

Local Government Association response to the Consultation on Enabling Closer Working between the Emergency Services

About the Local Government Association

1. The Local Government Association (LGA) is the national voice of local government. We work with councils and Fire and Rescue Authorities (FRAs) to support, promote and improve local government.
2. We are a politically-led, cross party organisation that works on behalf of councils and FRAs to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils and FRAs so they are able to deliver local solutions to national problems. The LGA covers every part of England and Wales, supporting local government as the most efficient and accountable part of the public sector. The LGA's membership includes the 46 FRAs in England and the three Welsh FRAs through the corporate membership of the Welsh Local Government Association.
3. This paper provides the LGA's Fire Services Management Committee's response to the Home Office's and Department of Communities and Local Government's 'Enabling closer working between the emergency services' consultation on behalf of the English FRAs.
4. The consultation was considered by the LGA's Fire Commission on 20 October, where there was unanimous agreement that new legislation does not need to be brought forward

Context

5. The emergency services already work closely together and highly effectively on a day to day basis to save lives protect communities and prevent harm to the public, whether that is dealing with a fire at a residential property, attending a road traffic accident, dealing with a major incident like the crash on the A27 of a plane participating in the Shoreham Air Show or working with young people on health and road safety. The ability of the emergency services to work closely together has been strengthened in recent years through initiatives like the Joint Emergency Services Interoperability Programme to help improve multi-agency responses to major incidents. In addition to national programmes like JESIP there have been an increasing number of examples of collaboration between the services as a result of local initiatives and innovation. These have improved the quality of response the public receive from the emergency services, while also improving efficiencies.

Closer working

6. FRAs, supported by the LGA, have been at the forefront of driving these collaborative arrangements. Fire and Rescue Services (FRSs) are already cooperating closely with the police and ambulance services both in operational terms, where co-responding and joint work on prevention is becoming increasingly common, and in terms of the provision of back office services and the collocation of crews and vehicles at shared sites. This work has been facilitated by the fire service transformation programme, which has enabled FRAs to explore a range of collaborative arrangements, with a range of partners, wherever it makes economic and operational sense.
7. Increasingly FRAs are collaborating with wider health partners than just the ambulance service. A growing number of FRSs like Kent and Humberside are supporting health and social care interventions by providing, for example, comprehensive checks in the home to identify, in particular, elderly or vulnerable people. FRS teams working in this way are installing cold alarms alongside smoke alarms in the homes of elderly people living alone so they can be supported if the temperature dips below a certain level. Other FRSs like Greater Manchester, Norfolk and Suffolk and Merseyside are involved in preventative work much earlier in people's lives, often by working in schools. They are helping children and young people to lead more active lives by educating them about the benefits of fitness, healthy eating and an active lifestyle. This work saves lives, helps to keep people healthy, tackles growing levels of obesity and reduces hospital admissions.
8. This collaboration between FRAs and the NHS and Public Health England will increase. The LGA recently signed a consensus statement with the Chief Fire Officers Association, NHS England, Public Health England and Age UK. The statement sets out the intention of these bodies to work together to encourage joint strategies for early intervention and prevention to support people with complex needs so they can lead full lives and sustain their independence for longer, while reducing preventable hospital admissions and avoidable winter deaths.
9. There are FRSs, which collaborate less than the exemplars, however the sector should be enabled to continue to effect change without the Government resorting to legislation. Indeed, putting in place a duty to collaborate on FRSs with just the other emergency services is likely to provide a constraint that stifles innovation and broader collaboration. In the LGA's view the provision of incentives, like transformation funding, is more likely to produce greater collaboration between the emergency services and also between them and other public services like health and social care than a new statutory duty. Provision of such incentives would also encourage the ambulance service, which in some cases has been less ready to engage with collaborative programmes, to fully embrace the opportunities and benefit to the public closer working presents.

10. In addition we believe the emphasis within the consultation on FRS integration and cooperation with the police misses greater opportunities for collaboration going forward. While it is clear that close cooperation with the police is important and we support closer integration, the LGA's strong view is that FRSs have greater synergy with health services (including public health and the ambulance service). In our view the focus on closer working should include the broader health economy too.

