



NFCC
National Fire
Chiefs Council

The professional voice of the
UK Fire & Rescue Service

National Fire Chiefs Council
West Midlands Fire Service
99 Vauxhall Road
Birmingham
B7 4HW

Telephone +44 (0)121 380 7311
Email info@nationalfirechiefs.org.uk

Crime Policing and Fire Group
Home Office
6th Floor, 2 Marsham Street
London
SW1P 4DF
pccreview@homeoffice.gov.uk

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Dear Sally and Jonny,

Thank you for the opportunity for the National Fire Chiefs Council (NFCC) to provide some early thinking around the key research questions of part one of the PCC Review.

The NFCC is the professional voice of the UK fire and rescue services; it is a member organisation and includes a council of UK Chief Fire Officers. The National Fire Chiefs Council makes no statement of preference of one political governance model over another – that is a matter for local determination. The answers in response to the Home Office research questions are supported by observations made by professionals about their experiences.

Question 1 – How to reinforce and sharpen the accountability of PCCs to the communities they serve, including how to raise the profile of the PCC model and improve the ease with which the public can access information about their PCC.

i. How effectively do PCCs engage the public?

PCCs are visible public figures, however proactive public engagement, whether online or in public/community meetings, in all governance models is a matter of choice of the political leaders of that area. But the view of the NFCC is that successful public organisations take public engagement and consultation seriously.

It is notable that PCCs must publish decisions after they are taken and there is no requirement to hold public meetings regarding these decisions. Combined, metropolitan, and county council fire authorities publish authority agendas and reports in advance of meetings that are held in public. It may improve scrutiny if the rationale for decisions is published before the decisions are made and for major decisions, like closing police stations, a statutory consultation period is introduced

ii. How do we ensure the public can more easily hold their PCC to account at the ballot box, for reducing crime and delivering an effective and efficient police force?

Although annual reporting of offences across a Force area, with local, national and multi-year data assists the public to hold political and professional leaders to account. There may be a place for more formal public meetings during the year for the public to consider PCC decisions in addition to

Police and Crime Panels where members of the public may be afforded the opportunity to ask questions.

Existing annual reporting across all governance models is locally driven and can be inconsistent nationally. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) has an important role to play addressing this, through the use of data that it collects and how it analyses and presents that data. It may be that PCCs should be asked to publish annual statements of assurance in line with fire authorities.

Question 2 – How to ensure that PCCs have sufficient resilience in the event that they cannot undertake their role, by considering existing arrangements for appointing Deputies.

i. Is the current model resilient enough to hold up when things go wrong?

Resilience to the PCC model is provided through the powers and position of the Chief Constable, the Office of the PCC and through the appointment of a Deputy PCC. There is a balance to be made in the development of resilience and delivering the business case benefits of a lower-cost governance model. Although the deputy PCCs are appointed by the PCC and not elected, in the event of a PCC being permanently unavailable to take up their role there should be a new election as soon as possible.

Question 3 – How to improve the current scrutiny model for PCCs, including the provision of common quality standards and considering the role of Panel chairs.

i. Are the right checks and balances in place to make PCC-led accountability work?

PCCs are held to account about their performance and decision-making by Police and Crime Panels. These meetings are held in public and there are papers published before the meetings. It is, however, for the PCP to decide the agenda. Although it is recognised that auditors have a role in financial scrutiny.

Metropolitan Mayor and PCC decisions can be published before they are taken. It is a choice. The London Fire Commissioner publishes draft decisions by choice before they are taken and fire authorities will publish papers with recommendations for decision.

In all cases, decision-making and performance is scrutinised in public after decisions are taken. In all cases, HMICFRS inspect the fire and rescue authorities and police forces and are able to assess the outcomes of professional and political decision-making—however, HMICFRS does not inspect the actual authorities and PCC themselves (unless there is reason to do so for fire authorities after an initial inspection).

Much depends on the quality of scrutiny undertaken by the PCP.

ii. Do police and crime panels have the right skills, tools and powers to hold PCCs to account?

Whether Police and Crime Panels have the right skills to hold PCCs to account is a consequence of the outcomes of local elections, who is appointed to the PCP by local authorities and any training and development put in place for those elected members. Similarly, whether they have the right tools is a matter of local political priorities in the investment into panel support teams. There is benefit in having non-political independent members on the PCP with the right skills to question decisions. There is a danger that PCP can become overtly party political and all sides should

guard against this. PCPs should be provided with relevant data and evidence on which to base any scrutiny.

- iii. *Should a system of recall be introduced for PCCs, and if so, what should be the trigger mechanism?*

All politicians and professional heads of public organisations who are there to serve the public should be subject to appropriate political and professional standards.

Question 4 – The effectiveness of the current PCC and Chief Constable oversight dynamic, including consideration of the process for the suspension/dismissal of Chief Constables and reviewing the Policing Protocol.

