



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](mailto:Bluelights@homeoffice.gsi.gov.uk)

The consultation can be found on [gov.uk](http://gov.uk).

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## 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"> <li>• Police</li> <li>• Fire and Rescue</li> <li>• Ambulance</li> </ul> <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 <sup>th</sup> September 2015 – 23 <sup>rd</sup> October 2015
How to respond	<p>Responses can be submitted online through the gov.uk website, or by email : <a href="mailto:Bluelights@homeoffice.gsi.gov.uk">Bluelights@homeoffice.gsi.gov.uk</a></p> <p>or by post:</p> <p>Emergency Services Collaboration Consultation Police Strategy &amp; Reform Unit 6th Floor Fry Building 2 Marsham Street London SW1P 4DF</p>
Enquiries	<a href="mailto:Bluelights@homeoffice.gsi.gov.uk">Bluelights@homeoffice.gsi.gov.uk</a>
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: <a href="mailto:HOC consultations@homeoffice.gsi.gov.uk">HOC consultations@homeoffice.gsi.gov.uk</a>.</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 'Theresa 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 23<sup>rd</sup> 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 policing<sup>1</sup> 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 Knight<sup>2</sup> 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

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<sup>1</sup> Estimating demand on the police service (2015)

<sup>2</sup> 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*,<sup>3</sup> 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.

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<sup>3</sup> Transforming NHS Ambulance Services (2011)

The Government has invested over £70 million in local blue light collaboration projects<sup>4</sup> and supports the Emergency Services Collaboration Working Group, which has published a national overview of collaboration,<sup>5</sup> hosted a shared learning event with over 140 delegates, and published research<sup>6</sup> 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.

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<sup>4</sup> 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>

<sup>5</sup> National overview of collaboration (2014)

<sup>6</sup> 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?

### 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”,<sup>7</sup> the Home

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<sup>7</sup> Police and Crime Commissioners: Progress to date (2014)

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.

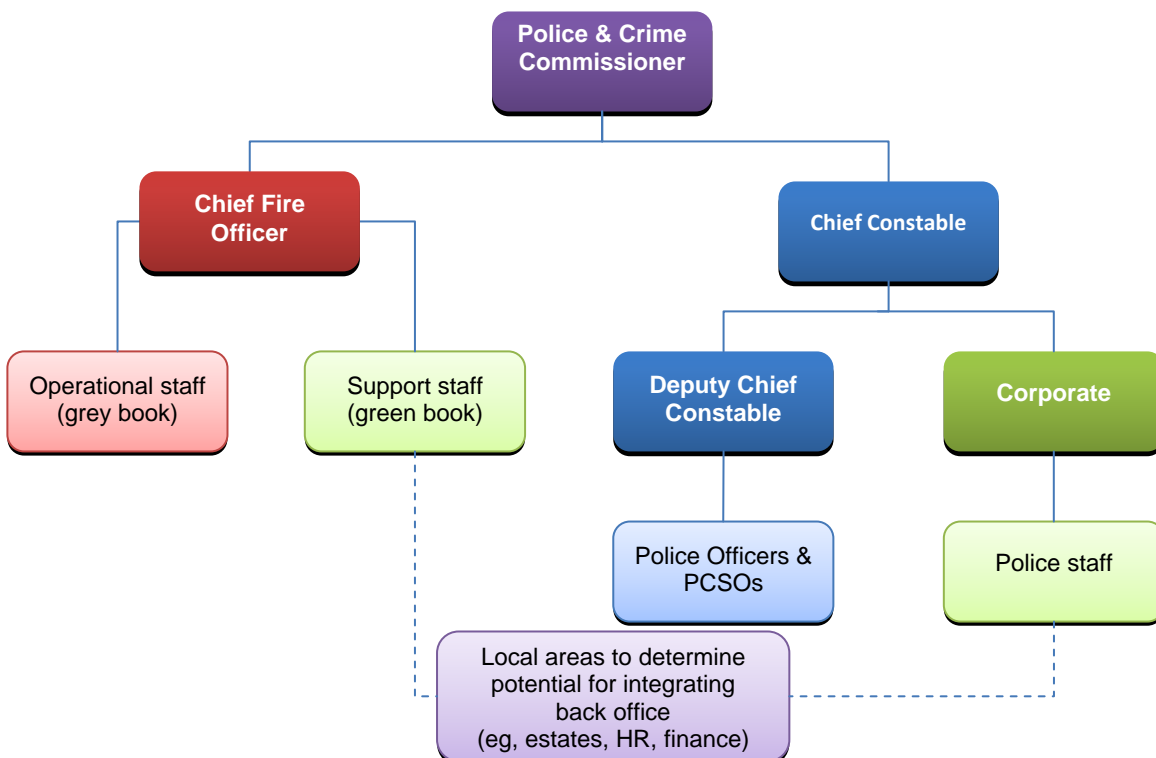
- The secondary legislation referred to above would transfer responsibility for governance of the local fire and rescue service to the Police and Crime Commissioner. This would allow Police and Crime Commissioners to drive ambitious reform of their local fire and rescue service and collaboration with 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?