Governance

11. Changing governance arrangements for FRSs risks undermining the collaborative arrangements already in place and under development between the fire service and a range of partners, including with public health, by diverting away effort and resources needed to take collaboration proposals forward. The FRS is not a failing service; quite the reverse. Its prevention agenda has been highly successful over the past ten years, leading to a significant reduction in the incidence of fires and fire related deaths and injuries. It is this success that has enabled FRSs to explore increased collaborative arrangements with health and social care services, with FRSs around the country using the 670,000 annual fire home safety checks to support wider early intervention and prevention objectives of the sort already set out. The governance changes proposed in the consultation are not required.
12. The consultation frames the governance changes proposed in it in terms of strengthening accountability. FRSs are already held to account by democratically elected bodies either in the form of Fire and Rescue Authorities (FRAs) for Combined and Metropolitan FRSs or by the Council for the 15 County FRSs.
13. This is not the case with ambulance services. Some ambulance services are finding it increasingly difficult to meet their target response times, against a picture of increasing demand, and in a number of cases have been very happy to have the support of local FRSs to respond to health related emergencies, particularly in rural areas, which present ambulance services with a particular challenge. Where the police and FRSs sit under a fully democratic governance structure this is not the case with the ambulance services, which are governed by non-democratically appointed ambulance trusts, with no direct public accountability. This therefore raises the question, why the emphasis is on the FRS and not on the ambulance service.
14. The consultation also avoids the complexities associated with police and crime commissioner (PCC) involvement in the governance of the 15 county FRSs. In all councils both the budget and the policy framework constitutionally have to be voted on and agreed by full council. Since the FRS Integrated Risk Management Plan in most councils is included in the policy framework, and budget allocation is key to the successful delivery of the FRA's statutory duties, there remain questions about whether the PCC should have a vote in full council on these issues. If this were the case it has to be asked why an individual elected to provide police services should

have a vote on issues well outside their terms of reference, bearing in mind that voting on a council budget is undertaken holistically and not in service segments. This could lead to a PCC having a casting vote at a 'no overall control' council meeting.

15. While the LGA does not consider that legislation is required, it would be content to see enabling legislation that permits changes in governance, **where local people ask for it**. We are concerned though that the governance options set out in the consultation are limited to one or two options.
16. Whatever changes there are in governance must however have the support of the public and the communities, the relevant local authorities and the police and crime commissioner. They should not be imposed on local areas by Whitehall, and in the LGA's view the Home Office and Department of Communities and Local Government should not have the power to overrule local decisions. The LGA is opposed to any measures that would allow a PCC to force through governance changes, where there is no local mandate from both elected members and the wider general public. Not only would such a situation undermine existing collaboration arrangements for a number of years, it could also make working arrangements between the police and the fire service more problematic and undermine the trusting and good relationships which have been built up so far.

Geography

17. As the consultation points out, a third of FRAs do not have coterminous boundaries with police forces. In some areas, such as the South West, the organisational geography is very complex, and there are already a range of collaborative arrangements and effective working partnerships in place. With such an environment, the only way to build on existing collaboration is through local voluntarily agreed arrangements that work for everyone.

Budget and identity

18. The consultation is very clear that where a PCC takes on the governance of a FRS central government funding would be paid to the PCC for the two services in separate funding streams. This however does nothing to assure the sector that once the PCC has received the funding they will keep it separate and not vire FRS money to the police service to bolster the police at the expense of the FRS.
19. The consultation also makes clear that in the event of a PCC taking control of a FRS there is no intention to merge the two services even where the FRS and the police service are managed by the same Chief Officer. There is very real concern however that the FRS brand as one of the most trusted public services will be undermined by such a close association with the police. 670,000 people a year willingly invite members of the FRS into their houses. Young people, who distrust the police and who

would actively avoid engagement with them, will actively participate in highly beneficial community programmes run by the FRS. The LGA would question whether this proposed reform delivers sufficient benefit to justify risking this trusted brand and the wide range of prevention work undertaken by the FRS.

