake mandatory training regarding the recruitment and selection process.
7. Through ad-hoc Panels, to consider and determine:
 - Discipline/Grievance, as set out in paragraphs 8-9
 - Appeals, as set out in paragraphs 10-11

Discipline/Grievance Panel

8. The Panel will make recommendation to the Authority as to any disciplinary action or the dismissal of the Chief Fire Officer/Chief Executive prior to any notice being served.
9. The Panel will determine pursuant to the grievance procedure any grievances submitted by or against the Chief Fire Officer/Chief Executive following a difference between him and an employee of the Authority.

Appeals Panel

10. To determine in accordance with existing procedures any appeal arising from the disciplinary action or dismissal of the Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer/Deputy Head of Paid Service, Monitoring Officer and Treasurer.
11. To determine pursuant to the grievance procedure any appeal arising from any grievance procedure relating to the Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer, the Treasurer or Monitoring Officer.

Constitution

12. The Committee will comprise 7 Members, to include (subject to the rules on political balance) the Authority Chairman, the Policy and Resources Committee Chairman and the Audit and Standards Committee Chairman.
13. Ad-hoc Panels will be established as and when required. The membership will be selected by the Head of Legal Services (or his nominee), comprising three members drawn from the Appointments Committee. Where the issue concerns disciplinary action that may lead to the dismissal of the Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer, Monitoring Officer or Treasurer, or relates to an appeal against such disciplinary action or dismissal, the Panel will also include two independent persons as voting members.
14. In accordance with the requirements of the Local Government and Housing Act 1989, political balance will apply to the Committee, but not to the Panels.
15. The quorum of the Committee and the Panels will be 3 Members. With regards to the Panels considering issues in relation to disciplinary action that may lead to the dismissal of the posts described in paragraph 13, or which relate to an appeal against such disciplinary action or dismissal, the quorum must include the two independent persons.
16. Substitution arrangements will not apply.

Rules and Procedures

17. The Committee Chairman and Vice-Chairman will be elected by the Authority
18. The Committee and Panels will meet as and when required.
19. The Committee Chairman will report proceedings of the Committee to the Authority.
20. Committee meetings will normally be held in public, with the right of attendance for all members, public and press, except during consideration of exempt business.

An agenda, together with reports, will be made available at least five clear working days before each formal meeting.

21. The minutes and reports of the Committee will be available for public inspection, except those documents classified as exempt.
22. The Panel meetings will not be open to the public or other members of the Authority due to the nature of the business, therefore ordinary Access to Information Rules will not apply.
23. The appellant or officer concerned may attend the Panel meeting and may make representations. The appellant or officer concerned may be represented.
24. The Committee and Panels will be advised by Officers and/or independent advisors as appropriate.

Report of the Chief Fire Officer

10. Chief Fire Officer's Service Report

Purpose of Report

1. To inform the Authority of recent key developments and activities.
-

Recommendation

The Chief Fire Officer recommends that the report be noted.

Place Partnership Ltd

2. On Tuesday 1 September 2015, Place Partnership Ltd (PPL) moved into their new headquarters on the ground floor of Service Headquarters. The new company is the UK's first single-assets management company for public sector property and is led by Managing Director Andrew Pollard. Our Head of Asset Management, Ian Edwards has now moved over to Place Partnership Ltd (as have all other property staff) to take on the role of Director, Project and Facilities Management. PPL will now deliver all property functions for the Fire Authority including the capital building projects.

New State of the Art Trauma Bags

3. New trauma bags that HWFRS employee Thom Morgan helped develop, are now on every frontline appliance in the Service and will ensure that members of the community receive the highest quality, sustainable medical care.
4. Leading the way nationally, HWFRS is the first fire service in the country to roll out these new trauma bags which will allow firefighters to deal with any time critical, life threatening injuries more efficiently. The Go Bag is far more lightweight, compact and contains all of the essential equipment needed, meaning that it can be taken quickly into difficult or restricted situations to allow rapid casualty access. When opened it also presents the equipment in way that addresses the casualty's needs in the correct sequence. Each panel of the bag securely contains the appropriate kit in the relevant order so that the firefighter can work methodically through a patient assessment using the kit like an aide memoire, ensuring nothing is missed.
5. With the full support and encouragement of the Service, Thom worked with military personnel at MARCH Trauma System Ltd developing a bespoke trauma bag for the fire and rescue service. Over time, the configuration of the bag has been redesigned, trialled and tested to incorporate the kit appropriate to the Service's role in the pre-hospital scene. For his contribution towards developing this new trauma bag, Thom will be awarded with a Chief Fire Officer's Certificate of Commendation at the Herefordshire Medals and Awards Ceremony on 20 November 2015.

