East Sussex Fire Authority Response to the Government Consultation Document: Enabling Closer Working between the Emergency Services

East Sussex Fire Authority welcomes the opportunity to respond to this consultation, and will seek to engage further with its constituent local authorities and other partners to fully explore all the issues involved and seek their contribution to the consultation process.

However, the Fire Authority believes that the consultation is too narrowly focused, and that, whilst close collaboration between the emergency services is essential, that can be achieved without elaborate structural change. Furthermore, the only structural change suggested in the consultation may prejudice the most promising routes to collaboration with health and social services.

The Government and others acknowledge that the Fire & Rescue Service has been extremely successful at preventing fires and other emergencies through a combination of enforcement and community safety interventions. It achieves this both as a single delivery organisation and through joint initiatives. It is recognised that the positive public image and brand of the Fire & Rescue Service is a major contributory factor to that success, as it enables firefighters to engage with vulnerable and hard to reach communities and to be welcome when visiting people’s homes.

We recognise that the government is committed to maintaining separate “front line” services, but suggest there is some danger that directly associating the Police and Fire & Rescue Services will undermine not only that work and image, but the potential to work more closely with Social Services under the ‘Better Together’ programme to extend our partnerships with them and the CCGs. The primary and very necessary role of the Police is that of law enforcement. They are trusted to do that task but, in marked contrast with a visit from a firefighter, the initial reaction to a visit from the Police is always guarded. That does not mean that we should not work closely with the Police in improving community safety and we recognise that our partnership can be made more effective. There is also scope for bringing support services together, but we would suggest that these improvements can be secured without integrating management structures and, more importantly, that bringing the two services under one authority may lead to a concentration on emergency response to the detriment of wider partnerships that can improve the health and wellbeing of the community.

We recognise the need to find efficiencies in all public services, including Police and Fire, and reductions in senior management teams and streamlining of support services have a role to play in this. Fire & Rescue Services have already been producing significant savings by reducing staff and collaborating in these areas.

We note that, under these proposals, the government intends that the funding for Police and Fire, and their precepts, would be provided separately. It is not clear if the intention would be that funding could be combined into a single Police and Crime Commissioner’s (PCC) budget and spending priorities assessed across both services. Nor is it clear whether existing budgets and reserves will be ring-fenced for fire purposes should a transfer take place.

We believe that this issue requires further thought, around the broader issue of the funding stream for the Fire Authority and how budgets between Police and Fire are kept entirely separate so that PCCs can’t move money between Services for either political or operational reasons.

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The complexity of removing fire-related budgets from County Councils is also acknowledged in the consultation document. This should not be underestimated. Government spending allocations may not match the total fire-related spending and there are likely to be diseconomies of scale for services as they move out of their County Council provision which will need to be offset against any perceived benefits from closer integration with Police services.

The Fire Authority is convinced that the continuing austerity affecting the public sector is a sufficient driver for collaborations to develop still further without the single employer model. In some cases fire services arguably have already captured the benefits which might be projected from a single employer model which makes the argument for the delivery of more efficient services harder to make if the expectation is further savings.

We are concerned that the consultation does not make specific proposals for governance arrangements for the Ambulance Service. This could lead to an imbalance between the three 'blue light' services which could isolate the Ambulance Service, potentially exclude them from any benefits to be derived from closer collaboration and impede closer partnership working.

The public put trust in locally elected Councillors to make decisions on their behalf. The role of the PCC has largely been met with indifference by the public. It is the Fire Authority’s considered view that, through its members, the Fire Authority is more accountable to the community it serves. Merging would not only confuse but is unlikely to win public support.

We have sought to answer each of the questions in detail except for Questions 11 and 12 which we believe is a matter for consultation with the public and statutory partners and others in respect of the future proposals for the London Fire & Emergency Planning Authority.

We have also contributed to Question 13 and 14 through the Sussex Resilience Forum of which we are a statutory partner and, therefore, will not comment on that aspect of the consultation.

**Question 1.**

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

There are clear benefits to the people of East Sussex and Brighton & Hove through the three emergency services working together. The Fire Authority is supportive of any moves to further enable locally determined collaboration between emergency services. It welcomes any measures that will require other partners to collaborate with the Fire & Rescue Service. It can see no objection to the proposed duty.

