

# Independent review of conditions of service for fire and rescue staff in England February 2015

By Adrian Thomas

Adrian Thomas  
February 2015

(amended where appropriate for passage of time)



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ISBN: 978-1-78655-270-9

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# Foreword

I was delighted when Penny Mordaunt MP, the then Fire Minister endorsed my appointment to investigate further the barriers to change that had been suggested by Sir Ken Knight within his review of the efficiencies and operations of the fire and rescue authorities in England<sup>1</sup>.

The review launched formally in October 2014, although I had the benefit of it being announced a little earlier in the year. This gave me time to read and become familiar with the fire and rescue service prior to launching the fieldwork phase of the review (terms of reference are shown as appendix 1).

I was appointed as an independent reviewer, not being linked to the Government, the fire and rescue service employers nor any of the representative bodies. This independence has been challenged by both the employers and the employee representatives – although I sensed most of the objection was more from having a review imposed with little consultation rather than an accusation of potential bias.

Independence also meant that there was only one of me! Combined with limited time (an average of two days per week over five months, equivalent to just two months' full time investigation) to deliver the report led to the practical decision to appoint a small secretariat and technical advisory support from the National Fire Policy team. Additionally, I appointed (on a pro bono basis) PwC, to provide specialist input to the section that looks at the evaluation of the role, and pay, of Principal Officers. I have included their report in full in the appendices and drawn extensively from it in the section on Gold Book pay.

The overriding first impression I received of the fire and rescue service was of the particular dedication towards being a firefighter. Whilst many conversations, especially with front line firefighters, started with an element of suspicion and a degree of awkwardness, these soon melted away and the sense of passion and concern for their role and the industry came flooding through.

It is clear that the history of the service and the public's appreciation of the role of firefighter play heavily on the many people I met. It was also clear that the industry has been extraordinarily successful. Reducing attendance at fires and false alarms

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<sup>1</sup> Facing the Future, May 2013

by over 50 per cent in the last ten years<sup>2</sup>, becoming increasingly more efficient and undertaking a much wider range of activity than simply (if you can say 'simply') responding to fire calls. Despite all of this change it was somewhat surprising to find that 'conditions of service' had not been reviewed for some time.

As I travelled between fire authorities I was struck by the very different cultures I encountered. I found examples of clear, arguably inspirational, leadership and in other places a management team that seemed to struggle with direction setting and dealing with resistance. The one thing that perhaps struck hardest, early in the review, was the language being used to describe the relationship between staff and various layers of management (and indeed government). Often 'fruity', it went beyond banter to, in some places, vitriolic comments about the management, leadership and direction of the service. It is against this combative environment that I set out to explore, to unearth, the barriers to change identified by the Knight review.

The small team supporting me did so in addition to their 'day job', working extremely long hours to support the various visits, note taking and checking back with contributors. I am indebted to them as I am to all the individuals who met with me or contributed to one of the several surveys that provided input to the review.

I believe that there is a clear direction of travel emerging from this review: one that balances the superb but ever changing contribution the fire industry (and the people within it) make to our society with the resources that are available.

The challenge for the Fire and Rescue Service is to continue to build upon the passion of the people within the industry, to accept and accelerate change, reach out to new technology and working practices and get in front of the change curve.

Adrian Thomas

Independent Reviewer for the conditions of service of fire and rescue staff in England

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<sup>2</sup> Table 1.1 Fire Statistics Great Britain: 2013 to 2014

# Approach to the review

It would have been easy to set myself up in London and taken evidence in a comfortable office environment. However I viewed this as a risk. It was clear to me that there were large differences in the scale and delivery of service of fire authorities and there was a risk that the review could be seen as being undertaken from a London/South east viewpoint and that the rank and file could be excluded from giving evidence unless I went to them.

As a result the fieldwork phase of data/evidence gathering reached out to 21 fire authorities, key players within government, the employers' representatives and all the employees' representative organisations. In addition I met with academic researchers, Skills for Justice, ACAS, the Fire Service College and diversity groups. I also wished to guard against evidence being gathered in a legalistic or court room environment – I wanted people to speak openly and my findings to reflect what I was hearing.

With this in mind I instigated a feature of this review, whereby when verbal evidence was gathered it was transcribed and returned to the individual for sense and accuracy checking and only then submitted to myself for inclusion in the review. As a result all the points I highlight within this review have come directly from within the industry (with the sole exception of the section on Gold Book pay).

It is clear that there has been a significant amount of change, particularly with reference to the declining number of fires attended around the various Fire and Rescue Authorities, with some instigating changes of approach and others maintaining a status quo in staffing and operational activity. This review had a clear mandate<sup>3</sup> to look at barriers to change (rather than change itself) and why successful change in one authority is not a guarantee of successful change within another.

The need for a 'conditions of service' review arose from the Knight Review. During his review Sir Ken Knight found what he identified as inexplicable differences in the expenditure of different fire and rescue authorities in England with the net result that some authorities were spending almost twice as much as others with little relationship between that spend and any reduction in demand for operational response. Sir Ken went on to consider what the options may be available to deploy, in reducing expenditure (noting that he believed there were opportunities to change operational practice, including minimum crewing levels and the ratio of senior officers to firefighters) without reducing the quality of outcomes for the public.

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<sup>3</sup> Terms of Reference - Appendix 1

Having noted opportunities for efficiencies (in particular crewing levels, 'on-call' firefighters, lean management, conditions of service, merger, spend to save projects, duplication in evaluation and procurement) the Knight review left it to others to identify how those opportunities could be realised in practice.

Sir Ken argued<sup>4</sup> that there were clearly barriers occurring that were hindering the progression of positive change and these should be investigated more fully, with the objective of unearthing the issues behind those barriers. Sir Ken clearly made those comments with 'conditions of service' in mind, however even a rudimentary evaluation of the evidence (previous research papers, submissions to the Knight review and initial desk research for this review) shows that some fire and rescue services/authorities seemed able to instigate change in this area successfully, whilst others appear to find excuses and reasons not to progress change. In particular the Grey Book, conditions of service and industrial relations are regularly cited as particular barriers to change.

It is now approaching 14 years since terms and conditions have been reviewed<sup>5</sup>, however arguably the need to consider changes to terms and conditions has been on the agenda since the review conducted by Sir Ronald Holroyd in 1970 over 40 years ago. Over this period a sizable library of studies and research papers has explored many aspects of the industry and yet there appears appetite to explore more. Sir Ken made the observation that there appeared to be little evidence of institutional learning and that as a result opportunities for replication and economies of scale are missed.

Clearly the time has come to move beyond research and reviews that identify/state the problem and look more closely at what is preventing positive change from occurring – to examine why change in one authority, which is described as common sense, doesn't spread through other authorities, becoming common practice. I make a differentiation between 'positive change' and 'change'. There is always suspicion around change and certainly I have regularly in my career come across the use of the words 'change management' as a euphemism for redundancies.

During my visits to Authorities and Fire and Rescue Services I was regularly informed that 'no good' will come out of this review. Any change will be bad for the workforce. In fact the level of noise and concern about change is such that I have included a section devoted to change. For the purposes of this review I use the word change in a sense where change is delivering the intended and clearly stated benefit

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<sup>4</sup> Chapter 2, paragraph 5: Facing the Future 2013.

<sup>5</sup> The future of the Fire Service: reducing risk, saving lives - Professor Sir George Bain 2002

and is not change for the sake of change or for the purposes of weakening relationships.

The review confines itself to the 46 Fire and Rescue Authorities in England (as at March 2015) – see map and outline of their governance structure at appendix 2 and 3. I was able to visit 21 of them (appendix 4). Those visited represented a cross section of authorities in terms of size, governance and geographical position. Whilst the primary evidence has been taken from these visits I have avoided making authority specific finding and the report should be read as applying to all 46 authorities. However it must be noted that the current national negotiating arrangements impact beyond England. Any findings and/or recommendations in this review do not consider the wider impact on non-English jurisdictions and should not be seen as recommendations directed at those jurisdictions.

## **Why change at all?**

Change and transformation in firefighting is something which has continued since its inception, and it has evolved to best support the order of the day. The modern day fire and rescue authorities are the product of many years of development and improvements. The first organised firefighting originated in Britain during the Roman invasion after AD 43, and we can be proud to say we have had firefighting in the UK for almost 2000 years.

During the Middle Ages, however, many towns and buildings simply burned down due to ineffective firefighting arrangements. Something needed to change. The catalyst was the Great Fire of London in 1666, leaving almost the whole of London smouldering in its aftermath.

The Great Fire had the effect of forcing change and helped to standardise urban firefighting. Never again would the fire service wait for devastation, but would adapt, plan and change in order to prevent catastrophe. That core mission of saving lives and preventing fires has never changed, but the way in which the service manages it has. Firefighters and the public want the service to be best equipped and managed in order to mitigate these risks. This has taken many guises in the fire service's history.

As is often the case, the next big catalyst for change was technology. In the 1850s the first reliable steam powered appliances were adopted by brigades which allowed a much greater quantity of water to be directed onto a fire. These were subsequently replaced by the introduction of the internal combustion engine in the early 1900s. In the UK firefighting came from volunteer brigades, town fire brigades, or private insurance companies, and it wasn't until 1938 that many of these were



amalgamated. Before 1938 there were between 1400 and 1500 small municipal fire brigades run by local councils in the UK. All local brigades and auxiliary fire service units in the UK were merged into the National Fire Service in 1941. The formation of the National Fire Service would ensure uniformity in much of the basic equipment used by the country's Fire Brigades during what was the busiest time ever in their history, the Second World War.

Following the end of the war the National Fire Service was taken over by local county authorities. The Fire Services Act (1947) became effective on the 1st of April 1948; this resulted in 148 county council and county borough run fire brigades. Change has therefore been at the heart of the fire service in the UK, and it has consistently stepped up to meet this head on to improve, for the benefit of all involved.