Jubilee Award

6. Sonja Sinclair-Elechi has worked for Hereford & Worcester Fire and Rescue Service (HWFRS) for 20 years and received a Jubilee Award at the House of Lords on 30 July 2015. The award was presented by Baroness Massey of Darwen for her outstanding service in the public sector. The Jubilee Awards for Service aim to recognise individuals from the public sector who regularly go above and beyond their usual duties and who have made a significant impact on the lives of others.
7. As well as working as a payroll officer for the Service, Sonja also works on a voluntary basis for the Service's Critical Incident Stress Team (CIST) that runs vital stress debriefing sessions after traumatic incidents. As part of this team, she encourages staff to talk through the incident and share their thoughts and feelings. In addition to this, she also helps educate them on signs of stress, self-help and where they can find additional support. Not only does she carry out this role to the very highest of standards, but she also does this at very short notice and often in the evenings and at weekends.

Worcestershire Medals and Awards Ceremony

8. On Friday 11 September 2015, firefighters, members of the public and Fire Service support staff from across the county received awards at the annual Worcestershire Medals and Awards Ceremony. The event, which was held at Worcester Guildhall, honoured staff for their outstanding service and commitment to the Fire Service.
9. During the ceremony, accolades were presented by Lt. Col. Patrick Holcroft LVO OBE, Lord Lieutenant of Worcestershire, The High Sheriff of Worcestershire, Sir Anthony Winnington Bt., and also by Chief Fire Officer Mark Yates and Vice Chairman of the Fire Authority Councillor Roger Phillips.

Fire Station Open Days

10. The service has opened its doors to local communities during the recent summer months, providing an excellent opportunity for our volunteers and staff to provide fire safety advice to the public. Station open days also enable crews to showcase equipment and to demonstrate various scenarios such as chip pan fires and house fires. The following stations held open days which were keenly attended by the local communities; Pershore, Ledbury, Evesham, Kidderminster, Droitwich, Malvern, Redditch, Bromsgrove and Hereford.
11. In addition, the new Worcester Fire Station held its first open day on Saturday 12 September 2015. Throughout the day visitors witnessed a range of demonstrations including two road traffic collision scenarios, the smoke house, a chip pan fire demonstration, two Young Fire Fighters Association displays and "show and tells" covering operational equipment.
12. Visitors also enjoyed displays/stands from our partners including, West Mercia Police, West Midlands Air Ambulance, The British Red Cross, Fortis Living and the opportunity to practise CPR with West Midlands Ambulance Service and HW

Community First Responders. The event saw fantastic crowds who were keen to see the new facility and helped raise funds for a number of charitable causes.

Dying 2 Drive

13. As part of the Service's suite of community safety initiatives the Dying 2 Drive scheme, now in its tenth year, once again took place in September 2015. The multi-agency road safety scheme aimed at reducing death and serious injury amongst young road users in Herefordshire had the highest ever number of schools signed up for this year's events, with almost 1500 young people attending.
14. This year's events commenced with a hard hitting road traffic collision reconstruction, involving all of the emergency services and live casualties. The reconstructions were closely followed by powerful, interactive workshops run by HWFRS, West Mercia Police, Herefordshire Council, Safer Roads Partnership, West Midlands Ambulance Service and St John Ambulance. During these workshops, the consequences of bad decisions were explored and, amongst other activities, students were shown how to perform live saving cardiopulmonary resuscitation (CPR).
15. The feedback received has been exceptional with all schools commenting upon the clarity of the key safety messages together with the impact the sessions had on the young people who took part.

Contact Officer

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Hereford & Worcester Fire Authority

Audit and Standards Committee

Monday, 29 June 2015, 10:30

Minutes

Members Present: Ms L R Duffy, Mr W P Gretton, Ms K S Guthrie, Mrs A T Hingley, Mr G C Yarranton, Ms P Agar, Mr G J Vickery, Mr R I Matthews, Mr A Amos, Mr S D Williams

Substitutes: none

Absent: Mr S C Cross

Apologies for Absence: Professor J W Raine

18 Declarations of Interest (if any)

No declarations of interest were made.

19 Confirmation of Minutes

RESOLVED that the minutes of the Audit and Standards Committee meeting held on 15 April 2015 be confirmed as a correct record and signed by the Chairman.

20 Provisional Annual Statement of Accounts 2014/2015

A draft of the Annual Statement of Accounts was presented to the Committee for discussion and noting. The Treasurer emphasised to Members that they would not be asked to approve the Statement of Accounts until completion of the audit, which was due to commence in July 2015 and be completed in September 2015.

RESOLVED that:

1. the amended Accounting Policies are approved; and
2. the Treasurer bring back a further report to Committee when the

accounts have been audited.

21 Health and Safety Audit

The Head of Operations Support presented a report that informed Members of the outcomes of the CFOA West Midlands Regional Health and Safety Audit undertaken in January 2015. The Audit concluded that the Service is performing well and found a clear commitment to health and safety at all levels and evidence of a positive health and safety culture. The Audit made 12 specific recommendations relating to the two focus areas audited where further improvements could be made.