The Fire Authority is already working closely through the Fire & Rescue Service with the Police and Ambulance Services and, more broadly, with partners in the public, voluntary and health sectors. Indeed, East Sussex Fire & Rescue Service is recognised nationally for its success in this area. This is at operational and strategic level and across prevention, protection and response. The test of the proposed duty will be whether it achieves improved collaborative working and better outcomes beyond those already being introduced and explored and at a lower cost to taxpayers.
The Authority would strongly argue that it is already seeing many of the benefits of efficiency and effectiveness starting to emerge through its current collaborations with Sussex Police.

This Fire Authority has been explicit in its decision to relocate the current Service Headquarters to shared accommodation at the Sussex Police Headquarters site to meet our future requirements. In doing so, we will adopt modern working principles and achieve significant benefits from relocating to share a strategic partner’s site.

The benefits of this decision will not only include the use of shared facilities but move the two organisations closer together for the benefit of the public through increased collaborative working in our operational services and closer alignment of support services. Over time, this will achieve even greater integration and interoperability and ultimately improved outcomes for the public.

As argued above, the Fire & Rescue Service should be looking at wider partnerships, e.g. public health and adult social care. The Fire Authority is concerned, therefore, that the proposal for the Fire & Rescue Service to be governed by the PCC will get in the way of wider partnership working and collaboration. In particular, it is a matter of concern that Governance arrangements for the Ambulance Service are excluded from this consultation. This could lead to an imbalance between the three ‘blue light’ services which could isolate the Ambulance service, potentially exclude them from any benefits to be derived from closer collaboration and impede closer partnership working.

It will be important to be clear against what performance criteria such a duty will be judged, and who would be responsible for enforcing it and what sanctions they might be able to exercise.

**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 & Rescue Services?**

The duty to collaborate is sensible but we doubt there are substantial advantages in doing this with a PCC assuming governance responsibility for the Fire & Rescue Service if there is not local agreement supported by a robust business case.

The Fire Authority is not supportive of the proposal to allow a PCC to unilaterally make the case to take over the Fire & Rescue Service, especially if the constituent authorities and the public are not supportive of the change in how emergency services are governed and delivered. Such a move could also isolate the Ambulance Service and make collaborative working more complex and difficult.

A robust business case will be important in demonstrating the case for any change in Governance arrangements. As well as identifying the benefits of the potential change (in terms of service outcomes as well as financial) it needs to take account of the benefits already being secured, the impact of organisational structural change, the need for one-off investment to secure change and the potential impact on the benefits from other collaborations and partnership working which may need to be scaled back or cease as a result (as capacity is focussed on delivering structural change).

It will be important that the predicted outcomes and savings are realistic as expressed in any business case and that the challenges of achieving structural and cultural integration should not be underestimated. Any new governance arrangements, for example, will have a cost
attached that may well exceed the cost of the current arrangements. Whilst there is a strong direction of travel in our stated desire across Police and Fire in Sussex, to work more closely together, the objectives, aims and values of each organisation are different and the imposition of a change rather than one that has evolved locally is less likely to succeed without adverse impact on our current direction of travel.

We agree that, in the interest of transparency, where there is local agreement that a PCC should assume governance responsibility for a Fire & Rescue Service then funding streams should remain separate.

If a Fire & Rescue Service is to transfer to operate under the governance of a PCC, it will be important to consider its future legal form.

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

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?

The Fire Authority strongly agrees that, whatever the decisions made by the Government following this consultation, there is a case for maintaining the important distinction between operational policing and firefighting. This issue requires further thought, around the broader issue of the funding stream for the Fire Authority and how budgets between Police and Fire are kept entirely separate so that PCCs can’t move money from Fire to Police for either political or operational reasons.

It seems sensible that any proposal to establish a single employer should be subject to the same process as for a transfer of governance.

The Fire Authority has experience of attempting the merger of two Fire & Rescue Services with two different governance structures and the significant effort and costs associated with this proposal should not be underestimated, nor timelines.

Whereas the public accepted and were in agreement, through the public consultation exercise, that there should be a single Sussex Fire & Rescue service, the issue of whether or not a Fire & Rescue Service should be overseen by a PCC has not been tested.

It is our view that to create a single employer will potentially add little value, take the Authority off course from its agreed strategic plan for the transformation of its services and drain its organisational capacity of the ability to create the necessary structural change. This would endanger the current public facing outcomes it intends to deliver and the achievement of its agreed savings plan.

