

Hampshire Fire and Rescue Authority

Standards and Governance Committee

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Emergency Services duty to collaborate

Report by the Chief Officer

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1 Summary

- 1.1 This report provides Members with an update on the recent changes to the Government Department responsible for the Fire and Rescue Service and provides an overview of the proposed changes to legislation that could affect the Hampshire Fire and Rescue Authority (HFRA).

2 Recommendation

- 2.1 That the Standards and Governance Committee note the contents of this report.

3 Introduction and background

- 3.1 On 5 January 2016, the Prime Minister confirmed that ministerial responsibility for fire and rescue policy had transferred to the Home Office from the Department for Communities and Local Government (DCLG). The aim of the move was to support a radical transformation of how the police and fire and rescue services work together. In that announcement Hampshire's Joint Headquarters was specifically mentioned as an example where successful collaboration was already happening.
- 3.2 On the same date, it was also announced that Mike Penning MP would take responsibility for the portfolio, becoming the Minister for Policing, Fire, Criminal Justice and Victims.

4 Home Office consultation paper

- 4.1 On the 11 September 2015 the Home Office issued a consultation paper titled 'Enabling Closer Working between the Emergency Services'. The consultation paper outlined several proposals to explore greater collaboration (in the form of a legal duty) between three emergency services. It also included proposals around a shared governance model for police and fire under the Police and Crime Commissioner (PCC).
- 4.2 In the consultation paper, the Home Office acknowledged that Emergency Services play an essential part in serving our communities and keeping them safe. They identified that whilst the police, fire and rescue and NHS ambulance services all have distinct frontline roles, it is clear that close collaboration

between them can provide real benefits for the public and help each service better meet the demands and challenges they face.

The Home Office stated that they are committed to supporting collaborative and innovative blue light working and has invested over £80million in collaborative projects since 2013. They acknowledge that whilst there are already a number of good examples of joint working across the emergency services locally, levels of collaboration are not as widespread as they could be. The Government's manifesto commitment was clear that they will "enable fire and police services to work more closely together and develop the role of the elected and accountable Police and Crime Commissioners".

4.3 The consultation paper sought views on how the proposals could be developed and implemented in order to deliver greater effectiveness and efficiency.

The measures consulted on were:

- 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
- 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

4.4 HFRA submitted a response to the consultation.

5 Home Office response to the consultation paper

5.1 The consultation ended on 23 October 2015. The Government considered all responses and issued a 'Summary of consultation responses and next steps' paper on 26 January 2016.

5.2 Within the response paper, the Home Office published that their intention was to legislate the following:

- introduce a high level duty to collaborate on all three emergency services, to improve efficiency or effectiveness.
- enable Police and Crime Commissioners (PCCs) to take on the functions of fire and rescue authorities (FRAs), where a local case is made.

- where a PCC takes on the responsibilities of their local FRA, further enabling him or her to create a single employer for police and fire personnel.
- in areas where a PCC has not become responsible for fire and rescue services, enabling them to have representation on their local FRA with voting rights, where the local FRA agrees.
- abolish the London Fire and Emergency Planning Authority and give the Mayor of London direct responsibility for the fire and rescue service in London.

6 The Police and Crime Bill

- 6.1 On 10 February 2016, the Police and Crime Bill was introduced in the House of Commons. One purpose of this was to legislate on the areas detailed in paragraph 5.2. The Police and Crime Bill establishes 'legislation to enhance the democratic accountability of police forces and fire and rescue services, improve the efficiency and effectiveness of the emergency services through collaboration and build public confidence in policing'.

This was the first reading of the bill which outlined changes to legislation to enable fire and police services to work more closely together, to develop the role of the elected and accountable Police and Crime Commissioner (PCC) and to overhaul the police complaints system.

- 6.2 On 7 March 2016, the Police and Crime Bill had its second reading in parliament which was passed without any division between parties. The Police and Crime bill is progressing through the required stages before it is given Royal Assent and becomes an Act of Parliament. The next stage for the Bill is the Committee stage which will take place on 14 April 2016.
- 6.3 There are 9 key provisions to the bill. Part 1 specifically relates to fire and rescue services and makes several additions to the Fire Services Act 2004. The changes to the Fire Services Act 2004 provide powers to start the transfer of Fire Governance to the PCC.