***RESOLVED* that the Audit and Standards Committee agrees the actions taken by the Health and Safety Committee following receipt of the CFOA Regional Audit in discharging the report recommendations.**

22 Internal Audit Annual Report 2014/2015

The Internal Audit Service Manager presented a report providing Members with the overall results in terms of meeting Internal Audit's objectives, as set out in the Internal Audit Plan for 2014/15. The Committee were also provided with an audit opinion and commentary on the overall adequacy and effectiveness of the internal control environment.

***RESOLVED* that the Audit Plan delivered in 2014/15, providing an assurance level of "significant" for all relevant audits, be noted.**

23 National Fraud Initiative 2014/15

Members were informed of the final outcomes of the National Fraud Initiative.

***RESOLVED* that the Committee note the comprehensive action taken in response to the National Fraud Initiative for 2014/15 and that once again no fraud has been identified.**

The Meeting ended at: 11:36

Signed:.....

Date:.....



Hereford & Worcester Fire Authority

Policy and Resources Committee

Monday, 14 September 2015, 10:30

Minutes

Members Present: Mr R C Adams, Mr C B Taylor, Mr P A Tuthill, Mr A Fry, Mr R M Udall, Mr J L V Kenyon, Mr B A Baker, Mrs E Eyre, Mr J W R Thomas, Mr R J Phillips

Substitutes: none

Apologies for Absence: Mr D W Prodger MBE, Ms R E Jenkins, Mrs F M Oborski MBE

21 Declarations of Interest (if any)

Interests declared at Minute no. 26 and 28

22 Confirmation of Minutes

RESOLVED that the minutes of the Policy and Resources Committee held on 25 March 2015 be confirmed as a correct record and signed by the Chairman.

23 2015/16 Budget Monitoring – 1st Quarter

Members were informed of the current position on budgets and expenditure for 2015/16.

An ensuing discussion on the recent Government paper 'Enabling closer working between the Emergency Services' took place. Key aspects of the paper were covered. The Chief Fire Officer agreed to bring a report to the Fire Authority meeting on 8 October along with a draft response to be prepared by Group Leaders.

RESOLVED that the forecast revenue underspend of £0.2m (0.6%) be noted.

Quarter 1 Performance Report 2015-16

Members were provided with a summary of Quarter 1 performance against the Fire Authority's Annual Plan 2015-16 using the set of Key Performance Indicators (KPIs) agreed by the Senior Management Board.

It was noted that the report was light on data that related to preventative/education fire safety campaigns and volunteer programmes. The Chief Fire Officer agreed to bring a paper to a future meeting highlighting this on-going work.

Members requested more detailed information relating to the reported RTC data and also requested information on work that HWFRS undertakes over the border.

RESOLVED that Members note the following headlines taken from Appendix 1 relating to performance in Quarter 1 2015-16:

- i) The total number of incidents attended in Quarter 1 2015-16 has increased slightly in comparison to Quarter 1 2014-15 yet is still the second lowest total in the nine years the current data set has been collected.**
- ii) The number of Secondary Fire incidents attended in Quarter 1 2015-16 has increased when compared to the same Quarter last year, although this is still 9.8% below the 5 year average.**
- iii) The Service attended the second lowest number of Special Service incidents in the 9 years since our records began, which is 11.2% lower than the 5 year average.**
- iv) False Alarms incidents also recorded the second lowest number attended since records began, which is 4.7% lower than the 5 year average.**
- v) Sickness levels for all staff have remained within tolerance levels for Quarter 1.**
- vi) The Service saw a 6% improvement in the percentage of Building Fires that met the 10 minutes attendance standard when compared with the same Quarter in the previous year.**
- vii) Retained availability has remained at a similar level to Quarter 1**

2014-15 at 92.0% compared to 92.1%.

25 Firefighters' Pension Scheme 2015 Discretions

Members were informed of the various discretions exercisable by the Fire Authority in relation to the Firefighters' Pension Scheme 2015 and were recommended to adopt policies in relation to these that were consistent with existing policies in relation to the firefighters Pension Scheme 1992 and 2006.

RESOLVED that:

(i) approval be granted for the discretions detailed in the Statement of Policy (attached at Appendix 1 to these minutes) for:

- a. active membership**
- b. pensionable pay**
- c. contributions during absence from work due to illness, injury, trade dispute or authorised absence**

(ii) the Chief Fire Officer be delegated the discretions detailed in Appendix 2 to these minutes.

26 Local Government Pension Scheme Injury Awards

Cllr Phillips declared a non-pecuniary interest in this item as Chairman of the LG Pension Committee and Member of the Shadow Advisory Board.

Members were informed of the requirement to agree and publish a policy statement on Injury Awards in accordance with Regulation 14 of the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011.

RESOLVED that the Committee:

(i) approve the discretions detailed in the Statement of Policy for Injury Awards, attached at Appendix 3 to these minutes; and

(ii) delegate to the Chief Fire Officer the discretions detailed in Appendix 3 to these minutes.