It is the Fire Authority's view that Police and Fire (and other partners) can share back office services and streamline tiers of management effectively in the light of local needs and circumstances, without additional cost and effort involved in structural change, including the potential move to a single employer, as proposed in the consultation.

The Fire Authority has considerable experiences of TUPE and the movement of staff from one employer to another through the creation of the Sussex Control Centre and has evidence of the considerable costs and impact on staff, both existing and future, with high turnover of staff and loss of experience to support the Fire & Rescue Service. Any
assessment of the potential for a single employer model should be weighted to consider fully these impacts.

The Fire Authority would, therefore, like to restate its position that it does not believe a PCC should have the capacity to unilaterally decide to merge services or to create a single employer, if that is not supported by this Authority and its constituent local authorities or the public following consultation; this would seem to be inconsistent with the Government’s stated desire to see a locally determined approach.

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 & Rescue personnel, whilst retaining separate frontline services, where a local case has been made to do so?

Public awareness of the Office of the PCC is not as extensive as suggested in the consultation. This is evidenced by the low turnout figures (15.1%) at the PCC elections. The Fire Authority would wish to see evidence that the creation of a single organisation under one employer would not be damaging to the Fire & Rescue Service brand and reputation. It is our view that to create a single employer under one Chief Officer would potentially add little to improve service delivery to the public. It will be important to consider issues of public trust and confidence in the Fire & Rescue Service and its leadership by the workforce given that both organisations operate very differently and undertake profoundly different roles.

This proposed course of action will also divert the Authority from its agreed strategic plan for the transformation of its services and drain its organisational capacity of the ability to create the necessary structural change. This would endanger the current public facing outcomes it intends to deliver without these additional distractions.

Notwithstanding our previous comments in Paragraph 8, we agree that there may be the potential through creating a single employer to produce savings and simplify leadership arrangements, but we believe the consultation document does not address the people issues and costs of such a change.

Under the ‘single employer’ option, even if that were to be Fire to Fire mergers, there is the need to recognise there are significant variations in terms and conditions, training, organisational structure and culture that are not made clear in this public consultation to achieve the most expansive of responses.

The government will need to consider, despite the good work under the Joint Emergency Services Interoperability Programme banner, how operational command structures will work under a single employer and merged managerial team. Currently Fire and Police have separate commanders at incidents, and we believe it is important that this is maintained.

Police and Fire staff, uniformed and non-uniformed, have a variety of trade unions and different employee bargaining arrangements. Proposals within the business case will need to explain how these arrangements will operate under any locally selected model. A single employer, from whatever background, would need to be able to balance these differences.

This Authority has previously publically stated that we believe that Fire-Fire mergers should be a simpler process and that there should be one Sussex Fire & Rescue Service.
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?

This Authority has a number of reservations relating to the prospect of the single employer model and the prospect of merging the roles of Chief Fire Officer and Chief Constable. Notwithstanding the professionalism of the current leadership of both Police and Fire we believe that neither a Chief Constable nor Chief Fire Officer assuming the joint role would have the training and appropriate professional support to enable them to effectively manage both services.

If the consultation proposals are implemented there will be a need to consider the arrangements for recruitment / appointment of chief and senior officers, the training and development programmes which will equip these leaders to take accountability for both high profile services and the arrangements for addressing performance issues.

The government also needs to consider how instances of a firefighter death on duty would be investigated if the Chief Officer’s role and managerial and governance teams were merged. Currently Police investigate such instances, but it would be an obvious conflict of interest if the organisations were joined.

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?

East Sussex Fire Authority supports the principle of sector led improvement and assessment, and welcomes the Operational Assessment (OpA) and Peer Review process currently in place and being reviewed. In the event that a Fire & Rescue Service is transferred to a PCC, we believe this should be retained. It is particularly important that a consistent approach to assessment is maintained between different Fire & Rescue governance models.

OpA and Peer Review will continue to be strengthened and developed, and we would welcome the input of any PCC that might assume responsibility for a Fire & Rescue Service.

We believe that it will be important to strengthen further the independent source of expertise, currently embodied in the Chief Fire & Rescue Advisor. As with our point above, there will be a range of governance models within the Fire & Rescue Service, which we believe would be important in ensuring consistency is maintained between all of them.

