

HERTFORDSHIRE COUNTY COUNCIL

**COMMUNITY SAFETY & WASTE MANAGEMENT
CABINET PANEL**

WEDNESDAY 21 OCTOBER AT 10:00AM



ENABLING CLOSER WORKING BETWEEN THE EMERGENCY SERVICES

Report of the Director of Community Protection and Chief Fire Officer

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Executive Member:- Richard Thake, Executive Member for Community Safety and Waste Management

1. Purpose of report

1.1 This report is in response to a Government Office Consultation on enabling greater collaboration between emergency services and is a joint response from Hertfordshire County Council and the Police and Crime Commissioner for Hertfordshire. The consultation deadline is 23 October 2015 and Cabinet Panel is asked to endorse the joint response of Hertfordshire County Council and the Police and Crime Commissioner to the consultation.

2. Summary

2.1 This is a joint submission from Hertfordshire County Council and the Police and Crime Commissioner for Hertfordshire. In Hertfordshire the Fire Service is a part of the County Council's Community Protection Directorate alongside Trading Standards, Resilience and the County Community Safety Unit. The Chief Fire Officer is the County Council's Director of Community Protection and, uniquely, is the Chief Executive for the Police and Crime Commissioner. Hertfordshire welcomes the consultation and also welcomes the proposal to enable Police and Crime Commissioners to have responsibility for the Fire and Rescue Service, where a local case is made. This possibility could be suitable in some areas but not in others, such as Hertfordshire, where the Fire and Rescue Service is embedded within the County Council.

2.2 As part of the County Council the fire service already has a completely shared back office and works alongside social care and public health. The close working relationships between Fire, other County Council departments and Police in Hertfordshire means there is already

extensive collaboration and room for this to grow and improve in future without the need for the PCC to have direct responsibility for Fire and Rescue.

3. Recommendations

- 3.1 That Cabinet Panel support the collaborative response to Government Department's Consultation on 'Enabling closer working between the Emergency Services' as outlined at Appendix A.

4. Background

- 4.1 The Consultation and proposals therein are part of the Government's wider devolution agenda in a drive to build stronger local leadership to achieve greater collaboration and more efficient and effective emergency services.

5. Financial Implications

- 5.1 There are no financial implications to the consultation response.

Draft Consultation Response

Enabling closer working between the Emergency Services

We firmly believe in collaboration, and to underline this, our response is a joint submission from Hertfordshire County Council and the Police and Crime Commissioner for Hertfordshire. In Hertfordshire the Fire Service is a part of the County Council's Community Protection Directorate alongside Trading Standards, Resilience and the County Community Safety Unit. The Chief Fire Officer is the County Council's Director of Community Protection and, uniquely, is the Chief Executive for the Police and Crime Commissioner. Hertfordshire welcomes the consultation and also welcomes the proposal to enable Police and Crime Commissioners to have responsibility for the Fire and Rescue Service, where a local case is made. In Hertfordshire, where the Fire and Rescue Service is embedded within the County Council, we have already taken the savings and efficiency which, working with a Constabulary, is envisaged elsewhere in the country. Being part of the County Council means the fire service already has a completely shared back office and works alongside social care and public health. There is a close working relationship between Fire, other County Council departments and Police in Hertfordshire and the extensive collaboration means there is room for this to grow and improve in future without the need for the PCC to have direct responsibility for Fire and Rescue.

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

Evidence from the Emergency Services Collaboration Working Group, Chaired by the PCC for Hertfordshire, shows that widespread collaboration is already taking place. Continued support for this working group would enable this good practice to be disseminated further along with analysis of the projects and results to identify those areas that are particularly successful. There is a danger that just concentrating on Fire and Rescue alongside Police may force too narrow a focus, provide inefficient collaboration or damage plans that are already in the medium term financial forecasts of the organisations involved. Much of the most exciting collaborations are likely to be between fire and ambulance, for example.

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?

The preparation of a sound and agreed business case is vital for the success of any transfer of duties and responsibility. It would be useful if the business case was subject to independent scrutiny on every occasion to ensure the business case is robust. The preference should be for a joint business case, if, however, one side or other thought there was

unwarranted blockage to collaboration, an appeal to an independent review would be appropriate.