## 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?

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?

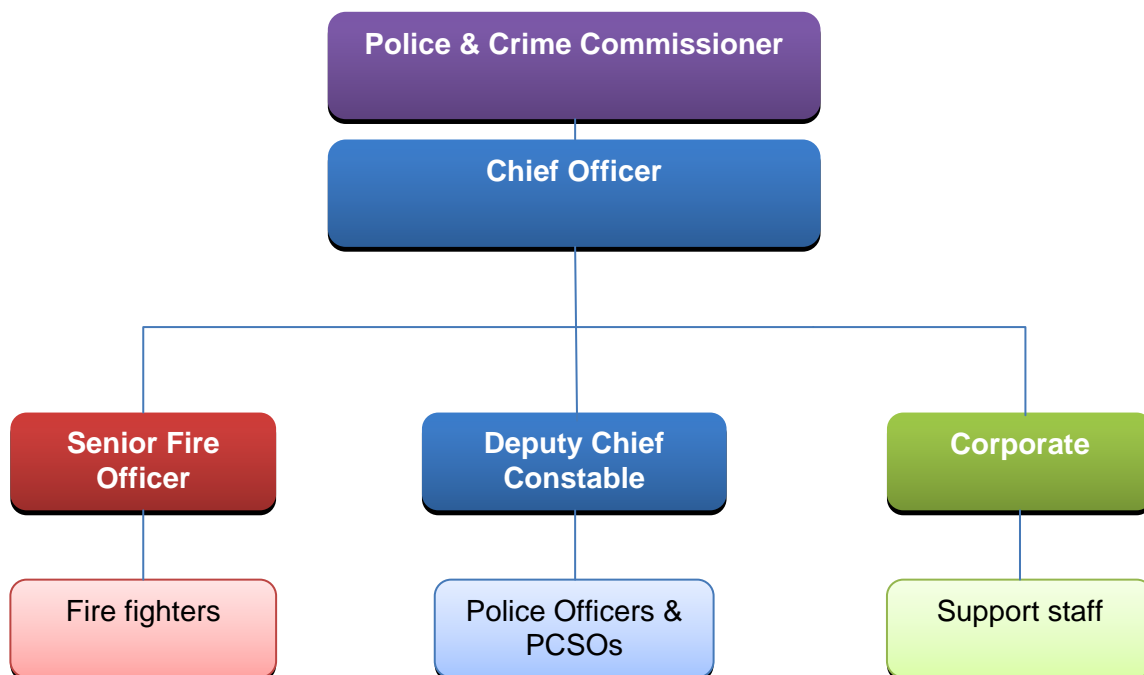
To retain the division between governance and operational functions, under this model the single employer will be led by a chief officer, who will employ all fire and police personnel. The new chief officer would need to hold the rank of chief constable as this is required in legislation for police forces. 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?

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?

## 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?

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?

## Complaints

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?

## 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?

## 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?

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 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?

## 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?

## 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.<sup>8</sup>**

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.

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<sup>8</sup> 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?

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

## 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*)

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*)