Since 1948 the fire service has adapted to external and internal variables. Change in technology, society, organisation, and even types of fires have all had their impact. The number of fire and rescue authorities now (February 2015) sits at 46 with London the largest and the Isles of Scilly the smallest.

But change is continuous and what I set out to achieve with this review is to ensure that fire and rescue authorities are best placed to meet the challenges of the 21st century. And that involves setting the best possible alignment between people, resources and demand for services. Conditions of service for staff are central to that requirement.

The Knight review<sup>6</sup> identified significant and sustained reduction in fires across the whole country. This, combined with an increase in fire safety and prevention activity, non-fire rescue and other resilience based activities amounts to fundamental change in both the level and type of activity undertaken by the Fire Service. Activity which has both reduced and changed since the current terms and conditions and role maps were created and last reviewed.

The direction of change appears to be continuing, with the reduction in fires attended continuing year on year. This is clearly good news, however the changing workload (effectively both reducing some activity and increasing other activity) is not being accompanied by a corresponding change in the approach to conditions of service, recruitment, training and industrial relations. The changing nature of the work, from firefighting to fire prevention is creating new roles and tasks. The equipment and tactics available and/or deployed is also changing. However it was alarming the number of times I came across reports that change is slow, being resisted or not happening at all.

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<sup>6</sup> Chapter 1, paragraph 1: Facing the Future 2013

Given the impact the fire and rescue service has over safety within the community or the survivability of an incident it was a surprise that I did not experience an industry that felt it was at the cutting edge of change but rather where changing practice was slow at best and being resisted at worst.

It should be transparent to the taxpayer that the service delivered to them locally is appropriate to the needs of the community and provides value for the budget assigned. Sir Ken alluded to the public's unconditional attachment to the fire and rescue service as a barrier to change. This is a conclusion that could easily be misconstrued. Gaining and holding the public's trust is vital for any service that is accountable to the taxpayer. Many public services would value the recognition and support the fire and rescue service gets from the population it serves.

The barrier to be explored is why the fire and rescue service isn't exploiting this valuable position of trust to lead and influence the public in the way they provide, and intend to provide the service in the future.

Accepting the need to change and the barriers to that change leads to a number of questions: -

- 1) Is the demand for services, the public's expectations of service and capability of the fire and rescue service clearly articulated and communicated?
- 2) Is the culture with the fire and rescue service conducive to change?
- 3) Is the current structure appropriate to the local fire authority requirements in terms of staffing (both whole-time and retained)?
- 4) Does the changed workload allow for increased training and remit and a wider deployment model – a good example being technology introduction or co-responding?
- 5) Are there real or imaginary barriers to change? If real what are they?
- 6) What measures are needed to enable necessary change?

Evidence into the review was pulled from four distinct sources

- 1) Questionnaires: Distributed to fire and rescue authorities, fire and rescue services and firefighters
- 2) Written submissions: Employee representative bodies, individuals, employer representatives
- 3) Desk research: Previous reports, studies and reviews
- 4) Visits: Personal visits to 21 Fire and Rescue Services with evidence received from elected members, principal officers, senior management, employee representatives, representative bodies and firefighters.

The decision on which fire and rescue authorities to visit was generated in part by the response to the initial questionnaire, in part by informed opinion/advice of the

Government's Chief Fire and Rescue Adviser and in part by invitations received. The adoption of this approach enabled a representative cross section of fire authorities to be visited.

# Executive summary and Key findings

## Executive Summary

Conditions of service underpin the employment of the workforce. As employment costs typically make up a significant (and usually the majority) of any organisation's resources and budget it is unsurprising that focus should fall on the effectiveness of the workforce in delivering the strategic intent. If change needs to happen it usually needs to happen quickly so that systems and processes can be improved and benefits realised.

Conditions of service also affect people directly. Most people end up living, organising their life and spending in alignment to their work and income. Any change to this can be felt not just by the worker but their family as well. As such there is sensitivity, and much legality, around how conditions of service are deployed and any desire to change them.

In this report I have followed conditions of service and the areas of the employment and operational relationships that they impact. I have come to conclusions, findings and recommendations that impact on:

- The working environment
- Documented conditions of service
- Industrial relations
- Duty systems
- Management of the fire and rescue service

These conclusions, findings and recommendations are contained within the commentary of the review and extracted below. First, however I have extracted what I believe should be the initial priorities. These are: -

- I. There is much re-building to be done around **culture and trust**, including addressing the concerns around bullying and harassment. This also has an obvious relationship with equality and diversity. Everyone deserves a work place free from bullying where employment and progression is on merit and free from bias. The fire service needs inspirational leaders able to deliver a high performing, engaged workforce. Where I found these leaders during my fieldwork visits I also found positive industrial relations. Understanding and surfacing the differing levels of industrial relations

culture and trust is vital to moving forward in these areas. A service wide engagement survey focused on culture, equality and trust should be conducted on an annual basis. Management performance objectives should be 'hard wired' into this survey. Whilst embedding changes in management culture may take time, I believe the implementation of employee engagement surveys and amendments to management objectives could be taken forward by each fire and rescue authority and implemented relatively quickly.

- II. The **retained duty system** offers significant opportunity to align resources to risk at a significantly lower cost than maintaining full time cover at times of low level risk and activity. However the difficulties in recruiting retained duty system fire fighters were repeatedly communicated to me. In addition to supporting a national recruitment and communication programme Government should bring forward legislation that extends employment protection (as enjoyed by military reservists) to fire fighters engaged on retained duty systems and part-time contracts.
- III. Conditions of service are currently documented in the Green, Grey and Gold books. My review makes no recommendation as to the Green Book. However, I find very little value in capturing conditions of service in the **Gold and Grey Books**. I found the Gold Book to be redundant, unread and unused in virtually every authority I visited or which responded to my questionnaire. I recommend that the Gold Book is discontinued and that the employers and representative bodies implement this recommendation as soon as is reasonably practicable. The Grey Book is held by fire fighters as a key foundation or anchor for their conditions of service, even though in most fire and rescue services there are local derivations away from the national provisions contained within it. Employers repeatedly pointed out to me either that the Grey Book was a barrier to alignment of conditions of service with local delivery or that they had managed to change locally the conditions of service despite the Grey Book. Either way it appears to me that the Grey Book should be slimmed down. Consideration should be given by the employers, in consultation with representative bodies, as to replacing the Grey Book with a contract of employment at the local level, supported by an employee handbook. Base Pay (see section on training) should remain national but all other conditions of service should have a more regional/local flavour and I recommend that the national joint council takes action to explore how such a system could operate in practical terms.
- IV. The description of **role maps and duty systems** in the Grey Book creates inflexibility in the deployment of fire fighters in support of the local

Integrated Risk Management Plan. Roles maps are too restrictive and duty systems within the Grey Book in many fires and rescue services do not reflect the changing activity from response to prevention. Both the list of role maps and the pre-determined duty systems should be removed from the Grey Book by the employers, in consultation with representative bodies.

## Key findings

These key findings are lifted from the end of each section and listed here for convenience and ease of reference. The evidence and context behind the recommendation is provided in the relevant section.

- **The working environment (section 4)**
  1. Culture and trust are at the centre of many of the changes required to create a high performing service aligned to the needs of the people it serves. A consistent employee engagement survey should be developed and deployed across the service (allowing inter authority comparisons) and 'hard wired' into management objectives.
  2. Early engagement with employee representatives at the earliest opportunity should be a feature of all change programmes.
  3. Fire and rescue services should deploy training in effective change management, leadership and employee engagement in addition to Industrial Relations.
  4. Increased importance should be placed by fire and rescue services on employee communication - appropriate management training and processes (direct to employee) should be implemented
  5. Fire and rescue services should instigate audits of the flow of management information reaching the workforce with the aim of improving the flow of information to the frontline firefighter
  6. Management performance objectives should be hard wired to the results of an annual employee engagement and communication survey.
  7. Unconscious bias training should be rolled out across the fire and rescue service.
  8. The leadership of the Fire and Rescue Service (represented by the Local Government Association and Chief Fire Officers Association) and the

employee representatives together with special interest groups representing woman and black and minority ethnic firefighters should publish a memorandum of understanding as to how people will be treated.

9. Research should be directed at how the cadet scheme could be utilised to widen the diversity of the service and how the interest in supporting the fire service can be maintained when the cadets leave the scheme (impacting both equality and potentially the retained duty system).
10. Each fire and rescue service should maintain an active register of firefighters with second jobs. A refusal or failure to declare a second job should be treated as a serious disciplinary matter.
11. Implement a single technological/equipment evaluation facility.

- **Documented conditions of service (section 5)**

12. The fire and rescue services in conjunction with the Government should create a national communication programme highlighting the range of activities and skills beyond fighting fires currently undertaken by firefighters. The aim of this would be to raise public awareness that creating a flexible fire and rescue service aligned to prevention is key to increasing safety in the local community.
13. Slim down and modernise the Grey Book, removing duty systems and reference to role maps and national occupational standards and replace with contracts of employment.
14. Minimum night time shift hours should be removed from the Grey Book
15. Disagreements regarding additional payments, collaborations or implementation of new technologies and working practices should be resolved locally without resort to the national advisory panels.
16. The national employers, government and employee representatives should, in support of establishing a changed culture (as detailed earlier), meet and agree a re-defined national joint protocol on industrial relations.
17. The ability to compulsorily move an individual from the flexible duty system should be introduced.

