

**Buckinghamshire & Milton Keynes Fire Authority**  
**Response to 'Enabling closer working between the Emergency Services'**  
**Consultation**

The following response to the 'Enabling closer working between the Emergency Services' consultation was considered by Buckinghamshire & Milton Keynes Fire Authority at its meeting on 14<sup>th</sup> October 2015 and has cross party support.

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

It is already the policy of this Authority that opportunities for collaboration with other bodies including, though not limited to, other emergency service providers are considered when making service planning, improvement and investment decisions in order to deliver best value to taxpayers. The introduction of a new duty would place an obligation on all emergency service providers to do the same, encouraging dialogue and moves towards more integrated service planning and decision making across blue light services. We also strongly support the intention for decision making in relation to this to remain at local level and for there to be local discretion as to the nature of such collaboration and the manner of its implementation. We are also of the view that the scope of collaboration should be widened to include other local providers of public services where there is potential for this to achieve better outcomes in terms of efficiency and effectiveness than were it confined to blue light services alone.

Government will be aware that the Secretary of State for Communities and Local Government is already obliged under section 21 of the Fire and Rescue Services Act 2004 to prepare statutory guidance (the Fire and Rescue National Framework) and keep it under review. In so doing he is obliged by statute to have regard to the manner and to the extent that appear to him to be best calculated to promote (a) public safety; (b) the economy, efficiency and effectiveness of fire and rescue authorities; and, (c) economy, efficiency and effectiveness in connection with the matters in relation to which fire and rescue authorities have functions.

The Fire and Rescue Services Act 2004 also conveys powers on the Secretary of State to intervene if we fail to comply with an extant National Framework.

The mechanism for imposition of the proposed duty therefore appears to already exist in respect of a fire and rescue authority together with the sanction for non-compliance. We are unaware if similar comparable powers exist for other blue light services - in any event if new legislation is proposed in respect of the police and the ambulance services a key facet would be the provision of mechanisms for dealing with non-compliance.

**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 Authority are of the view that the Police and Crime Commissioner (PCC) model has yet to prove itself as an effective form of governance and would benefit from more 'bedding in' time and, in particular, passage through at least

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another electoral cycle before consideration is given to its wider application to other public services. The application of the PCC model will also need to be considered within the wider context of devolution and local government reorganisation within England to ensure that it does not cut across efforts to integrate other structures to improve accountability, efficiency and effectiveness across wider public services provision. We are also of the view that the trigger for invoking the PCC model should be clear evidence of a failure of the existing governance arrangements to provide an appropriate level of scrutiny and challenge or that there is overwhelming evidence that a transfer of responsibilities would lead to significant benefits to the public in terms of efficiency, effectiveness and accountability.

Naturally it would be fundamental that in the reference to "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", that "relevant constituent authorities" must include in their number, where relevant, a combined fire and rescue authority.

**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?**

Yes subject to the caveats in our response to question 2. Also we are of the view that this step should not be dependent on the PCC taking on governance responsibilities for fire and rescue if there is a compelling local business case for the adoption of a single employer model, whether that be in conjunction with the Police or other agencies where the latter offers superior value in terms of efficiency and effectiveness.

There would be a further stakeholder in addition to those specified in Q2, i.e. affected employees in accordance with either the Cabinet Office's Statement of Practice Staff Transfers in the Public Sector or the Acquired Rights Directive / TUPE.

**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?**

These would be highly dependent on, and subject to, significant variation depending on the local context. The potential to deliver benefits would also be subject to achieving economies of scale across 'back office' functions and processes rather than the act of creating a single employer entity of itself. Also these should be weighed against the potential benefits of collaborating with other agencies.

Potential benefits will be circumscribed by the limitations on the new employer from altering terms and conditions and the incorporation of national terms of conditions that are agreed outside of the direct employee - employer relationship.

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**5. Do you agree that the requirement for a chief officer to have previously held the office of constable should be removed for senior fire officers?**

Yes. The important thing at this level is the quality of strategic leadership that a Chief Executive is able to provide rather than the particular context in which they developed it.