The additions to the Fire Services Act:

- give powers to the PCC to be the Fire and Rescue Authority. This will only take place where the PCC submits a proposal to the Secretary of State (FRAs must cooperate with the PCC in preparing the proposal) and the Secretary of State agrees that it is in the interests of economy, efficiency, effectiveness and public safety to do so. If PCC's and Fire and Rescue Authorities agree that it is not in the interest of economy, efficiency, effectiveness and public safety for the PCC to be the Fire and Rescue Authority, the PCC must have a place on the Fire and Rescue Authority, unless there are justifies reasons not to do so. If the PCC is appointed they have the right to attend, speak and vote at meetings, they are also subject to the Authorities code of conduct.
- allows PCC's to amend boundaries in cases where the Police and Fire boundaries do not align.
- gives powers to make one or more schemes of transfer of property, rights and liabilities from an existing fire and rescue authority to a new PPC-type

Fire and Rescue Authority and the Chief Constable.

- to provide for the delegation of the functions of a PCC-type Fire and Rescue Authority to the Chief Constable.
- to make provisions in regard to the handling of complaints and conduct matters etc in relation to staff.
- to amend part 2 of the Police Reform Act 2002 where required to align with other changes made.
- to apply local policing provisions to the new PCC-type Fire and Rescue Authorities.

6.4 On 5 May 2016, elections will take place for the Hampshire and Isle of Wight Police and Crime Commissioner. Once the elections have taken place, discussions with the newly elected Police and Crime Commissioner (PCC) would be possible.

7 What this means for HFRA

On 27 January 2016 Mike Penning MP visited the Fire and Police Headquarters and it is expected that further visits are likely. This was a successful visit and we were able to demonstrate a number of aspects of our partnership working with Police and Ambulance. The Authority has already been working in collaboration with other Emergency Services and other partners successfully for many years and it is seen as an example of best practice in this area.

We are keeping up to date with developments from the Home Office and are keen to understand how the changes could affect the organisation. It is unknown at this date exactly what the impacts could be but we can prepare and carry out research into the specific areas of expected change.

Various HFRS Officers, working at national levels, have early sight of thoughts and ideas around what the future could look like with a new Department taking over policy responsibility. This is fed back into the organisation and further research carried out where possible.

We have close working relations with Hampshire Constabulary and this will continue to ensure that we move into the future together in the most effective and efficient way. This is considered an important partnership given our common governance through the Home Office and the same Minister.

8 Supporting our corporate Priorities and objectives

8.1 Partnership is one of the Authority's Priorities. We already work closely in partnership with Hampshire Constabulary and South Central Ambulance (SCAS). Collaboration is an area of focus for the Service and the duty to collaborate will be seen as a continued extension of this.

9 Risk analysis

9.1 The biggest potential impact for HFRA is possible changes to the governance of the organisation. This is of course dependant upon a number of factors which are yet to be determined. The risks and opportunities this poses to the Authority and Service will be explored as more details are available.

10 People Impact Assessment

- 10.1 The details in this report are considered compatible with the provisions of the equality and human rights legislation.

Once more detailed information is known about what the duty to collaborate will look like for HFRA, the impact this has on our people will be considered further in alignment with the provisions of the equality and human rights legislation.

11 Environmental and Sustainability impact assessment

- 11.1 The details in this report do not require an environmental and sustainability impact assessment.

Once more detailed information is known about what the duty to collaborate will look like for HFRA, the impact this has on our environment and sustainability will be considered further.

12 Resource implications

The details of what the duty to collaborate could look like for HFRA are currently unknown. Once further details are available and discussions take place with relevant parties, any potential resource implications will be assessed.

13 Collaboration

- 13.1 It is anticipated that the duty to collaborate will build upon the successful existing partnerships that HFRS has already established with Emergency Services organisations.

14 Consultation

- 14.1 The details of what the duty to collaborate could look like for HFRA are currently unknown. Once further details are available and discussions take place with relevant parties, consultation with all stakeholders will take place if appropriate and required.

15 Conclusion

- 15.1 On 5 January 2016, HFRA moved under the governance of the Home Office. Since then, changes to the Fire Services Act 2004 have been proposed in the Police and Crime Bill. The changes in the Fire Services Act 2004 will affect HFRA. It is not expected that these changes will be immediate due to the parliamentary processes that the legislation will have to pass through.

HFRS already have long standing successful working relations with Hampshire Constabulary and South Central Ambulance Service. We will continue to build upon these relationships in the future and consult with them throughout our journey to reach our ambition of being the best Fire and Rescue Service in the country.

Further updates about the duty to collaborate and what this may look like for HFRA will be brought to this Committee when it is known.

16 Background papers

- 16.1 The following documents disclose the facts or matters on which this report, or an important part of it, is based and has been relied upon to a material extent in the preparation of the report:

Links to further information:

[Consultation paper: Enabling closer working between the Emergency Services \(September 2015\)](#)

[Response paper: Enabling closer working between the Emergency Services \(January 2016\)](#)

[Police and Crime Bill as it was introduced to Parliament on 10th February 2016](#)

Note: The list excludes: (1) published works; and (2) documents that disclose exempt or confidential information defined in the Act.