27 Employment Monitoring Data 2014 – 2015

Members were asked to note the contents of this report, prior to publication of the Employment Monitoring Data 2014/2015 on the Service's website. With regard to the desire to attract a diverse workforce it was agreed that the Chief Fire Officer would provide all Members with a suitable message for possible inclusion in community newsletters and magazines.

RESOLVED that:

The Committee note the key areas highlighted in the Employment Monitoring Data Report 2014/2015 (Appendix 1) prior to publication on the Service's website and note that:

- **The Exit Interview process and form has been reviewed in order to collate quality data in relation to the reasons for staff leaving the Service.**
- **The "Open for All group" (previously known as the Positive Action Sub Group) is currently exploring ways to develop links with the local community and has established links with publications such as the 'Here for All' magazine within the Polish community.**
- **The Ethical Framework was reviewed in October 2014 and refresher training was delivered during this period. We are currently exploring ways to further embed the Ethical Framework across the Service.**

28 Proposed New Hereford Fire Station

Cllr Baker declared an interest in this item. He informed the Committee that he sits on the Planning Committee at Herefordshire Council. Cllr Baker chose to remain in the room.

Members were informed of the progress regarding the provision of a new joint fire and police station in Edgar Street, Hereford and obtain authorisation to further develop this project.

[12:04 Cllr Udall left the room]

RESOLVED that:

- i) Officers of the Service be authorised to enter into further negotiations between Herefordshire Council, West Mercia and Warwickshire Police and the Fire Authority to provide a new fire**

station in Hereford at a proposed site on Edgar Street; and

ii) the Chief Fire Officer in consultation with the Chairman of the Authority and the Treasurer be authorised to spend up to £75,000 on further work to take the project to planning approval stage;

iii) a further paper, including a detailed cost feasibility be brought to Policy and Resources Committee for final approval before entering into a contract for the acquisition of the site and any disposal of land.

29 Update from the Health and Safety Committee

Members were updated on the activities and items of significance from the Service's Health and Safety Committee.

RESOLVED that the following issues, in particular, be noted:

(i) the involvement of the Service in a number of Health and Safety initiatives at national level;

(ii) the review of asbestos management within the Service prompted by the new national agreement with the Health and Safety Executive (HSE); and

(iii) Health and Safety performance for Quarter 4 of year 2014 - 15 (Jan – Mar 2015)

30 Update from the Joint Consultative Committee

[12:14 Cllr Udall re-entered the room]

Members were informed of the activities of the Joint Consultative Committee (JCC) since March 2015.

RESOLVED that the following items currently under discussion by the Joint Consultative Committee be noted:

(i) Policy on financial assistance for medical treatment

(ii) Project Arrow Update

(iii) Staff Moves (e.g. to Hindlip)

(iv) Voluntary Redundancy

(v) Place Partnership Limited (PPL)

- (vi) Logging of Pre-Arranged Overtime
- (vii) Asbestos (Medicals)
- (viii) Pensions Board
- (ix) Parking

31 Update from the Equality and Diversity Committee

Members were provided with an update from the Equality and Diversity Advisory Group since the last report on 25 March 2015.

Members asked if more data was available on women in the fire service. The Chief Fire Officer agreed to see what information was available.

RESOLVED that the following areas of progress be noted:

- i) the progress undertaken by the Open for All Sub Group;**
- ii) Service representatives attended the recent Asian Fire Service Association (AFSA) AGM and Development Day and provided an overview to the Equality & Diversity Advisory Group;**
- iii) Service representatives attended the recent UK Conference – Women in the Fire Service and will provide an update at the next Equality & Diversity Advisory Group; and**
- iv) the Equality and Diversity Advisory Group has agreed to identify the possibility of creating an over-arching Equality Framework and Action Plan in order to strengthen the current set of Equality Objectives.**

The Meeting ended at: 12:25

Signed:.....

Date:.....

Chairman

DISCRETIONS WITHIN THE FIREFIGHTERS PENSION SCHEME 2015

Under the Scheme rules the fire authority has discretion in relation to the following:

1. Regulation 19 Active membership

A person who is on unpaid authorised absence can count the period as active membership if the scheme manager permits them to be treated as an active member during that period.

Employer's Policy

A period of unpaid authorised leave will be treated as active membership providing both the employee and employer contributions are paid. Refer to discretion for Regulation 111 regarding payment of employer pension contributions.

2. Regulation 17 Pensionable pay

The scheme manager has discretion to determine if continual professional development payments are to be treated as pensionable pay.

Employer's Policy

Continual professional development payments are to be treated as pensionable pay.

3. Regulation 111 Contributions during absence from work due to illness, injury, trade dispute or authorised absence

Where an active member is absent from scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions; if they do, the scheme employer may require that they should also pay employer contributions.

Employer's Policy

The employer pension contributions will be paid by the Service where an employee has a period of unpaid authorised leave due to illness or injury that has arisen out of authorised duty.