**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?**

We are of the view that it remains important that the fire and rescue sector retains ownership of the performance improvement process and would therefore support a strengthened regime of peer reviews to provide assessment and assurance of operational performance. The peer review process should be strengthened to include financial performance in relation to front line service delivery.

**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 subject to the Police and Crime Panel having the necessary capacity and expertise to take on this extended remit.

**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?**

Yes.

**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 such circumstances it would make sense to have a single process. However the existing Police process would need to be reviewed to ensure that it is also appropriate for fire and rescue. A practical hurdle to implementation is likely to arise from the application of the Cabinet Office's Statement of Practice Staff Transfers in the Public Sector and the Acquired Rights Directive / TUPE

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**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?**

Yes we would support this as we believe that this would assist with the identification of opportunities for collaboration. In this regard we recently amended our constitution to provide for the co-option of non-members onto Authority committees. We already liaise closely with the PCC and he has an open invitation to attend Fire Authority meetings where matters of potential mutual interest are being considered.

**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 is a local matter for the relevant London authorities to consider and consult on with the communities they serve.

**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?**

Again this is a matter for the relevant London authorities to consider.

**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?**

There is potential to enhance local resilience where the PCC is able to catalyse greater collaboration in the delivery of both back office and front line services. However, greater benefits may accrue from broader collaboration across all blue light services and other agencies involved in preparing for civil contingencies rather than Police and Fire & Rescue alone. The benefits from this broader collaboration need not depend upon the adoption of a single governance model for those parties involved in the collaboration. Also benefits may be more rapidly realised from more opportunistic and organic forms of collaboration than more formalised forms of consolidation that take longer and are more costly and complex to achieve.

**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?**

In theory this could have the potential to achieve greater levels of resilience where the PCC is able to improve collaboration amongst interdependent agencies. However the potential to do this could also be offset by the scale and scope of the role becoming unmanageable.

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**15. Are there are 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?**

Where a single employer model is considered we believe that it is important to retain flexibility to determine employment propositions and contracts to take account of local needs and employment conditions. Also the potential for other governance and employer models should be considered alongside the single employer model. Also, were the adoption of the PCC governance and / or single employer model by fire and rescue services to result in the granting of additional funding, freedoms and / or flexibilities, we are of the view that these should also be available to high performing fire authorities who have chosen not to go down this route.

Whilst welcoming proposals to introduce a general duty to collaborate upon the three main emergency services, we feel that the emphasis on the PCC governance model and potential integration between Fire & Rescue and the Police is overly prescriptive and only one among a range of possibilities for delivering greater efficiency, effectiveness and value to the public. In particular, account needs to be taken of the very different roles and underlying organisational cultures prevailing within the Fire and Rescue Service and the Police which, whilst not precluding collaboration, could be adversely affected by efforts to achieve greater levels of structural and operational integration. In this regard, greater opportunity may reside in examining the potential for integration between the Fire and Rescue and Ambulance Services given their greater similarity of role and ethos. Regard should also be had, as part of the business case, as to the effect of any proposed changes on local tax payers. Last year, thanks to efficiency measures and sound financial planning, this Authority was able to offer a one per cent reduction in Council Tax rates and, as a consequence, set the lowest rate of Council Tax of any Combined Fire Authority. Also regard should be had to the relative financial positions of any potential parties in any consolidation exercise to ensure that local Council Tax payers are not disadvantaged through exposure to additional liabilities of a disproportionate nature relative to the current position.

Also, as part of the intention to remove barriers to beneficial collaboration, we would ask that the Government review and seek to harmonise the requirements for undertaking public consultations, across the blue light services as these are currently more onerous for Fire & Rescue Services compared with the Police and Ambulance services and add to the cost and time needed to deliver benefits.

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

This would depend on whether the proposed changes altered the mix of services and resources between Police and Fire & Rescue. Any changes would need to be subject to full risk analysis, people impact assessments and due diligence to determine the answer to this question.