- i. *Are PCC powers around the removal and appointment of chief constables correctly calibrated?*

The “GOVERNMENT RESPONSE TO THE SIXTEENTH REPORT FROM THE HOME AFFAIRS SELECT COMMITTEE SESSION 2013-14 HC 757: Police and Crime Commissioners: progress to date (paragraphs 16–19, pages 10–12)” says that the Government, at the time, felt that the powers were appropriate. The powers of removal for Chief Fire Officers in a Police, Fire and Crime Commissioner (PFCC) setting should be calibrated with Police thresholds, to ensure parity. It is important that Chief Fire Officers are given the same standing as Chief Constables in their professional role rather than remain a direct employee with the possibility of undue pressure that this may bring.

There are requirements of the Mayor of London before any suspension or call to resign or retire is made of the London Fire Commissioner, established by the Policing and Crime Act 2017. These include seeking the approval of the Secretary of State, the provision of reasons to the Commissioner, and the consideration of any response by the Commissioner.

- ii. *Is the balance right in the PCC/CC relationship? And what changes might be needed to the Policing Protocol?*

It is important that the distinct roles of the political and professional leadership of an organisation are clear, and, where necessary there are clear appropriate schemes of delegation. This should apply to Chief Fire Officers as well as Chief Constables. Clear delegations and definitions regarding decision making enables alignment to defined roles and responsibilities of the governing body and the professional leader of the organisation.

Question 5 – Whether any steps are needed to strengthen accountability or clarity of roles within the mayoral PCC model, learning from the transfer of PCC and Fire & Rescue Authority (FRA) functions to mayors.

[This will lay the foundations for our longer-term ambition to increase the number of mayors with responsibility for public safety, which will be outlined in the forthcoming Local Recovery and Devolution White Paper.]

- i. *What do you see as the strategic benefits of having a single, elected and accountable leader, who is responsible for a range of public safety functions?*

A key strategic benefit is that Government and partner agencies have one individual and legal body per local area (although this might overlap more than one local authority area) to interact with in order to stimulate and promote progress against priorities. It has also been recognized that having a full time PCC or PFCC can bring benefits to understanding and supporting the roles of Police and Fire.

There is the possibility of having a single structure to manage public safety policy areas that more closely align with the remit of the Home Office. But there is a danger that the structures become Law Enforcement and National Security (LENS) focused rather than consider the wider vulnerabilities in society. The fire and rescue service has always had much in common with the roles of health and social care, protecting the most vulnerable in society. It is unlikely that all public safety areas linked to vulnerable people, e.g. health and social care will come completely under a single person. This should not be lost in any move toward increased numbers of PFCCs. The role of the Police is primarily to enforce the law, the role of fire and rescue services is primarily to prevent and respond to emergencies through risk management.

It has been noticed that a council approach can bring politicians closer to local issues, e.g. through ward councillors. NFCC would suggest consideration of review of the current PFCC and Mayoral models to identify the benefits achieved when compared to the intention and business case. Learning from this exercise could inform future decisions on governance.

ii. What are the opportunities and issues with transferring PCC and FRA functions to mayors?

An opportunity with moving responsibility for functions to Mayors is with the greater visibility of local policing and fire policy and performance. This improves accountability but an issue may be the politicising otherwise professional decision-making of officers, hence the need for clear roles and responsibilities.

Merging multiple governance points may provide more consistent political drivers; however, that may result in the 'focus' of political leadership diminishing should Fire become a small part of the Mayor's portfolio, rather than a principal part of a PCC or FRA portfolio, for example. It is possible that in a larger organisation the role of the fire and rescue service becomes marginalised as a smaller organisation that seldom becomes an election issue.

iii. What are the lessons learned to date from transferring PCC and FRA functions to mayoral models?

There may be an opportunity to reconcile the PFCC's Fire and Rescue Plan and the integrated risk management plan. Having two strategic documents is hard for the public to understand what to hold an organisation to account against. The PFCC or Mayoral strategic fire plan should set the objectives for the area based on data and evidence. The integrated risk management plan should then operationalise those objectives.

PFCC and Mayoral models are 'active governance' requiring often daily input, unlike traditional fire authorities with regular public authority meetings. The NFCC has no comment about that other than the consideration of the resource requirement and internal checks and balances before providing professional advice to political leaders.

Question 6 – How we set out our long-term ambition on fire governance reform ahead of the May 2021 PCC elections.

i. What are the benefits and challenges of the current model for transferring fire governance to PCCs?