Question 7

Do you agree that where a Police and Crime Commissioner takes responsibility for a Fire & Rescue Service, the Police and Crime Panel should have its remit extended to scrutinise decision making in relation to fire services?
This would seem to be a pre-requisite although there may be a tendency for the focus of the panel to be towards the Police since, in most circumstances, it will be the larger service and the balance of experiences on the panel will need to be carefully considered.

An alternative would be to create a separate panel with responsibility for oversight of fire and rescue matters. This might incur additional cost but would ensure appropriate expertise could be brought to bear and sufficient time allowed to consider topics.

Local experience suggests that the Police & Crime Commissioner has no recognition in the community and that, far from strengthening accountability between elections, the current procedures have limited press coverage and feedback. An election is best seen as a complement to and not an adequate substitute for, the scrutiny that can be exercised by councillors living within the local community served.

**Question 8**

**Do you think that where a Police and Crime Commissioner takes responsibility for a Fire & Rescue Service, the Police and Crime Panel should have its membership refreshed to include experts in fire and rescue matters?**

Again this would seem to be a pre-requisite. The operational and organisational challenges faced by the Fire & Rescue Service are very different to those of the Police and, therefore, the PCC would need to be able to consider these issues from an informed position. Perhaps a panel which has a more sophisticated way to select its membership but including local views, maybe through lay persons, would achieve better scrutiny and accountability to the local council tax payers. However, it would be possible to consider such an option now without the necessity for changing governance and accountability arrangements.

**Question 9**

**Do you think that where a Police and Crime Commissioner puts in place a single employer for Fire & 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?**

Given the satisfaction levels with the Fire & Rescue Service evidenced through public opinion expressed in a range of consultations and the scale of complaints to the Fire & Rescue Service when compared to the Police, it would seem strange to impose a new complaints and conduct arrangement.

It is the view of the Fire Authority that, although it would be possible to have two different standards for complaints and conduct for police officers and firefighters, in different service areas in one organisation, it serves no purpose to create one system.

We also believe it is important to consider the significantly different job roles of operational Police and Fire staff. As warranted officers, operational Police are “on duty” at all times, while firefighters are not. Careful consideration of how this would affect a joint complaints and conduct procedure would be required.

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Question 10

Do you agree that Police and Crime Commissioners should be represented on Fire & Rescue Authorities in areas where wider governance changes do not take place?

This Authority would be content with the PCC being represented on the Fire Authority, especially if the duty to collaborate is progressed, and discussions on how to improve local collaboration and introduce new ideas and oversight should be welcomed.

Further detail on how this would work, for example, the voting power of a PCC, would be needed for this matter to be properly considered by the Fire Authority and how this would work if there was a different model in place within our neighbouring Services. Consideration of how this proposal would work in areas where Police and Fire & Rescue Services are not coterminous will be needed. Areas where more than one PCC would sit on an authority or one PCC would sit on multiple authorities could cause issues related to political balance and resourcing.

As mentioned elsewhere within our response, we believe that a focus on the potential for collaboration with Police is too narrow and would, therefore, argue that there are other organisations that could provide equally valid input and oversight of local Fire & Rescue Services, such as partners in health.

Question 11

Do you agree that the London Fire and Emergency Planning Authority should be abolished and direct responsibility for Fire & Rescue transferred to the Mayor of London?

Not applicable for East Sussex Fire Authority.

Question 12

In the event that the London Fire and Emergency Planning Authority is abolished, how should responsibility for Fire & Rescue be incorporated into the mayoral structure?

Not applicable for East Sussex Fire Authority.

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?

Response provided through Sussex Resilience Forum.
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 & Rescue Service?

Response provided through Sussex Resilience Forum.

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?

With regard to Fire to Fire mergers and co-terminosity, consideration needs to be given to providing a greater degree of flexibility over the arrangements for council tax equalisation which we know from local experience can be a significant technical and practical barrier to mergers.

In our experience, and since our previous merger discussions, the gap between our Council Tax and West Sussex Fire & Rescue Service’s notional Council Tax has increased, and as Revenue Support Grant levels decrease and reliance on Council Tax income increases, then the potential for alternative solutions to deliver equalisation within 5 years, with a low referendum threshold reduces.

Question 16

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

There will be equalities issues that arise from this proposal which will affect both the community and Fire & Rescue Service personnel. Taking account of the available information we have regarding this consultation, it is difficult to be specific about this.