Cost of implementation

20. The business case to support a merger of a FRS and a police force must not just cover the cost of implementing any change, but also the ongoing revenue costs of providing governance of a combined service. This must be within the context of a police and fire service operating very closely together and delivering the back office savings referred to in the consultation without changes to the governance of the FRS. Unlike the old Police Authorities, which were supported by a substantial standalone bureaucracy, FRAs have low running costs. They are supported from within the FRS or share services with a neighbouring council; thus for example Dorset FRS has no additional staff to administer the FRA and is not untypical, while the governance costs of a county authority are also marginal, because they fall under the wider council governance arrangements.
21. Experience of developing the business case for the merger of the Wiltshire and Dorset FRAs showed that building a business case for a PCC to assume the governance of a FRA would absorb significant levels of resource from both the PCC and the associated FRA/FRS. This is resource that could well be better deployed developing less formal, but equally or more cost effective and efficient partnerships. Government also needs to be clear that where a business case is not supported by the public and relevant local authorities, the PCC should pay the costs related to developing their business case.

Workforce issues

22. In situations such as the changes suggested by the consultation, it is important that staff transfer in accordance with the TUPE Regulations. Should the TUPE Regulations not apply on a strict legal basis, then staff should transfer on a TUPE-like basis in accordance with the requirements of the Cabinet Office Statement of Practice on Staff Transfers (COSOP). This appears to be acknowledged in the consultation document.
23. The consultation document refers to the National Joint Council for Local Authority Fire and Rescue Services. It suggests that PCCs who took responsibility for fire services could apply to join the NJC. The NJC is a UK-wide body and the stakeholders (in the case of England and Wales) are not individual FRs, but the LGA and WLGA. It would be possible for a potential future cohort of PCCs with responsibility to discuss representation on the NJC.

24. Other parts of this response address many issues relating to existing collaboration between emergency services. It is important to note areas of work currently being undertaken through the NJC to look at the role of firefighters for the future. This work includes trials relating to co-responding and wider areas of new work. While such activities have been carried out in some services for many years by some fire fighters on a voluntary basis, this NJC work is discussing integrating it into the core role.

Consultation questions

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

As mentioned above the LGA believes there are sufficient incentives to increase collaboration between the emergency services, as well as other public services. The range of collaborative agreements already entered into by FRAs is testament to that. While the LGA is content to see enabling legislation that permits changes in governance, where local people want it, we are concerned though that the governance options set out in the consultation are limited to one or two options. The LGA believes that other incentives such as the provision of transformation funding would facilitate further collaboration such as with ambulance services. It should be noted that the current governance arrangements have not hampered or delayed closer operational or back office collaboration between fire and the police. Overall it is the unanimous view of the LGA's Fire Commission that new legislation is not required.

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?*

Where there is a clear and undivided local wish for the PCC to take responsibility for the FRS based on a jointly produced business case, this process would be appropriate. In the LGA's view the Home Office and the Department for Communities and Local Government should not have the power to overturn the wishes of the local community in the event that a proposal and its supporting business case were not supported by the local community.

Question 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?*

It cannot be overemphasised that changes to governance arrangements are not a prerequisite to make savings from the integration of back office functions. Neither is having a single employer a pre-requisite for achieving these objectives and indeed could even hamper the achievement of such objectives. However if all parts of the local communities, both elected members and the wider public want to see a single employer and accept the risk to the FRS brand such a move could pose, then such a process would

be acceptable, but without the Home Office and the Department for Communities and Local Government having the power to overturn a local decision.

Question 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?*

It is not entirely clear to the LGA what the benefits of such a move would be. As mentioned above, back office savings can and are being achieved without the expense in time and effort such a move would require.

Any merger of the management of two services could put at risk their individual identities and lead to a blurring of the professional boundaries between the two services. In particular there is a risk that one service could be seen to be a higher priority than the other leading to degradation in service delivery with a commensurate loss of public confidence.

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?*

Yes, we consider the requirement is an unnecessary barrier.

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?*

Fire and rescue authorities operate within a long-established statutory and policy framework. At the same time they need to have the freedom and flexibility to respond to the particular challenges faced in their individual localities, without being constrained by national requirements.

The fire sector is already a high performing service. It

- continues to be successful in driving down the incidence of fire and in serving a wider community safety agenda;
- maintains an exceptionally high satisfaction rate amongst users and is held in very high regard by communities;
- has maintained a high level of performance during the 2010 spending review period which has seen a substantial reduction in government funding for fire and rescue services; and
- is embracing the transformation agenda as a means of improving services and making them more efficient.