Whilst Police and Fire services have similarities, there are many key differences that require different corporate support functions and political understanding prior to, during and after the transfer of any Fire functions to a PFCC. These include (but are not limited to):

- Health and safety – both in terms of legislative differences for frontline staff and expert understanding in corporate support services.
- Industrial relations – both in terms of legislative differences, but also in understanding the complex industrial relations landscape for Fire and its impact on the delivery of services. This includes the different terms and conditions, firefighters still have the right to strike.
- Training and service delivery – Fire and Police have different service delivery patterns placing different demands on resourcing and training to ensure the preparedness of firefighters in the certainty of use in an eventual crisis. The extraordinary is ordinary in Fire: the London bombings; the riots of 2011; terror attacks of different natures, such as those in Borough Market, Salisbury and Manchester; the 2007 flood rescues; the Didcot Power Station collapse; and, of course, fires of the scale of the Grenfell Tower fire—these all sit outside of the resource demands of day-to-day response activity.
- The fire and rescue service is a risk-based, not demand-led organisation
- Clarity of roles and responsibilities - with parity in professionalism and operational independence of the CC and CFO/CEx. This would be parity but in recognition of the professional differences in the role

There are also the practical difficulties of differing authority boundaries and funding regimes. The boundaries are most stark in the south west of England with Devon and Cornwall Police, Avon Police and separate Dorset and Wiltshire forces; whilst in fire Cornwall is a county council fire service, Devon and Somerset is a single fire service as is Dorset and Wiltshire.

NFCC would suggest consideration of review of the current PFCC and Mayoral models to identify the benefits achieved when compared to the intention and business case. Learning from this exercise could inform future decisions on governance.

ii. How can we strengthen the accountability and transparency of fire governance?

Fire governance is not one single model of governance. Combined fire authorities, county council fire authorities (with different delegation frameworks), PFCC fire authorities, different Mayoral models—all have different decision-making approaches, different delegations to officers (and cabinet members where appropriate), and different scrutiny requirements and practices. Apart from the London model, no Chief Fire Officer has the operational independence of a chief constable and at times, in county services the CFO can be placed at a third level officer so reducing impact. A single model, though difficult to achieve, could bring benefits of consistency and standards. Some FRAs have benefited from an independent governance review and this might be a consideration for each of the models.

iii. How can we strengthen and clarify the distinction between strategic and operational planning in fire?

The PFCC or Mayoral strategic fire plan should set the objectives for the area based on data and evidence. The integrated risk management plan should then operationalise those objectives.

iv. Could governance change help maximise collaboration between policing and fire?

That depends on the political and strategic intentions of the PFCC. However, it is reasonable to assume that a single individual will prefer one support services provision, one estate management strategy, one contract for service provision where appropriate, and so on. But in doing so it should not be a case of reducing support to one organisation in order to boost the other. Whether that delivers improvements to frontline services will depend on the parity of consideration of Police and Fire needs to deliver appropriate outcomes. Imbalanced influence over collaboration arrangements will inevitably be to the detriment of one of the two service areas. The CFO also needs to same standing in law as the chief constable, which links to the HMICFRS State of Fire recommendation on operational independence for Chief Fire Officers. This should include everything from decision-making to pension arrangements.

v. What are the benefits of having a range of services and strategic planning under one elected individual?

As well as the assumed benefits under point (iv), a single strategic planning process allows for the holistic consideration of opportunities for services—frontline and corporate—to deliver better outcomes by working together. It may bring particular benefit for those individuals and families that are often subject to attention from several different organisations but still manage to fall through the gaps. Although it is not yet proven that a change in governance is required to improve collaboration. Experience has shown that in some cases this works well, but in others it feels like imposition and moving resources from one function to another rather than collaboration.

However, that holistic consideration must ensure that they cater for the different strategic planning frameworks, most notably the difference between planning for risk and planning for demand. Whilst Police services must make risk-based considerations (e.g. the management of rioting or terror attacks), and Fire services must make demand-based considerations (e.g. the management of road traffic accidents), the balance of the risk and demand strategic planning needs are reversed between the two organisations. A single planning process must accommodate that.

The National Fire Chiefs Council once again welcomes the opportunity to comment and I hope the answer above assist in the considerations. One final comment from NFCC is that if the decision is made to mandate a move to PFCCs or Mayors then sufficient resource is provided to assist the moves, particular where this may involve moving from a county council structure or having to dissolve organisations because of boundary difficulties.

Yours sincerely



Roy Wilsher
Chair
National Fire Chiefs Council

PCC Review commentary

In helping us prepare for Part Two, we are also interested in understanding if the levers currently available to PCCs are sufficient to allow them to cut crime effectively in their force areas. The following areas are explicitly out of scope for part-one:

- Wholesale reform of the existing scrutiny model through Police and Crime Panels
- Consideration of PCCs' role in reoffender management and wider justice devolution
- Substantive electoral reform (Cabinet Office lead)

Neither Part one nor Part two of the review will consider a wholly new governance model for policing (mayoral devolution aside) or examine the 43 police force model.