- **Industrial relations (section 6)**

18. The National Joint Council should be retained for the purposes of national pay bargaining for basic pay whilst reforming itself to represent employers and employees on a more local basis for all other conditions of service including incremental pay for acquiring competences beyond 'safe to ride'.
19. The National Joint Council should consider operating regionally to reflect the requirements of the different fire authorities whilst retaining a national umbrella with respect to basic pay
20. Remove Technical Advisory Panels and Resolution Advisory Panel and replace with a direct to ACAS approach. Fire and Rescue Authorities are undertaking a significant amount of local negotiation as they agree positions out with the Grey Book locally and this will not significantly increase workload or cost – in fact the Knight review suggested that local negotiations save money.
21. The Government should recognise the increasing view that the current right to withdraw labour (take strike action) is incompatible with the expectations that the public has of an emergency service. As such Government should bring forward appropriate legislation to remove the protection afforded under the Act to unions when their collective strike action, or action short of strike, impedes the fire and rescue service from making an emergency response. The right to strike being retained for non-emergency activities.
22. If the Government determines not to bring forward legislation to restrict the right to strike then Government should instigate consultation with a view to agreeing with employees impacted a no strike agreement in emergency situations. The right to strike being retained for non-emergency activities.
23. The chair of the National Joint Council should instigate an independent review of the structure and representative make-up of the National Joint Council to enable it to perform effectively at both a local and national level – noting that a number of contributors, from both the employers and the representatives, felt that they were excluded from the council.

- **Retained Duty systems (section 7)**

24. Fire and Rescue Authorities should adopt duty systems and staffing which align fire fighter availability to the planned work load (e.g. community safety) whilst providing response cover appropriate to the Integrated Risk Management plan should be encouraged.
25. Fire and rescue authorities should be required to provide an annual statement on the use of retained firefighters. Any decision not to use or to cease to use



retained firefighters should be communicated in this statement and underpinned with operational evidence provided by the fire and rescue service.

26. As part of the annual statement fire and rescue services should be required to provide an annual commentary on the number and use of retained firefighters. And in particular to report on the level of mixed crewing or co-working with wholetime personnel.
27. Legislation should be brought forward to provide employment protection to fire fighters employed on the Retained Duty System. This legislation is already in place for other groups (military reservists, magistrates and so on).
28. A national awareness programme for retained duty system personnel should be produced.
29. Trial and evaluate, in a limited number of fire and rescue services, the use of an annual bounty payment for employers of retained firefighters.

- **Management of the Fire and Rescue Service (section 8)**

30. Fire authorities should keep the number and level of commitment of fire authority elected members under review. The right number may differ by authority but should be large enough to allow scrutiny without becoming burdensome on operational delivery.
31. Recruitment and selection academic standards should be immediately raised.
32. Fire and rescue services should create critical mass by collaborating in recruitment including lateral recruitment into 'fast track' management programmes.
33. Fire and rescue services should explore a collaborative approach to the creation of succession plans and senior leader programmes with more cross authority developmental moves
34. Where collaboration could lead to more formal mergers, Government should find transformational funding to support the creation of larger fire and rescue services that offer critical mass in areas of technology introduction, recruitment, succession and development.
35. Fire and rescue services should maintain an up-to-date strategic workforce plan.

36. Fire and rescue services that cannot offer promotional opportunities away from the original place of work/watch then preparatory management training should be available as part of a strategic workforce development plan.
37. The expectation that all fire fighters attain the same, maximum, level of competency should be removed. The wide and increasing range of roles and activities undertaken by fire fighters calls for a more sophisticated alignment of capability with the activity required in support of the local Integrated Risk Management Plan than can be provided by the view that 'a fire fighter is a fire fighter'.
38. Training and pay should reflect a 'safe to ride' measure – basic core skills and core pay followed by competency based increments as required (which in the event of losing that competency means that the fire fighter retains their job albeit without that competency).
39. To create and maintain (in the face of decreasing numbers) a cadre of managers capable of becoming future fire and rescue service leaders, a standardised industry wide approach to leadership development should be adopted.
40. Fire and rescue services not using the Executive Leadership Programme should reconsider doing so.
41. A lateral, industry wide, recruitment scheme should be created. This will fast track managers through the experiential requirements and into senior roles.
42. The Gold Book (conditions of service for principal officers) should be removed along with that for Brigade Managers. With pay and conditions of service agreed locally subject to the introduction of a more sophisticated job evaluation programme that better reflects job size, role complexity and other duties in a way which allows inter authority comparison.
43. All fire and rescue services and fire authorities should review the accessibility of their pay policy statements.
44. The Chief Fire Officers Association should consider increasing the term of office for the role of president from 1 year to 2 or 3 years – to provide increased stability of leadership.
45. Finally all participants in the fire industry should adopt the principal of: -  
“Where change is **common sense** it should become **common practice**”

# Chapter 1: The Working Environment

## Section 1.1: The role of the customer in defining working practice

It was particularly interesting to ask 'who is the customer?' - The question was met often with astonishment, perhaps even incredulity, as I was told the answer is so obvious I shouldn't even be asking the question.

But the answer wasn't obvious and it wasn't even consistent.

Examples included: -

- The person dialling 999
- People who need us
- The public
- The fire authority
- The taxpayer
- Everyone
- The Government

Perhaps the confusion is explained more by the role the fire and rescue service is being asked to perform - or rather, the role they are seizing the opportunity to perform.

If the fire and rescue service is seen as a response service (emergency blue light response underpins the structure, training, equipment, shifts, conditions of service) then considering your customer and therefore your focus of activity in this light is entirely reasonable.

However if your day to day focus and energy is on wider community safety activities, it is not surprising that a wider concept of customer is utilised.

So the working environment becomes one of a choice between a 24/7 response that does community safety in so called 'spare' time or an organisation focused on increasing the community safety activity and providing a response if required. These two environments are not mutually exclusive but provide the extreme ends of a spectrum.

I have not tried to evaluate which is the best approach, rather I believe it explains the wide difference in approaches witnessed when visiting authorities and fire and rescue services and why some (for example Greater Manchester) are starting to think of themselves as an emergency service rather than a fire and rescue service. Of course both community safety activity (prevention) and emergency response are important but the focus that is applied to each can drive decisions that impact conditions of service.

An example of this is the approach to shift working. If the focus of the service is purely response then a shift pattern that provides equivalent resources day and night, seven days a week is a sensible approach (assuming call outs are evenly spread). However, if the focus is community safety then you need resources available for deployment when and where the community safety activity is undertaken – numbers are biased towards day time working, Monday to Friday. The consequences on the deployment of staff are clear to see.

## Section 1.2: Change management

Overall, the ability to drive change is limited by the way fire and rescue authorities manage the change process – it is inconsistently applied between authorities and there is little evidence that successful change in one authority can be adopted and delivered in another. This problem is perhaps compounded by confusing relationships between national negotiating bodies, local management and central government.

Individual fire and rescue services are required to operate within the constraints of the local Integrated Risk Management Plan – changes to the plan are subject to public consultation. Unless the reasons for change are communicated in an effective and convincing manner the likely public response will always default to the status quo.

This is perhaps evidenced best when operational evidence points to a change in the number of fire engines required at a particular station (or even the re-designation of a station from whole time to retained) and yet a public campaign arises to ‘save’ the station. It was even put to me that it would be easier (from the perception of the general public) to close a children’s ward at a hospital than close a fire station. The apparent focus of the community being on the visibility of the appliances and the people rather than activity. Indeed a number of elected councillors suggested that they feared being voted out of office if they supported a station closure, regardless of the rationale behind the decision. Effectively, honestly and transparently communicating the reason for change is essential to gain the public’s support.

There was clear correlation between those authorities who were reporting that they could achieve change, despite the current conditions of service/Grey Book, and the point at which they appeared to engage with the employee representatives. Early positive engagement with the trades union was a precursor to a successful outcome. Across the authorities I visited it was not unusual for both the management and union representatives to argue how positive their relationship was whilst also recognising that there was a national dispute occurring. Understanding and appreciating the local conditions, finances and risks, I felt on many occasions that the employee representative was actually the project implementation manager.

“The attitude of some service management teams, who seem reluctant to engage with trade unions on a problem-solving basis. Proposals for change often appear as a ‘fait accompli’ after being developed without engagement or consultation with representative bodies”<sup>7</sup>

In many authorities, I found a great deal of resistance to change from both the employee representatives and firefighters themselves. The clear sense was that some of this resistance was ideological – coming from a political or even class standpoint. I found it very direct and pointed. Time and time again I was told that trust had been lost, that they (firefighters) were not prepared to undertake other workers’ jobs (a reference to co-responding with the ambulance service) and that it would take a generation to repair the damage of the latest dispute.

Despite these strong views I also found, surprisingly, acceptance that change would take place, recognition that there had been a great deal of change in the past twenty years and that change would continue. Indeed, on more than one occasion I was told that the firefighters expected that they would gain paramedical skills in the future. The resistance and concern appeared to centre around the way change was being introduced and the apparently continual “salami slicing” of resources (finance and people). There was a strong message of ‘tell me what you want to achieve and make it an end point’. The reluctance to move to agreement was simply because another request for efficiency, and another, and another would follow.

Whilst I found these views in a number of places, there was a change the further from London I travelled. It was also noticeable that it was usually the smaller authorities where change happened smoothly and employees seemed attuned to the need for change. Distance from London was by no means a rule but distance did seem to allow a greater degree of independent thinking, more flexible thinking, and acceptance of change, from the employee representatives.

More relevant perhaps was the ease and frequency of communication. The employee representative organisations, and in particular the Fire Brigades Union,

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<sup>7</sup> FRS Review of Pay and Conditions, Submission from the Fire Officers’ Association 2014

demonstrate excellent communication skills - in some instances exceeding the reach of the management teams.