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 transfer of employment status should be assessed at the same time as the transfer of governance but Hertfordshire is not convinced this should be the same process. There should be further examination of the proposals for employment status. As government is aware, the PCC and Chief Constable are separate corporations sole, with staff being employed by either the PCC or Chief Constable after the stage two transfer. Consideration needs to be given as to the model of employment to be used, including all staff from Fire and Rescue being directly employed by the PCC; direct employment by the PCC combined with some TUPE to the Chief Constable or the Head of the Fire and Rescue becoming another corporation sole. From experience of the PCC role and the associated expanding responsibilities, particularly with victims' commissioning, it is likely that the size of the PCC's direct office would need to grow, which would not be universally welcomed.

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?

The primary benefits will be commercial, chiefly around economies of scale in back office functions and some, non-service delivery, senior management positions. There may also be some peripheral benefits in the early stages around challenging existing practices and culture. The benefit of having two frontline services can be seen in the different operational and training regimes. It is true that there is an overlap in preventative services and the organisations work together at some operational incidents but the majority of Fire and Police work is separate and different.

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?

The requirement for a Chief Fire Officer to have previously been a firefighter with firefighter qualifications was removed some time ago and has seen non fire professionals take the chief position in a few fire services. Experience has shown, however, that this is not an easy option, the right individual needs to be employed and then fully supported in the role. Removal of the requirement to have previously held the office of constable would not be unprecedented but will not be an easy option, and may well be rarely used.

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 existing peer review process is now well embedded within fire and rescue services and can encourage improvement. But the process is not compulsory and may not be as robust as a totally independent assessment would be. Hertfordshire believes it would be beneficial to have an informed independent assessment of Fire, but this should not only be available to the PCC, it should be available to the County Council and standalone fire authorities as well. In introducing an independent assessment it should not replicate the high burden that HMIC inspections place on the Police.

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?

Yes, but the Police and Crime Panel scrutinises the PCC, their budget and precept proposals and their plan, not the performance of the Police so does not compensate for an independent assessment.

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 existing Police and Crime Panel does not include 'experts in policing matters' and so there is no need to include experts in FRS 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?

In principle yes, but there is a real difference in the number and type of complaints against the Police and Fire Service. The Police have Professional Standards departments and the Independent Police Complaints Commission. Although Fire Service complaints can go to the Local government Ombudsman, it would probably be disproportionate to staff the PSD and IPCC with fire professionals.

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?

It may be useful in an observer capacity but the issue of proportionality on fire authorities needs to be considered before any voting rights are agreed. There is also the matter of openness in the other direction. The consultation does not allow Fire Authorities to have such representation in PCC decision making processes, the closest may be the Police and Crime Panel as the PCC does not have the equivalent of Authority meetings. This question seems to ignore County Council governance arrangements, where the Cabinet acts as the Fire Authority for strategic

decisions. There may be interesting solutions that devolution of powers will further allow. In Hertfordshire the Police and Crime Commissioner is currently also a County Councillor, which allows him a direct influence over Fire and Rescue governance.

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 matter is not one on which Hertfordshire has a view.

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 matter is not one on which Hertfordshire has a view.

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?

Within the County Council the Fire and Rescue Service is already an integral part of another Category 1 responder, the local authority. Therefore, as long as Fire and Rescue continue to be named as a separate Category 1 responder under the Civil Contingencies Act there should be no detrimental implications.

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?

Again, as long as the organisations continued to be named individually under the CCA there should be no detrimental effect.

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?

Hertfordshire re-iterates the fact we welcome the consultation and supports the proposals where a local case is made. There is a worry that the consultation may be too narrow in its focus and does not sufficiently consider collaboration and close working with organisations such as Social Care and Health. Also, the consultation does not consider the different Fire Authority governance arrangements and the already considerable back office efficiency provided by the location of Fire and Rescue Services within County Councils. Any future proposals should allow Fire services to join with larger local authorities as well as come under the responsibility of the PCC.

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

There is no reason to believe there would be any effect on equality issues.