The employee will be required to pay both the employee and employer pension contributions for a period of unpaid authorised absence in relation to a trade dispute.

Discretion is delegated to the CFO for decision on payment of employer pension contributions where an employee has a period of unpaid authorised leave not detailed above. The CFO will consider the relevant circumstances and any decision will be made in the best interests of the fire authority. The CFO will be advised by the Treasurer, Monitoring Officer and the HR Manager.

**FIREFIGHTERS PENSION SCHEME 2015
DISCRETIONARY POWERS DELEGATED BY THE FIRE AUTHORITY**

The decisions for the following discretions are delegated to the Chief Fire Officer (CFO) who will consider the relevant circumstances and any decision will be made in the best interests of the fire authority. The CFO will be advised by the Treasurer, Monitoring Officer and the HR Manager.

Opting Out

1. Opting into this scheme (Regulation 12)

An optant-in will become an active member of the scheme with effect from the beginning of the first pay period following the date on which the option is exercised. There is an option for the scheme manager to vary the date on which the person becomes an active member, to such other time as the scheme manager considers appropriate. [Regulation 12(5)]

2. Opting out after the first three months (Regulation 16)

An optant-out ceases to be in pensionable service with effect from the first day of the first pay period following the date on which the option is exercised. If the scheme manager considers that day to be inappropriate, it may vary the date to the first day of any later pay period as the scheme manager does consider appropriate. [Regulation 16(2)(b)]

Pension Accounts

3. Establishment of pension accounts: general (Regulation 28)

The scheme manager must establish and maintain pension accounts for scheme members, but they may be kept in such form as the scheme manager considers appropriate. [Regulation 28(2)]

4. Closure and re-establishment of active member's account (Regulation 37)

If a member has more than two active member's account and ceases pensionable service with less than three months' qualifying service in respect of one account, that account must be closed and benefits aggregated with one of the others; the member may select which one. If the member fails to choose, the scheme manager has discretion to choose. [Regulation 37(3), (4) and (5)]

5. Closure of deferred member's account after gap in pensionable service not exceeding five years. (Regulation 49)

If a deferred member re-enters pensionable employment after a gap of five years or less, the scheme manager must close the deferred member's account and re-establish the active member's account, transferring entries from the deferred account.

If the person had more than one relevant deferred member's account, they must select – within three months of re-entering scheme employment - which one should close. If they

fail to make a selection, the scheme manager must make the choice for them.
[Regulation 49(3) and (4)]

Contributions

6. Member contributions (Regulation 110)

Where there is a change in scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, the scheme manager must determine that this rate should be applied and inform the member of the new contribution rate and the date from which it is to be applied. [Regulation 110(5)]

When identifying the appropriate contribution rate, a reduction in pay in certain circumstances as listed in Regulation 110 are to be disregarded. In addition, the scheme manager can specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded. [Regulation 110(7)(h)]

7. Deduction and payment of contributions (Regulation 114)

Member contributions due under Regulation 110 may be deducted by the scheme employer from each instalment of pensionable pay as it becomes due, unless another method of payment has been agreed between the scheme manager and the member. [Regulation 114(1)]

Contributions due in respect of absence from work on reserve forces service leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. [Regulations 114(2)]

Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and the scheme manager. [Regulation 114(3)]

Transfers

8. Statement of entitlement (Regulation 135)

The scheme manager must specify in a statement of entitlement the "guarantee date" date by reference to which the cash equivalent or club transfer value is calculated; this date must fall within the three months beginning with the date of the member's application for the statement of entitlement and within ten days ending with the date on which the member is provided with the statement. The scheme manager has discretion, if it believes reasonable, to extend this date to within six months of the date of the member's application if, for reasons beyond the scheme manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three month period. [Regulation 135(4)]

9. Request for acceptance of a transfer payment (Regulation 141)

There is a time limit of one year from becoming an active member in which a person can request a transfer payment from a non-occupational pension scheme. The scheme manager has the discretion to extend this period. [Regulation 141(3)]

10. Transfer statement (Regulation 142)

The scheme manager can require an active member to ask the scheme manager of a previous non-club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 142(2)]

11. Club transfer value statement (Regulation 144)

The scheme manager can require an active member to ask the scheme manager of a previous club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 144(2)]

12. Employer initiated retirement (Regulation 62)

An employer can determine that an active member age 55 or over but under age 60 who on the grounds of business efficiency is dismissed or has their employment terminated by mutual consent, can receive immediate payment of retirement pension without the early payment reduction.