Clear messaging is key in communicating any activity, whether it is information about the organisations finances, a management briefing or a trade union memorandum. Whilst it was clear to see the effort put into communications by the different trades unions I found a casual acceptance by senior management in some authorities that first or second line managers were not passing communications through to frontline firefighters and this was okay. Further examination would be necessary to understand if this was deliberate (as in managers not supporting the communication) or if it is simply poor administration. Where this was recognised as deliberate (for example the communication is contra to the position of the trade union) I saw senior managers establish alternative communication systems (circulars, brochures, direct to staff communications) in addition to relying on a traditional management cascade.

I also found a general acceptance that communication could be better. However I did not see the underlying issue being dealt with. This is a gap and should be addressed.

The question in my mind is not should change happen but rather why change in one authority is not happening in another? There are good summaries of changing working practices detailed in *Fire and Rescue Services: Going the extra mile*<sup>8</sup>. This 2011 report identified 19 case studies across 23 fire authorities, and yet none of these were mentioned (other than within the originating authority) when I completed my fieldwork in autumn 2014, some three years after publication.

The general acceptance that change requires duplication of the implementation process is wasteful, time consuming and difficult to understand.

Regardless of the many types of organisational change, the critical aspect will be the fire authority's ability to win the buy-in of their employees and the wider stakeholders on the change. Currently the culture is one of resistance to change. Multiple layers of employee representation and local fire authority committees question the 'need' for change rather than questioning 'how' the change will be delivered.

Effectively managing organisational change is a four-step process:

1. Recognising the changes in the broader environment that call for the change (for example the decreasing number of fires).
2. Developing the necessary response for the changed environment (for example a strategy on taking on wider activities – fire safety, co-responding

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<sup>8</sup> <http://www.fitting-in.com/reports/LGA%20going%20the%20extra%20mile.pdf>

and so on).

3. Winning the support of employees and stakeholders (a strong persuasive argument for the appropriate adjustments).
4. Implementing the appropriate training to support the change.

**Change (of any type) should only require validation once prior to roll out.**

Justifying change multiple times (and there are 46 authorities) will inevitably lead to inefficiency in implementing that change. The military has established effective decision making tools to assist in change management – see for example the Land Warfare Centre, Warminster where suppliers are challenged to demonstrate how effective any equipment change is compared to the current issue.

Where change is **common sense** it should become **common practice**.

## Section 1.3: Culture and Trust

It was surprising to witness in so many places an aggressive resistance to change. Extremely combative language (the language of conflict – fight, strike, defend, slash, cut, stich-up – and the fruitier versions) were encountered during many visits. These seem to reflect the level of trust between the frontline workforce and management above. Not all visits were the same: some directed anger at the Government rather than their management, others seemed well informed of the local authorities' financial position and high levels of trust and respect for the management team was observed. The question here is why some fire and rescue authorities are in such a different place with respect to trust and when trust is in a good place, why the practices that generated that trust aren't being rolled out across those authorities who appear to have a less favourable climate.

In a similar vein to change management I found that the operational culture and levels of trust were often authority rather than industry specific. I found that there were vast differences in management/firefighter relationships. As reported above, some firefighters also took the opportunity to report a severe breakdown in trust, whilst others were able to demonstrate maintenance of harmonious local relationships despite the national dispute. Strength of representation and degree of early involvement of that representation especially in change also showed some correlation to the overall culture. Also identical to the change management comments above, the quality of management information reaching firefighters also varied by authority. In most cases the quality and speed of Fire Brigades Union communication was excellent.

Team working within the various levels (front line to senior management) also came across as excellent. The watch system clearly contributes to the strength of team working at the front line firefighter level (in the Fire Brigades Union YouGov survey, 96 per cent of respondents said the watch system is crucial to teamwork). However, in some authorities there did not appear to be a common thread of corporate information running down through the organisation - this was often manifested in communications not reaching front line firefighters.

Culture and trust is underpinned by effective communication and genuine employee involvement. Increased and genuine involvement by employee representative bodies (trades unions) early in any change process is essential not just to deliver that change but also to create the right environment for that change to be successful.

Culture and trust are at the centre of many of the changes required to create a high performing service aligned to the needs of the people it serves. A consistent employee engagement survey should be developed and deployed across the service (allowing inter authority comparisons) and 'hard wired' into management objectives

## Section 1.4: Bullying & Harassment

Much has been made of the culture of bullying and harassment within the Fire and Rescue service.

During the fieldwork phase virtually all the conversations I had about bullying and harassment suggested it occurred elsewhere. Each authority (and representative bodies) were able to cite individual cases and I am in no doubt that there have been some serious instances of bullying and harassment but I was completely unable to align the number of people claiming to have been bullied or harassed with the number of actual complaints submitted under the relevant policy or directly to the police.

The variance in numbers is shocking. In both my survey and that conducted by the Fire Brigades Union around 40 per cent (that's equivalent to 2 in 5 firefighters responding to the survey) claim to have been bullied or harassed. Extrapolate that into a figure for the whole service and that would equate to around 16,000 firefighters saying that they have been bullied or harassed. However actual submitted complaints were dramatically lower, amounting to single figures in each authority.

So lots of noise about bullying and harassment but hardly any (relative to the noise) taking formal action.



Interestingly amongst Green Book staff UNISON in their submission to my review indicated a much lower figure of 16% of staff claiming to have been subjected to or witnessed bullying and harassment (although I do accept that UNISON asked for examples of such experiences within the last 12 months). Just 1 in 6 people felt that the management dealt with their complaint effectively.

During the fieldwork I spoke to firefighters, representatives and managers about these large numbers claiming bullying and harassment and what were the possible reasons behind the response. I formed the view that an extremely wide definition of bullying and harassment is needed even to comprehend the scale of the claims.

That definition needs to accommodate physical violence at one extreme and annoyance at legitimate management or union instruction at the other. Between these two extremes there is, effectively hidden within the numbers, a range of behaviours that is causing the level of response that is being reported in the surveys. This is particularly worrying and raises the possibility that genuine cases are not being recorded or that people do not feel raising a case formally will benefit them.

I heard from a number of people, not least a delegation of female firefighters who had also met with the Fire Minister, that bullying and harassment is a daily feature of being a firefighter. I was given examples of union members attempting to intimidate non-striking firefighters and also I was presented with claims that management were deliberately undermining and targeting union officials. Little wonder that 40 per cent claim there is bullying and harassment in the workplace.

As part of the information gathering phase I asked fire authorities to forward to me their policy documents that covered bullying and harassment. I have reviewed all the documents I received and found them current, comprehensive and consistent in stating that bullying and harassment has no place in the workplace. It is not the policies and procedures that are failing to deal with the issue of bullying and harassment.

The conclusion I draw from the range of conversations across multiple authorities was that a significant proportion (probably the majority) of the 40 per cent is unrelated to genuine bullying and harassment but rather unhappiness with relationships, with probably the largest proportion being firefighters viewing a management instruction as bullying behaviour.

However, even one person being bullied or harassed is one too many and whilst I was pleased that every authority contributing to the review was able to point to policies and procedures in place to manage allegations of bullying and harassment it

was disappointing not to find specific action to drive the cultural change clearly needed to bring down the numbers who 'feel' they are being bullied and harassed.

Improving the culture of the workplace and creating more respectful relationships, challenging the 'it's only banter' of the watch culture and replacing with 'everyone is valued' is critical to the future effectiveness of the fire and rescue service.

A more diverse, flexible, safe service needs everyone to respect each other. There is no place for bullying and harassment either between individuals, union to management or management to union.

The cost of 40 per cent of the workforce feeling undervalued by reason of bullying and harassment is not recorded, but likely to be huge. It will manifest itself in demotivation, sickness, frustration and formal proceedings. It is a cost that should be addressed and will allow the genuine cases of bullying and harassment to be dealt with without being hidden by the noise from the 40 per cent.

The leadership of the Fire and Rescue Service (represented by the Local Government Association and Chief Fire Officers Association) and the employee representatives together with special interest groups representing woman and black and minority ethnic firefighters should publish a memorandum of understanding as to how people will be treated. This should be supported by an annual engagement survey (see above) with results 'hard wired' into management performance objectives.

## Section 1.5: Equality

There were a number of submissions and many conversations covering equality during the fieldwork phase. It is fair to say that the contributions primarily focused on gender and ethnicity; although I am aware of concerns being raised about sexuality<sup>9</sup> these were not put to me during the data gathering phase of this review.

Despite an enormous amount of positive activity around equality since 2000 and the creation of multiple task forces, forums, interest groups and strategies there have only been small in-roads made in making the fire and rescue service representative of the populations it serves.

In the post war (World War II) period there were very few women operational firefighters until we reached the 1980s. But it wasn't until around 2000 (at which point women represented 1.4 per cent of the firefighting force) that progress to increase the proportion of female firefighters commenced in earnest reaching almost 4 per

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<sup>9</sup> <http://www.fbu.org.uk/news/2015/02/preliminary-agenda-fbu-conference-2015/>

cent by 2010 and 4.3 per cent now. Similarly back in 2000 1.5 per cent of firefighters defined themselves as from a minority ethnic community. By 2010 this had more than doubled, to 3.7 per cent of the workforce – not representative of the population but a move in the right direction. It has not improved since then.

Was the cause a failure to address the issue? In evidence submitted to me the employee representative organisations firmly laid the responsibility for the lack of progress at the feet of Government, quoting the abolition of the equality and diversity strategy for England early in this Parliament as the prime cause for failure to make progress. However, it seems to me that progress was slow both prior to and post 2010.