In this context the existing range of mechanisms in place are more than adequate to enable judgements to be made about the performance of the fire and rescue service.

These include:

- the publication of an annual statement of assurance on financial, governance and operational matters, in line with Government guidance;
- the publication of information about performance in a way that enables local people to compare the performance of their fire and rescue service with that of another. In addition the National Framework requires fire and rescue services to make their communities aware of how they can access data and information on their performance.
- the publication of an operational self-assessment
- a regular peer challenge providing an external challenge to the self-assessment and the effectiveness of the service.

The Operational Assessment and Fire Peer Challenge together provide a “whole system” review of the effectiveness of the service. All 46 Fire and Rescue services have now received a LGA/CFOA peer challenge and the process was independently reviewed in late 2014 and subsequently revised to provide a stronger emphasis around leadership and corporate capacity and the inclusion of provision for a follow-up review of progress.

The Local Government Association works collaboratively with fire and rescue authorities and other government departments to identify at an early stage where serious risks to performance are developing. It will act with them to mitigate the escalation of those risks which could have a negative impact on the reputation of the sector or could lead to serious service failure. As a last resort the Government retains powers to intervene.

Question 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?*

If locally it has been decided that the PCC should take responsibility for the FRS, the LGA could support the PCP having its remit extended to scrutinise decision making in relation to the FRS, provided the Government provided sufficient resource for this additional function to be carried out under the new burdens doctrine. However it is unlikely that scrutiny of the fire service would be improved compared to the present arrangements of standalone and county FRAs, given the wide range of experience and expertise on FRAs.

Question 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?*

The LGA agrees that in the event of a PCC taking responsibility for a FRS and the PCP having its remit extended, the membership of the PCP should be refreshed to reflect its

wider responsibilities, but there is a danger that this dilution of responsibility would lead to a loss of expertise amongst elected members on fire service matters.

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?*

There are long established complaints and conduct procedures for the police, which are appropriate given the police's ability to arrest and detain individuals and the fact that in some circumstances they are equipped and able to use firearms to protect the public. Firefighters do not have similar powers to the police, so the LGA would see little need for fire and rescue personnel to be subject to the same complaints and conduct procedures as police officers and staff, especially as few complaints are made about firefighters.

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?*

In general terms no, unless locally a decision was made to invite them to join the authority as a non-voting member of the authority. Voting rights for a PCC could result in them having a casting vote in a no overall control authority. As mentioned above it would be very difficult to see how a PCC could formally be brought into the governance of a county authority. There would also be potential conflicts of interest in the PCC sitting on a FRA where they might be involved in negotiations around transfers of assets and resources and this could undermine their ability to agree collaborative projects and arrangements with the FRS. The FRA Chairman or in the case of a county FRS the portfolio holder or leader should however, maintain close contact with the PCC on matters of common concern and benefit, and maintain the power to challenge him/her where s/he is not fully embracing opportunities to promote collaboration, prevention and efficiency.

Question 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?*

The LGA believes, as we have set out already, that there should be local discretion in London as to how to increase collaboration between the emergency services, taking account of local conditions and working relationships. In addition the views of the London Boroughs and London Councils need to be taken into account in arriving at any decision.

Question 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?*

The LGA believes that any new arrangements for the governance of London Fire Brigade should take account of the views of the London Fire and Emergency Planning Authority itself, the London Boroughs, and London Councils. Any arrangements should also maintain the distinction between operational policing and the London Fire Brigade.

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?*

Current arrangements in place with Local Resilience Forums ensure that the police and FRSs work well together as equal partners 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 the Chief Constable would lose some independence with regards to their decision making in strategic command situations.

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?*

There should be no implications for resilience provided the metro mayor or their representatives collaborate widely across boundaries.

Question 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?*

Please see our general comments at the beginning of this response.

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

These proposals seem to be very much shaped around the metropolitan authorities, where coterminous boundaries are more common and such changes could be more easily implemented. We have concerns that resources could become even more focused on urban areas at the expense of their rural neighbours.

In particular we would not wish the strong links the FRS has built with vulnerable people and the third sector to be jeopardised in any changes of governance or management.