An employer may only use this discretion if the employer determines that a retirement pension awarded on this basis would assist the economical, effective and efficient management of its functions having taken account of the costs likely to be incurred in the particular case. [Regulation 62(1) and (2)]

13. Exercise of partial retirement option (Regulation 63)

An active member aged at least 55 who would be entitled to immediate payment of pension if they leave pensionable service and who claims payment of the pension, may opt to claim the whole of their accrued pension but continue in pensionable service. The person concerned must give appropriate notice to the scheme manager and the partial retirement option is taken to be exercised on a date agreed between the member and the scheme manager. [Regulation 63(5)]

14. Consequences of review (Regulation 69)

If, following the review of a lower tier ill-health pension under Regulation 68, the scheme manager determines that the recipient is capable of performing the duties appropriate to the role from which the person retired on grounds of ill-health, the employer must consider whether or not to make an offer of re-employment. [Regulation 69(3)]

15. Commencement of pensions (Regulation 70)

If a deferred member requests, and is entitled to, the early payment of retirement pension on grounds of ill-health, the scheme manager must determine the date of payment as being the date on which the person became incapable of undertaking regular employment because of infirmity of mind or body or, if that date cannot be ascertained, the date of the member's request for early payment. [Regulation 70(7)]

If a deferred member requests deferral of payment of a deferred pension beyond deferred pension age, or requests early payment with an early payment reduction before deferred

pension age, the scheme manager will decide the payment date after the claim for payment has been made. [Regulation 70(8)]

Allocation

16. *Allocation election (Regulation 72)*

he scheme manager must give consent for the allocation of a portion of pension to a dependant who is not the spouse, civil partner or cohabiting partner of an active or deferred member. (Consent can be withheld if the scheme manager is not satisfied that the person nominated is not substantially dependent of the active member.) [Regulation 72(3)(b) and (4)]

17. *Adjustment of allocated benefit (Regulation 75)*

If a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not qualify as a dependant's scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the amount may be adjusted in a manner determined by the scheme manager. [Regulation 75(1) and (2)]

Death Benefits

18. *Meaning of "surviving partner" (Regulation 76)*

A cohabiting partner may be considered a "surviving partner" and potentially qualify for a pension provided they meet certain conditions, one of which is that they must have been in a "long-term relationship" – a continuous period of at least two years – at the date at which entitlement needs to be considered. The scheme manager has discretion to allow the person to qualify where the period is less than two years. [Regulation 76(1)(b)(v) and (2)]

19. *Person to whom lump sum death benefit payable (Regulation 95)*

The scheme manager has absolute discretion as to the recipient of any lump sum death benefit payable. [Regulation 95]

20. *Payment of pensions under Part 6 "Death Benefits" (Regulation 100)*

If a child's pension is due in respect of an eligible child under age 18, the scheme manager will determine to whom it should be paid and will give directions to that person as to how the payment should be applied for the eligible child's benefit. [Regulation 100(2)]

21. *Surviving partner's pensions and eligible child's pensions: suspension and recovery (Regulation 101)*

A scheme manager has the right to cease paying a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears to the scheme manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the award. (This does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so.) [Regulation 101(2) and (3)]

22. *Provisional awards of eligible child's pensions: later adjustments (Regulation 102)*

If children's pensions have been made to certain persons on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child, the scheme manager has discretion to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively. (This does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so.) [Regulation 102(2) and (3)]

23. *Adjustment of benefits to comply with FA 2004 where members die over 75 (Regulation 104)*

If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules), the scheme manager has discretion to adjust the benefit payable to the person so that it would qualify under that section of the Act. [Regulation 104(1)(a) and (2)]

Appeals and determinations

24. *Determinations by the scheme manager (Regulation 151)*

It is the scheme manager that must determine whether a person is entitled to an award or to retain an award. [Regulation 151]

25. *Role of IQMP in determinations by the scheme manager (Regulation 152)*

The scheme manager must select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion. [Regulation 152(1)]

If a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the scheme manager can make the determination based on such medical evidence as the scheme manager thinks fit, or without medical evidence. [Regulation 152(7)]

26. *Review of medical opinion (Regulation 153)*

Where a member requests a review of an IQMP's opinion in the light of new evidence received by the scheme manager within 28 days of the member having received the opinion, the scheme manager may agree to giving the IQMP the opportunity of reviewing the opinion. [Regulation 153(1)].

Upon receiving the IQMP's response the scheme manager must confirm or revise its original determination and advise the member accordingly. [Regulation 153(4) and (5)]

27. *Notice of appeal (Regulation 155)*

If a member wishes to appeal against a determination made by the scheme manager and their grievance lies in the medical opinion upon which the determination was based, they

can appeal to a board of medical referees. The appeal must be made within 28 days of the date on which the member receives the relevant documents under Regulation 154(4).