In the decade 2000 to 2010 we had (amongst other surveys and reports):-

- Equal Opportunities Task Group (2000)
- Toward Diversity 1 (2000)
- Toward Diversity 2 (2001)
- Equalities and Cultural Change Advisory Board (2001)
- Equality and Diversity Programme Board (2006)
- Equality and Diversity Stakeholders Group (2006)
- National Equality and Diversity Strategy (2008)
- Chief Fire Officers Association Equality Survey (2008)
- Equality and Diversity Report (2009)
- National Equality and Diversity Delivery Partnership (2009)
- 2010 Equality and Diversity Report

The Fire Brigades Union in its submission to me suggested that equality and diversity has been largely ignored by ministers, senior civil servants and others within the fire and rescue service. While some progress has indeed been made the evidence suggests that it is the failure to attract a diverse workforce and possibly the existence of sexist, racist and possibly homophobic bullying causing some (albeit small numbers) to leave the service that is the root cause behind the lack of growth in the diversity ratios. Indeed as evidence presented to the Fire Minister in late 2014, and presented to me as part of this review, has made clear sexist bullying is still a feature of the service.

The solution is not in the creation of committees, forums or papers – but rather a change in the culture and an acceptance that women, ethnic minorities together with all groups that make up the diversity of the working population have a place in the fire and rescue service. This acceptance needs also to extend to evaluation and suitability for promotion. The root cause of discrimination is not necessarily deliberate action by an individual but rather a level of unconscious bias that results in

impact that can be misunderstood or that the individual does not realise the impact of their actions.

Unconscious bias training should be rolled out across the fire and rescue service.

If the culture is right and recruitment and promotion prospects are fair then selection and progression will be on talent and ability alone and the percentages will eventually change.

Clearly, I accept it is difficult to change numbers when recruitment activity is low – this is covered in the section on recruitment. However preparations can be made for future change. I will cover recruitment in more detail later, but there is one section of the fire and rescue service that has a higher deliberate turnover of individuals (the cadet schemes) and these could be deployed in support of greater future equality in the service.

More research should be directed at how the cadet scheme could be utilised to widen the diversity of the service and how the interest in supporting the fire service can be maintained when the cadets leave the scheme (impacting both equality and potentially the retained duty system).

## Section 1.6: Second jobs

During a number of the fieldwork visits the impact of second jobs on activities undertaken by firefighters was raised.

Second jobs appear to be defined as paid activity undertaken by whole time firefighters outside of normal working hours/shift systems. It is on a par with 'beds' as a reference to the amount a spare time available to a firefighter and is often used a 'jibe' or 'taunt' towards the fire and rescue service.

The Fire Brigades Union also specifically raised this point in their direct submission to the review when highlighting the difference between inflation and pay rises (from June 2009 to June 2014 wages have increased 3.25 per cent, whereas inflation, as measured by the Retail Price Index, is 17 per cent over the same period) and by inference suggesting that firefighters had taken second jobs to cover the reduction in purchasing power. However I believe this is a distraction. During my visits I did not encounter a single firefighter who suggested they were looking for or took second employment due to inflation exceeding pay rises. I was unable to test this further as I was not presented with equivalent evidence of second job rates decreasing when wage growth exceeded inflation.

The second job declaration rate was fairly consistent across all authorities at between 30 per cent - 40 per cent of staff stating that they had a second job (the

highest was 85 per cent). It was also generally accepted that this official declaration rate understated the true level of those with second jobs.

Regardless of whether the true figure is 40 or 80 per cent all firefighters are supposed to declare if they have a second job. I found very few examples of managers declining a firefighter's request to undertake a second job. Given that managers have this power and choose not to use it (and the insignificantly low number of occasions where it was reported to me that second jobs may have had an impact on operations) I do not propose that, currently, second jobs should be restricted any more than they are at the moment.

However fire and rescue services should seek to improve the quality of information on staff with a second job. Workplace change or re-structure should not be hindered by the fact that firefighters have second jobs. Managers must be prepared to refuse permission if a second job is seen to hinder the provision of fire and rescue duties.

It was also true that a significant number of personnel undertaking second jobs in each fire and rescue service were whole time firefighters undertaking a second job as a retained firefighter either in their own or neighbouring service.

The Fire Brigades Union also makes a very strong point about second jobs and retained firefighters in their submission to me:

“The ‘second job’ slur is particularly offensive to **retained firefighters**, whose fire service role is indeed their additional employment, which they have to fit around their primary career. Constant demagogic criticism of firefighters’ second jobs delegitimises the irreplaceable work retained firefighters do in serving their communities”

I am in general agreement with the points made on second jobs by the Fire Brigades Union. Allowing second jobs as retained firefighters is a crucial element in the tool kit for authorities to meet the Integrated Risk Management Plan with the resources they have available.

Later in the report we will look at the impact of Retained Duty Systems and the issues faced by fire and rescue services around the recruitment and retention of On-Call firefighters.

Utilising existing, trained, firefighters on second contracts in support of the retained duty system will enable cost effective shift systems whereby training can be accommodated during full time hours and response maintained on an On-Call basis. So rather than discourage second jobs I suggest that full time firefighters be encouraged to seek second jobs – as retained firefighters.

Given that the Fire Brigades YouGov survey indicated that the overwhelming majority (89 per cent) of firefighters with a second job would give it up – this is an

opportunity for employers to reflect the efficiencies indicated in the Knight review by increasing the numbers of Retained Duty System firefighters without incurring recruitment, training or retention costs.

Whilst many Retained Duty System firefighters are drawn from the ranks of the full time workforce it would be naive to believe that hundreds or thousands more will simply sign up. Given the financial benefit highlighted in the Knight review, Fire Authorities should consider a 'spend to save' approach around the remuneration of the retained duty system. Likewise the national employers should consider the re-introduction of a bounty payment (payable to both employee and employer) reflecting the commitment to hours on call and training.

## Section 1.7: Technology

Many fire and rescue services presented evidence on innovation and change. Often this was linked to the introduction of new technology or systems of work (e.g. COBRA cold cut technology)<sup>10</sup>. The introduction of new technology or the exploitation of existing technology opens up new ways of working and can challenge existing assumptions, training and conditions of service.

It was very noticeable that there was a resistance to change in many of the conversations – albeit I believe for differing reasons.

In some cases the resistance felt more like a 'not invented here' mentality, or from a representative viewpoint the response was commonly 'it's not in the role map' or from many of the elected members "the time isn't right".

It was also clear that technology and equipment enhancements are evaluated multiple times and some services took pride in telling me about their evaluation procedure on something that had been operational elsewhere for many years.

However, I struggle with the concept that money and resources should be deployed to evaluate a product or practice that had already been through operational acceptance procedures in another fire and rescue service. Quite often, as I have stated before, the common sense solution is often the right solution and should become common practice. The common sense solution here is fire and rescue services and fire authorities accepting the professionalism of their colleagues in other services.

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<sup>10</sup> Cobra is a firefighting system developed by Cold Cut Systems of Sweden – see appendix 5

If resistance to using the best equipment for the job with the resources available is because the change could impact conditions of service then that resistance is wrong.

It would be bizarre if each hospital in the NHS undertook its own drug trials before prescribing to patients and yet this is effectively what happens, currently, in the Fire and Rescue Service.

There was a concern from some that centralised training or a centre of excellence for equipment evaluations would be a significant cost increase. Certainly the reducing level of support and usage for the Fire Service College from UK Fire and Rescue Services would allude to that. However the Knight report made reference to unfinished business<sup>11</sup> with respect to duplication of effort and subsequent conversations suggest that Sir Ken's vision of a 'no cost' centre of excellence is realistic.

Cost of duplicated equipment evaluation is significant on the fire industry and in reality these costs are passed on to the purchaser and therefore the tax payer. In addition each fire and rescue service undertakes its own evaluation and reporting procedures adding further indirect cost.

If the Fire Service College agreed availability for testing, at no cost, supported by the trade bodies, a centre of excellence could be established. Evaluation could be underpinned by a Chief Fire Officers Association endorsement via a 'Which magazine' type score.

Future funding would be achieved from savings, increased use of the Fire Service College, increased sales and an overseas shop window with potential support from the Department for Business, Innovation and Skills (UK Trade and Investment).

This would leave the issue of implementation and any impact on conditions of service to the local fire and rescue service, greatly simplifying the adoption of change.

- **The working environment recommendations**

- I. Culture and trust are at the centre of many of the changes required to create a high performing service aligned to the needs of the people it serves. A consistent employee engagement survey should be developed and deployed across the service (allowing inter authority comparisons) and 'hard wired' into management objectives.

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<sup>11</sup> Knight review page 72

- II. Early engagement with employee representatives at the earliest opportunity should be a feature of all change programmes.
- III. Fire and rescue services should deploy training in effective change management, leadership and employee engagement in addition to Industrial Relations.
- IV. Increased importance should be placed by fire and rescue services on employee communication - appropriate management training and processes (direct to employee) should be implemented
- V. Fire and rescue services should instigate audits of the flow of management information reaching the workforce with the aim of improving the flow of information to the frontline firefighter
- VI. Management performance objectives should be hard wired to the results of an annual employee engagement and communication survey.
- VII. Unconscious bias training should be rolled out across the fire and rescue service.
- VIII. The leadership of the Fire and Rescue Service (represented by the Local Government Association and Chief Fire Officers Association) and the employee representatives together with special interest groups representing woman and black and minority ethnic firefighters should publish a memorandum of understanding as to how people will be treated.
- IX. Research should be directed at how the cadet scheme could be utilised to widen the diversity of the service and how the interest in supporting the fire service can be maintained when the cadets leave the scheme (impacting both equality and potentially the retained duty system).
- X. Second jobs, in themselves, are not the issue. It is the lack of transparency in the declaration of second jobs – therefore each fire and rescue service should maintain an active register of firefighters with second jobs. A refusal or failure to declare a second job should be treated as a serious disciplinary matter.
- XI. Implement a single technological/equipment evaluation facility.



# Chapter 2: Documented Conditions of Service:

## Section 2.1: Role of the firefighter – response vs prevention

The perception of the firefighter as the hero emerging from a burning, smoked filled house rescuing the occupier from certain death is the image most people have of the fire and rescue service. It's a dramatic picture and has been played out many times in the past and is one on which many people believe the structure of the fire and rescue service should be based.

It was, therefore, a surprise to me and I am sure it will surprise many others outside the industry, that in almost half (48%) of all cases<sup>12</sup> where there is a fire with a fatality – the person(s) was, in all probability, dead before the alarm was raised. In these cases the only way to 'save' the individual is through preventing the fire from occurring in the first place. Prevention activity needs to take place before the fire starts and has a wide definition. However what is certain is that the location of a fire station, the crewing levels, the turn out time (whilst important for a response) are all secondary to preventing the fire occurring in the first place.

This review also opened my eyes to the amount of activity fire and rescue services are now committing to prevention activity, both directly as a service and also indirectly via supporting the many charities operating to raise awareness of fire in the community.

I was fortunate to be able to fit into my schedule visits to the SafeWise project in Dorset and the Safeside project in the West Midlands – both fantastic examples of providing realistic education on the dangers of fire directly to the public and children in particular. Staff at the centres referenced the many thousands of visitors attending the facilities together with the wide range of support and funding provided by the fire and rescue service, other emergency services and local employers. I also visited a fire station in Merseyside which had a community sports centre and café attached. Again staff were able to allude to the impact within the community that the centre had. More of these facilities are needed.

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<sup>12</sup> Derived from: <https://www.gov.uk/government/statistics/fire-statistics-monitor-april-2013-to-march-2014> and DCLG department data shown in appendix 6

As many studies have shown the number of incidents requiring an emergency response (and in particular fire related incidents) is declining significantly. The reality of the role actually undertaken is becoming quite different from the view held by the public, and its changing nature is perhaps not as well understood as it should be. Better reflecting the current role and activity of a firefighter together with being honest that it is not all about adrenalin fuelled response, but also prevention and community safety will open up the attractiveness of the service to a much wider demographic. This could be key in the successful recruitment of retained fire fighters where currently 50 per cent of the population do not, in all probability, consider themselves as a potential candidate for the role. (See also the sections on equality and retained duty systems).

It is unfortunate that the majority of 'column inches' of publicity generated by both the employer and the employee sides are filled with negative images and hostile language (covered earlier). Whilst this is probably inevitable during a protracted dispute it overshadows the excellent work undertaken by the industry and by firefighters themselves to prevent fires occurring in the first place.

Great strides have taken place to influence various regulatory requirements (for example building regulations, fabric regulations, and landlord requirements and so on) which, together with thousands of hours of community fire safety work undertaken by firefighters, have contributed to the reduction in call outs and fires. Hardly any of this has been reported or communicated effectively.

Indeed it was a common theme put to me by many that firefighters are 'only' operational 5 – 10 per cent of the time. This inference that firefighters are not operational for over 90 per cent of their time is unhelpful. It suggests that numbers could be reduced tenfold with no impact on operational performance. Of course it does not take into account the amount and range of training undertaken by firefighters, nor does it recognise the contribution made to safety in the community by physically visiting vulnerable people, fitting smoke detectors, communicating on fire safety to schools and other groups. In fact I found firefighters undertaking a wide range of activity beyond that of fighting fires.

A great deal of the debate about response versus prevention is anchored in conditions of service. A majority of fire and rescue services raised with me the restrictions on the range of activity they could require firefighters to undertake as the Grey Book defines role maps describing what firefighters can and can't do. Some authorities suggested that they were able to implement wider working practices including different roles despite the Grey Book, but they had to do this locally because agreeing change nationally was time and resource consuming and unlikely to end in anything other than compromise.

The trade unions, and also the employers' representatives, disputed that the Grey Book was a source of restriction. Indeed they pointed to the fact that role maps are based on the National Occupational Standards and any role is able to be incorporated into the Grey Book. They point out that in reality occupational standards are not contained in the Grey Book but can be determined by the individual fire authority:

“The roles of fire and rescue service employees are those defined within the Integrated Personnel Development System and set out in accredited occupational standards determined by the Emergency Fire Services Vocational Standards Group. The roles used shall be as the fire and rescue authority considers necessary and specific activities within those roles will be determined by the authority to meet the local needs of the service based on risk”<sup>13</sup>

Perhaps even more of relevance is that the Integrated Personnel Development System is being replaced and the Vocational Standards Group no longer exists!

It became clear to me that there is consideration confusion about the status of the Grey Book and in particular the use of role maps within it. I decided that a closer examination of the Grey Book would be beneficial to the review.

## Section 2.2: Grey Book

Wide and numerous derivations from the Grey Book are observed across many fire and rescue services. There is a pretence maintained (by both employers and unions) that the Grey Book is THE set of conditions of service, whereas in reality it is a collective agreement which forms a foundation of conditions of service which most fire and rescue services have to a greater or lesser extent moved away from.

This is mainly because the national nature of the conditions fails to recognise the variety of support required by local integrated risk management plans that individual fire and rescue services have to meet and the financial constraints that apply.

Some elements (flexibility of role maps - to incorporate co-responding) have been legally challenged whilst other areas of the Grey Book have been subject to variation following local negotiation or on a voluntary agreement basis (e.g. overtime rates).

Strong support for the Grey Book exists amongst firefighters and the Fire Brigades Union who see it as protection against 'cuts' and 'job change' by Government and, in some instances, by management. However, there was also a recognition amongst

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<sup>13</sup> Scheme of Conditions of Service Sixth Edition 2004 (updated 2009)

many firefighters that one size does not fit all. The challenge is how that local flexibility sits alongside the protection afforded by a national agreement and strong support from a national union.

The Grey Book is not a statutory instrument and there appears confusion over its legal status - is it a legally enforceable collective agreement (as recent co-responding legal challenge would suggest) or a set of agreed guidelines? In reality it is a national collective agreement which can be negotiated at local level – however I rarely found it understood in these terms.

Moving to completely local terms and conditions was not supported by most fire and rescue services and this was also the position of the employee representative bodies. A small number of fire and rescue services together with the Fire Brigades Union felt that the Grey Book worked well in its current form (although there was agreement that its language and distribution could be improved). It was noted that the current edition (sixth) was written in 2004, updated in 2009 and the last addendum circular appears to have been issued in April 2011.

Many fire and rescue authorities suggested that the Grey Book constrained their ability to implement working practice that was relevant to their locality (examples include duty systems, payments, collaboration and adopting new practice – for example dealing with marauding terrorist firearms attacks<sup>14</sup>).

It was suggested on multiple occasions that 'slimming down' the Grey Book by removing duty systems and the reference to Role Maps whilst maintaining national pay negotiations was the route forward, together with modernising the language used. It may well be that there is a tension between role maps not being flexible enough to deal with changing occupational standards being developed by Skills for Justice.

I will cover role maps and duty systems further in some depth shortly. However I do find the Grey Book inconsistent with modern industrial practice in most other industries.

The current edition of the Grey Book runs to a preface, seven sections, three appendices and a written protocol over 87 pages, of which one section and 20 pages covers 'conditions of service'. In reality, the whole Grey Book could be condensed

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<sup>14</sup> The Marauding Terrorist Firearms Attack (MTFA) programme was developed in response to the Mumbai incident, and in preparation for the 2012 Olympic Games. 13 fire and rescue services have the capability as part of the national programme and another three have developed, or are developing, their own capability. The role of the fire service is to support the ambulance service in dealing with casualties at the scene.

into a two or three page contract of employment with a supporting employee handbook.

In view of the feedback received, on the Grey Book, from individual fire and rescue services I have been able to summarise a number of areas where I have been able to draw out a clear majority view and these now form the backbone of my recommendations for the future of the Grey Book: -

- a. Role maps: inhibit greater flexibility and agility in responding to changing local risk as defined in the integrated risk management plan, and changing National Occupational Standards developed by Skills for Justice. A common example of inflexibility provided to support this claim is co-responding with the ambulance service.
- b. Duty systems: inflexible and unsupportive of aligning resources with need. Particular mention was made of the ‘ridiculous’ requirement of any duty system to “have regard to the special circumstances of individual employees and be family friendly” – it would be impossible for any duty system to have particular regard for over 40,000 employees and what constitutes ‘family friendly’ is open to wide interpretation. In my discussions with fire fighters there was a clear split with longer serving (hence older) fire fighters valuing fixed shifts whilst amongst younger fire fighters there was more enthusiasm for flexible shifts and self-rostering.
- c. Rates of pay: whilst the pay of fire fighters is outside of the terms of reference of the review it was put to me by many fire and rescue services that locally set pay has the potential to better motivate local workforces (by paying them fairly for the geographical region they live within, and rewarding them properly for more varied and potentially more challenging work). Nationally set core (basic) pay, with additional competency based or modular increments (possibly locally set) for attaining skills or undertaking wider activities was suggested by some fire and rescue services.
- d. Annual leave: the current arrangements with leave divided into Scale ‘A’, Scale ‘B’ and public holiday pay is confusing, complicated and unnecessary. The rules around taking leave should align with the shift systems deployed and if these are locally defined (as they should be) then the procedures around taking annual leave should also be locally defined.

- e. Sickness/absenteeism leave: extremely generous schemes which some fire and rescue services suggest make managing absence difficult. However, within physical environments where individuals depend on the health and fitness of others to support the role they undertake an appropriate absenteeism policy is required and I do not find that the current arrangements are unreasonable. There was some feedback that some individuals may take advantage of the generous arrangements – however I feel that is for the disciplinary policy (and management practice) not the sickness/absence policy.
- f. Discipline and Grievance: the current processes are more complicated than necessary. There is an interesting arrangement whereby the generous notice period for disciplinary hearings then increases during progression through the disciplinary stages – something I have not come across before and not part of any ACAS guideline that I am aware of. There are very inflexible requirements for levels of management to ‘hear’ different stages, requirements which will be increasingly difficult to meet as the service shrinks or the balance between whole time and retained changes. Simple next level management is all that is required (and that would be regardless of whether the next level manager is operational (Grey Book) or non-operational (Green Book)).