If the appeal is not made within this time limit and the scheme manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the scheme manager has a discretion to extend the time limit for such period as the scheme manager considers appropriate, not exceeding six months from the date the Regulation 154(4) documents were supplied. [Regulation 155(2)]

28. *Procedure where appeal to be pursued (Regulation 157)*

The scheme manager must decide which persons will attend the interview as its representatives. The scheme manager must also decide whether or not to submit written evidence or a written statement (and must decide a response to any written evidence or written statement from the appellant). [Regulation 157(6) to (9)]

29. *Expenses of each party (Regulation 161)*

If the medical appeal board determines in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, the scheme manager can require the appellant to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. [Regulation 161(2)]

If the appellant withdraws the appeal requesting cancellation, postponement or adjournment of the date appointed for interview and/or medical examination less than 22 working days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. [Regulation 161(3)(a)]

If the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed for interview and/or medical examination less than 22 days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. [Regulation 161(3)(b)]

Payment of pensions

30. *Commutation of small pensions (Regulation 167)*

If the pension entitlement of a member of the scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the scheme manager may pay the entitlement as a lump sum. This would, however, be subject to the consent of the recipient and must comply with the commutation provisions that apply in the circumstances. [Regulation 167(3)]

31. *Payments for persons incapable of managing their affairs (Regulation 168)*

If it appears to the scheme manager that a person other than an eligible child who is entitled to benefits under the scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the scheme manager may pay the benefits or

any part of them to a person having the care of the person entitled, or such other person as the scheme manager may determine, to be applied for the benefit of the person entitled. If the scheme manager does not pay the benefits in this way, the scheme manager may apply them in such manner as it may determine for the benefit of the person entitled, or any beneficiaries of that person. [Regulation 168]

32. *Payments due in respect of deceased persons (Regulation 169)*

If, when a person dies, the total amount due to that person's personal representatives under the scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the scheme manager can pay the whole or part of the amount due to the personal representatives or any person or persons appearing to the scheme manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration. [Regulation 169]

Forfeiture

33. *Forfeiture: offences committed by members, surviving partners or eligible children (Regulation 171)*

If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager can withhold pensions payable under the scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate. "Relevant offence" is defined in this Regulation. The definition includes offences injurious to the State (including treason) or likely to lead to a serious loss of confidence in the public service. There are certain conditions set out in the Regulation, e.g. it is only the part of the pension that exceeds any guaranteed minimum pension that can be withheld. [Regulation 171(1), (2), (3) and (5).]

Where a pension is withheld, the scheme manager can at any time, and to such extent and for such duration as the manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member. [Regulation 171(4)]

34. *Forfeiture of pensions: offences committed by other persons (Regulation 172)*

If a surviving partner or eligible child is convicted of the murder of a scheme member from whose benefits their pension would be derived the scheme manager must withhold all of the survivor's or child's pension otherwise payable. However, if a surviving partner or eligible child is convicted of the manslaughter of the member or any other offence, apart from murder, of which the unlawful killing of the member is an element, the scheme manager has discretion as to whether or not to withhold the pension to which they would otherwise be entitled. The amount withheld must only be that part of the pension which exceeds any guaranteed minimum pension. If the conviction is subsequently quashed, the pension must be restored with effect from the day after the date on which the member died. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 172(1) to (5)]

35. *Forfeiture of lump sum death benefit: offences committed by other persons (Regulation 173)*

If a person is convicted of a relevant offence, i.e. the murder or manslaughter of the member, or any other offence of which the unlawful killing of the member is an element, the scheme manager must withhold all of any lump sum death benefit payable to that person. If, however, the conviction is subsequently quashed on appeal, the scheme manager may, to such extent and for such duration as it thinks fit, restore to the person the amount of benefit withheld. If after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 173]

36. *Forfeiture: relevant monetary obligations and relevant monetary losses (Regulation 174)*

If a member has a relevant monetary obligation or has caused a relevant monetary loss, the scheme manager may, to such extent and for such duration as it considers appropriate, withhold benefits payable to that person under the scheme. "Relevant monetary obligation" and "relevant monetary loss" are defined in the Regulation. There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension and the scheme manager may only withhold it if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator. The monetary obligation must have been incurred to the employer after the person became an active member and arising out of or connected with the scheme employment in respect of which the person became a member of the scheme, and arising out of the person's criminal, negligent or fraudulent act or omission. The procedure is set out in Regulation 176. [Regulation 174]

37. *Set-off (Regulation 175)*

A scheme manager has a discretion to set off a "relevant monetary obligation" against a member's entitlement to benefits under the scheme, subject to certain conditions which are similar to those contained in Regulation 174 (Forfeiture). The procedure is set out in Regulation 176. [Regulation 175]

Payment and Deduction of Tax

38. *Payment on behalf of members of lifetime allowance charge (Regulation 178)*

At a scheme member's request, the scheme manager may pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The scheme manager may only comply with the request if the member pays it the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs. [Regulation 178]

39. *Evidence of entitlement (Regulation 184)*

The scheme manager can require any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the scheme to provide such supporting evidence as the scheme manager may reasonably require so as to establish the person's identity and their continuing or future entitlement to the payment of any amount under the scheme. [Regulation 184(1) and (2)]

If a person fails to comply with the scheme manager's requirements in this respect, the scheme manager can withhold the whole or part of any amount that it otherwise considers to be payable under the scheme. [Regulation 184(3)]

Added pension

40. *Amount of accrued added pension may not exceed overall limit of extra pension (Schedule 1 Part 1, Paragraph 4)*