By and large the rest of the Grey Book is meaningless in the sense of describing ‘conditions of service’ of fire fighters. The references and provisions within it are all covered by existing employment law statutes or are part of codes of practice issued by ACAS.

The final section of the Grey Book covers the National Joint Protocol for Good Industrial Relations. I find this a useful document, albeit one that now dates back to 2007. The spirit of the protocol was certainly apparent when discussing industrial relations at a local level with fire authorities. However many of the words ring a little hollow with respect to the language and behaviour behind the current national dispute.

The national employers, government and employee representatives should, at an appropriate time following the current dispute and in support of establishing a changed culture (as detailed earlier) meet and agree a re-defined national joint protocol on industrial relations.

The national employers should review the Grey Book urgently with the aim of focusing on national pay. Disagreements regarding additional payments, collaborations or implementation of new technologies and working practices should

be resolved locally without resort to the national advisory panels. I do not believe there is any significant incremental cost in reducing the scope of the Grey Book. The Knight review has even highlighted examples of fire and rescue authorities negotiating locally and saving money. Whilst the Grey Book allows for determining new duty systems based on the Integrated Risk Management Plan, its very existence appears to stand in the way (either for cultural or psychological reasons) of that happening.

## Section 2.3: Role Maps

The national employers' representatives, the Local Government Association, insist that fire and rescue authorities can use whichever roles they consider necessary. Indeed specific activities within roles will be determined by the authority to meet the local needs of the service based on its Integrated Risk Management Plan.

It is strange therefore that change, as we have heard, according to many fire and rescue services, is frustrated by the national role maps. The suggestion being that the national role maps are not flexible to adapt to changing occupational standards. In effect to introduce a new national occupational standard you have to, in some circumstances, amend the firefighter's terms and conditions.

There is an option to adopt modern day job descriptions that provide an effective but not restrictive appreciation of the role. Essentially they describe, not list, the activities that the job holder is likely to encounter. They provide for variation and flexibility in how activity is undertaken, whilst providing a basis for evaluating the size of any particular role.

Legal challenge to content within a job description is rare and I was surprised to learn of court action<sup>15</sup>, brought by the Fire Brigades Union, which appeared to try to prevent fire fighters co-responding in support of the ambulance service. An earlier case (*Bull v Nottinghamshire and City of Nottingham Fire and Rescue Service*<sup>16</sup>) also found that co-responding was not part of the role of a firefighter. The employers accepted the outcome after appeal and decided not to appeal further.

The legal argument took a very narrow focus, looking at whether the written contract specifies that the tasks, described within the role map, are the only ones allowed, or whether additional activities may be taken on as part of the role. The legal examination would not take into account the wider impact of the actual work circumstances (e.g. working in a blue light environment). This case stretched back to

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<sup>15</sup> <http://www.lincolnshireecho.co.uk/Legal-action-possible-firefighters-driving/story-21102061-detail/story.html>

<sup>16</sup> 2007 ICR 6131 CA

2007 and within the findings explicit reference was made to fighting fires – it should of course be noted that the role of the firefighter continues to evolve and, at the time of ruling, co-responding or other activities outside the ‘traditional’ job role, such as prevention, were perhaps not as common place. Indeed, it could be argued that applying the specific logic of the Appeal Court back in 2007 could preclude a significant amount of the non-fire work undertaken by firefighters today. I note that the Fire Brigades Union and national employers now have a current National Joint Council work stream<sup>17</sup> to look at the introduction of co-responding.

Clearly, flexibility goes beyond co-responding and there is also a balance between implementing wider skills and activity and the cost of implementing that activity (in terms of cost of training or cost of equipment). However, there was no evidence presented to me during my fieldwork phase that increasing role flexibility would be anything other than cost beneficial.

It is clear that flexibility in role maps is vital to the future operational efficiency of any fire authority. Where informal approaches have worked at a local level this should be held as best practice and where appropriate should be rolled out. However it may be perceived by some that there is a risk in highlighting success. In so far as it draws attention that agreements have been made locally, outside of national arrangements, and this may be one reason why some innovation and change does not makes it across authority boundaries.

In an age of reducing fires and related activity it would protect the level of resilience (number of roles) if the role maps were either widened to include additional tasks or removed from the constraints of forming conditions of service. Increasing capability as a method of maintaining roles/numbers does not seem to feature as a current tactic from the employee representatives. This contradicts somewhat with the approach within private sector organisations whereby demand for training and additional activity is seen as a way of protecting jobs.

It was not possible to identify how every authority deployed staff to support non-firefighting/rescue situations, such as public relations, fire prevention activity, and so on. Whilst it was suggested that some authorities only used uniformed firefighters for such tasks others were willing to use a much wider range of staff. It was also notable that there little evidence of use of unpaid volunteers as firefighters. I am given to understand that there is just one station staffed by volunteers, and that is in Peterborough. This is a clear difference between other emergency services (Police specials, St Johns Ambulance, Royal National Lifeboat Institute).

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<sup>17</sup> Item 41 of the Fire Brigades Union Conference 2015 preliminary agenda



Currently role maps have been used to argue that there is a contractual barrier to change. Rather than a useful guide as to the key components of the role of a firefighter they are deployed as a reason not to undertake an activity – “it’s not in the role map so I won’t do it”. This was not the original purpose of creating role maps.

It is argued that the use of the Grey Book together with role maps provides a definitive guide to the role of the firefighter. I am not sure that it does. What is true is that it has become a list of tasks allowed and, by definition, the exclusion of everything else. This makes the use of role maps very limiting as it fails to allow the position holder to fulfil their potential – competence and behaviours are conveniently ignored. Role maps should become job role profiles with skills, values and behaviours driving the primary requirements of the role.

Recommendation: Reference to role maps and National Occupational Standards should be removed from the Grey Book and replaced by a local job description.

## Section 2.4: Duty Systems

Five duty systems are listed in the Grey Book:

- Shift duty system – 42 average hours, nights no less than 12 hours, 4 shifts worked in a seven day period.
- Day crewing duty system – 35 hours per week based at a station plus 7 hours on standby at home.
- Day duty system – 42 hours average, with 9 nine days per fortnight worked Monday to Friday.
- Flexible duty system – combined worked and rostered stand-by hours not exceeding 48 in an eight week period. Only for station manager or above. No return to normal hours except by volunteering.
- Retained Duty System – hours by agreement by each authority. Assumed that full cover is 120 hours per week. Pay is restricted to either 10% (for 120 hours) or 7.5% (for any hours below 120) of the annual basic pay.

As stated earlier, significant change in the number of fires and call outs has radically changed the profile of activity of fire and rescue services over the recent years and it also become clear, during the many visits, there is a difference of opinion (arguably ideological) over the role and purpose of the fire and rescue service.

Similarly to the points made about ‘the role of the customer’ some fire and rescue services are taking it upon themselves to adopt activity that positions themselves as an emergency or public protection service with a remit that extends far beyond a 999

response to fire. Other fire and rescue services have a much tighter focus on response and see other activity as something to do when call volumes are low.

These two positions drive quite different employment propositions including the numbers, shift systems and range of duties undertaken. The five duty systems shown above simply do not afford the flexibility to undertake the activity being conducted by fire and rescue services nor allow them to react to efficiency constraints placed upon them.

There has been a rise in variations to duty systems, negotiated locally, which show little resemblance to the nationally agreed position.

Day crew plus combines and extends the principal of time worked and time on standby. Annualised hours provides for 24 hours cover on a self-roster basis with the flexibility for firefighters to change shifts to suit personal circumstances. These duty systems have built in premiums or overtime which offers enhanced pay to firefighters whilst allowing for fewer fire fighters on that duty system. With salary costs accounting for by far the highest proportion of fire authorities' budgets (around 80 per cent), it is unsurprising that there is a desire to align demand and resources available as tightly as possible.

As fire cover requirements differ so much fire authorities are required to operate within their allocated budgets, it is difficult to see the logic in maintaining duty systems in a National Collective Agreement.

As stated above there are multiple examples of duty systems being adopted on a voluntary basis within fire and rescue services – they have all required local negotiation to a greater or lesser extent. Some of these will also have had the advantage of securing whole time roles in areas where reducing activity could threaten the current establishment numbers (for example adopting day crewing plus rather than switching to a retained duty system).

Specifically relating to the flexi duty system for station managers and above – the inability of a fire and rescue service to move a manager from the flexible duty system is wrong. Fire and rescue services, especially as they reduce numbers, must have the flexibility to move managers to appropriate roles and should not be required to wait until an individual voluntarily agrees to relinquish a role.

Whilst I am fully aware that the flexible duty system is linked to pension I do not accept that this is a reason in itself to prevent the fire and rescue service requiring the individual to move roles or duty systems. The ability to compulsorily move an individual from the flexible duty system should be introduced. Alongside this there

should be a period of time whereby the previous benefits are protected (and two years is a typical maximum in other industries).

Duty systems and staffing which align fire fighter availability to the planned work load (e.g. community safety) whilst providing response cover appropriate to the Integrated Risk Management plan should be encouraged. Traditional duty systems (e.g. 2, 2, 4 equal length shift patterns) do not align with the current full range of operational work load and should be challenged. I cannot identify a compelling reason why duty systems should be retained in a national collective agreement when they should align to the Integrated Risk Management Plan applicable in each fire and rescue authority.

Consequently I believe that duty systems should be removed from the Grey Book.