The total amount of accrued added pension must not exceed a certain limit. If it appears to the scheme manager that a member who has elected to make periodical contributions will exceed the limit the scheme manager may cancel the election (by written notice to the member). [Schedule 1 Part 1, Paragraph 4]

41. *Member's election to make periodical contributions for added pension (Schedule 1 Part 1, Paragraph 7)*

If a scheme member wishes to make periodical payments for added pension, the scheme manager can set a minimum amount which must be paid. [Schedule 1 Part 1, Paragraph 7(3)]

42. *Periodical payments (Schedule 1 Part 2, Paragraph 8)*

If a scheme member wants to make periodical payments for added pension, but does not want them to be deducted from pensionable pay, the scheme manager may agree another method of payment. [Schedule 1 Part 2, Paragraph 8 (3)]

43. *Periodical payments during periods of assumed pensionable pay (Schedule 1 Part 2, Paragraph 10)*

After a period of assumed pensionable pay or a period of reduced pay, the member may give written notice to the scheme manager authorising the employer to deduct the aggregate of payments – which would have been made but for the leave – from the member's pay during the period of six months from the end of the period of reduced pay. The scheme manager can extend this period of six months. [Schedule 1 Part 2, Paragraph 10(4)]

Tapered Protection

44. *Meaning of "tapered protection closing date" (Schedule 2 Part 1, Paragraph 3)*

The tapered protection closing dates for tapered protection members are given in the 1992 scheme tables in Schedule 2 Part 4. In most cases the appropriate closing date can be ascertained by reference to the band of dates in which the firefighter's birthday falls. The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) is determined by the scheme manager. [Schedule 2 Part 1, Paragraph 3(3); Schedule 2 Part 2, Paragraph 9(5); and Schedule 2 Part 3, Paragraph 21]

Hereford & Worcester Fire Authority

The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 requires employers to publish a written statement and to keep that statement under review the policy that it will apply in the exercise of its discretionary powers to make any award under the Injury Allowances Regulations.

This Statement is applicable to all non-uniformed employees of HWFRS who are eligible to be members of the Local Government Pension Scheme.

The decisions for the following discretions are delegated to the Chief Fire Officer (CFO) who will consider the relevant circumstances and any decision will be made in the best interests of the fire authority. The CFO will be advised by the Treasurer, Monitoring Officer and the HR Manager.

Regulation 3(1)

Whether to grant an injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.

Employer's Statement of Policy

Hereford & Worcester Fire Authority will consider each case on an individual basis.

Regulation 3(4) and 8

Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.

Employer's Statement of Policy

Hereford & Worcester Fire Authority will consider each case on an individual basis.

Regulation 3(2)

Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1).

Employer's Statement of Policy

Hereford & Worcester Fire Authority will consider each case on an individual basis.

Regulation 4(1)

Whether to grant an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.

Employer's Statement of Policy

Hereford & Worcester Fire Authority will consider each case on an individual basis.

Regulation 4(3) and 8

Amount of injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.

Employer's Statement of Policy

Hereford & Worcester Fire Authority will consider each case on an individual basis.

Regulation 4(2)

Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1).

Employer's Statement of Policy

Hereford & Worcester Fire Authority will consider each case on an individual basis.

Regulation 4(5)

Whether to suspend or discontinue injury allowance awarded under regulation 4(1) if person secures paid employment for not less than 30 hours per week for a period of not less than 12 months.

Employer's Statement of Policy

Hereford & Worcester Fire Authority will consider each case on an individual basis. Although it is likely that an injury allowance would be suspended or discontinued if an individual secures paid employment for not less than 30 hours per week.

Regulation 6(1)

Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a regulation 3 payment was being made at date of cessation of employment but regulation 4 does not apply.

Employer's Statement of Policy

Hereford & Worcester Fire Authority will consider each case on an individual basis.

Regulation 6(1)

Determine amount of any injury allowance to be paid under regulation 6(1)

Employer's Statement of Policy

Hereford & Worcester Fire Authority will consider each case on an individual basis.

Regulation 6(2)

Determine whether and when to cease payment of an injury allowance payable under regulation 6(1)

Employer's Statement of Policy

Hereford & Worcester Fire Authority will consider each case on an individual basis.

Regulation 7(1)

Whether to grant an injury allowance to the spouse, civil partner, nominated co-habiting partner or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.

Employer's Statement of Policy

Hereford & Worcester Fire Authority will consider each case on an individual basis however it is unlikely that an injury allowance would be granted.

Regulation 7(2) and 8

Determine amount of any injury allowance to be paid under regulation 7(1)

Employer's Statement of Policy

Hereford & Worcester Fire Authority will consider each case on an individual basis.

Regulation 7(3)

Determine whether and when to cease payment of an injury allowance payable under regulation 7(1)

Employer's Statement of Policy

Hereford & Worcester Fire Authority will consider each case on an individual basis.