- **Documented conditions of service recommendations**

- I. The fire and rescue services in conjunction with Government should create a national communication programme highlighting the range of activities and skills beyond fighting fires currently undertaken by firefighters. The aim of this would be to raise public awareness that creating a flexible fire and rescue service aligned to prevention is key to increasing safety in the local community.
- II. Slim down and modernise the Grey Book, removing duty systems and reference to role maps and national occupational standards and replace with contracts of employment.
- III. Minimum night time shift hours should be removed from the Grey Book
- IV. Disagreements regarding additional payments, collaborations or implementation of new technologies and working practices should be resolved locally without resort to the national advisory panels
- V. The national employers, government and employee representatives should, in support of establishing a changed culture (as detailed earlier), meet and agree a re-defined national joint protocol on industrial relations.
- VI. The ability to compulsorily move an individual from the flexible duty system should be introduced.

# Chapter 3: Industrial Relations

## Section 3.1: National Joint Council

The National Joint Council for Local Authority Fire and Rescue Services (the NJC) is the body responsible for the supervision, from a national point of view, of all questions affecting the conditions of service of employees (other than those in Brigade Management roles) of fire and rescue services established under the Fire Services Acts 1947-59. To this end the NJC's principal role is to reach agreement on a national framework of pay and conditions for local application throughout the fire and rescue service in the United Kingdom.

Evidence submitted to the review from the Local Government Association, the Fire Brigades Union and the independent chair of the NJC, Professor Linda Dickens, championed the record of the NJC in recent years in progressing vital industrial relations matters. It was pointed out that over the last year the NJC had considered issues such as the 2014 pay award process; ongoing work on terms and conditions; a fitness agreement; implementing the part-time workers settlement agreement; amending the Grey Book sections concerned with maternity, childcare and dependency; and the Grey Book sections relevant to health, safety and welfare.

The main argument made by those submissions was that national bargaining provides stability, is cost-effective, strategic and efficient, providing both the necessary competence and capacity that cannot be reproduced locally, particularly with small services.

Taking evidence directly from fire authorities and fire and rescue services painted a slightly different picture.

The majority of fire and rescue services described the NJC as cumbersome, slow, bureaucratic and unrepresentative (and this was the view of some employee representatives as well). I was told of occasions where it was clear that pre-meetings had taken place and decisions made behind closed doors. More than one NJC member told me they were unaware how the NJC operated and just did what the joint secretaries told them.

Some felt the situation recoverable by reform and modernisation (a position that the Local Government Association acknowledged and recognised) whilst others felt that the NJC ought to be more radically reformed and undertake pay negotiations only.

But what is meant by modernisation? It's a term often used without much thought, sometimes to suggest that all current change must be right, or if something hasn't

been changed for a number of years it must be outdated and wrong. So is the NJC outdated and wrong?

When fire and rescue services (and others) informed me during the fieldwork phase that they had frustrations with the NJC I probed further to understand the source of their frustrations.

The role of the NJC is set out as follows: -

The National Joint Council for Local Authority Fire and Rescue Services (the NJC) is the body responsible for the supervision, from a national point of view, of all questions affecting the conditions of service of employees (other than those in Brigade Management roles) of fire and rescue services established under the Fire Services Acts 1947-59.<sup>18</sup>

The NJC delivers that supervision via the following membership structure<sup>19</sup>: -

The NJC shall consist of 28 members appointed by the representative bodies set out below:

National Organisation of Employers of Local Authority Fire and Rescue Services	14
Fire Brigades Union	14

The Middle Managers Negotiating Board shall consist of 28 members appointed by the representative bodies set out below:

National Organisation of Employers of Local Authority Fire and Rescue Services	14
Fire Brigades Union	13
Fire Officers Association	1

Each side appoints a chair and all communication is conducted through the chair. This left some employers claiming that they did not have a voice. Employee representative bodies also claimed to me that they did not have a voice, could not raise matters to be discussed and in the case of at least one organisation had essentially led them to decide to disengage.

Given this feedback and the volume of supporting documentation I received from both employers and some employee representatives I come to that same conclusion, that the NJC needs 'modernisation'. The examples presented to me described the negotiating machinery of the NJC as being straight out of 1970s industrial relations –

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<sup>18</sup> Scheme of Conditions of Service Sixth Edition 2004 (updated 2009)

<sup>19</sup> Scheme of Conditions of Service Sixth Edition 2004 (updated 2009)

with shuttle diplomacy and a focus on achieving compromise, with the process leading participants to take artificial positions in order for a 'compromise' result to align closer to their desired end point.

It was put to me by the Fire Brigades Union that "Each side of the NJC is entirely free to bring proposals to negotiations". Whilst true, it also demonstrates that industrial relations is seen in a rather simplistic, two dimensional format whereby employer and employee sit across the table and argue their respective positions.

With fire and rescue services suggesting to me that they have very differing requirements (and the same being said by different employee representative groups) the traditional view of industrial relations and dispute resolution maintained by the current members of the NJC needs to change.

The Fire Brigades Union YouGov survey reported that firefighters value the national arrangements for negotiating their pay with five out of six (87%) indicating they were in favour of a national pay structure.

I discovered during my fieldwork that whilst there was a minority of fire and rescue services who suggested that pay and conditions of service should be negotiated locally the overwhelming majority were of the opinion that pay, at least basic pay, should be set on a national basis.

Beyond pay I note that the NJC has (as of March 2015) also been working on five work streams:

- Environmental challenges – flooding, inland water safety, snow, wild fires
- Emergency medical response – co-responding, falls, on-site trauma care, provision of community training
- Multi agency emergency response – MTFA, joint working, any issues falling out of JESIP
- Youth and other social engagement work – arson reduction, working with risk of offending youth groups
- Inspections and enforcement – schools, illegal homes, crown properties, expansion of unregulated business use, related fire safety advice.

However much of this activity is already underway, locally, in one or more fire and rescue authorities. I found the "Confronting the future document"<sup>20</sup> from Greater Manchester Fire and Rescue Service an excellent summary of the range of activity local fire and rescue services are pursuing largely independently of the NJC.

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<sup>20</sup> Confronting the future, Greater Manchester Fire Authority 2014

There is little evidence of the National Joint Council reviewing its own performance. I also received commentary from some fire and rescue services that they felt the employers' representatives were too reactive, waiting for issues or claims rather than proactively supporting the fire and rescue services implement change via the National Joint Council.

The conclusion I was able to reach is that the NJC should be retained for the purposes of national pay bargaining for basic pay whilst reforming itself to represent employers and employees on a more local basis for all other conditions of service including incremental pay for acquiring competences beyond 'safe to ride'.

Should the NJC not reform itself then I should also point out that there is the provision within The Fire Services Act 2004<sup>21</sup> for the Government, via the Secretary of State, to create negotiating bodies for the fire and rescue service.

## Section 3.2: Technical Advisory Panel/Resolution Advisory Panel

It is important to understand the role of the two panels.<sup>22</sup> They both cover stage two of the disputes procedure (there being an assumption that there has been a failure to agree at the first stage) contained within the Grey Book. (For clarity, if at stage two agreement is not reached, the next stage is arbitration at ACAS.)

Definition – Resolution Advisory Panel (covers break down in negotiation):

The Panel will be chaired by an Independent Chair (appointed on a three-yearly basis by the NJC) who will be assisted by the Joint Secretaries. In seeking to 'assist the parties further with their negotiations', the Panel will endeavour to facilitate an agreement between the parties, but where that is not possible it will make recommendations

Definition – Technical Advisory Panel (covers duty systems):

Where, following discussion, there is no agreement between the fire and rescue authority and recognised trade union over a proposed duty system (and it does not accord with the principals of any of the existing national duty systems) the difference can be referred by either party to the NJC's Technical Advisory Panel. The Panel will be chaired by an Independent Expert (appointed on a three-yearly basis by the NJC), who will be assisted by the Joint Secretaries.

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<sup>21</sup> <http://www.legislation.gov.uk/ukpga/2004/21/section/32>

<sup>22</sup> <http://www.fireofficers.org.uk/foa/images/Officials%20Information/TAP%20&%20RAP%20Procedures.pdf>

Over the last year, (as at March 2015), nine fire and rescue services have referred a total of nineteen issues to the Joint Secretariat for formal conciliation, whilst over the last decade, the National Joint Council has met on 28 occasions – approximately three meetings per year. Since it was established in 2008, the Middle Managers Negotiating Board has met (as at March 2015), 19 times. Over that decade around 100 issues have been resolved by the NJC, with six cases sent forward to the Resourcing Advisory Panel and nine cases to the Technical Advisory Panel.

However in the last year, (as at March 2015) neither the Resolution Advisory Panel nor the Technical Advisory Panel have been required to meet.

In the remit of both the Technical and the Resolution Advisory Panel the word ‘compromise’ does not appear. ‘Agreement’ and ‘recommendation’ are the possible outcomes described by the remit issued by the NJC. It is, perhaps, the requirement to broker an outcome that has led to the assumption by many that a referral to one of the panels will inevitably result in a compromise solution.

The Technical and the Resolution Advisory panels may also discourage constructive local negotiation as the employee representatives are aware that if they fail to agree locally and hold a position of no change then they are likely to be offered a compromise, even if the proposed changes by the fire and rescue service fully comply with the terms currently within the Grey Book.

Both the Technical Advisory Panel and the Resolution Advisory Panel should be stood down in favour of a direct to ACAS approach should local negotiations break down.

### Section 3.3: Fairness in representation

I unearthed considerable criticism of the mechanisms behind the operations of the NJC and Middle Managers Negotiating Body. There were very mixed views as to how representative the council actually is. The criticism came from both fire and rescue services and some employee representative bodies (although not the Fire Brigades Union, who are very supportive of the NJC). I should point out that the criticism from the employer side was not unanimous and that there was some support for the NJC and in particular recognition that it had a tough role.

Membership of the council is by nomination and individual members of the council are unable to speak during sessions other than through respective chairs.



“Having asked a question during the first Middle Managers Negotiating Body, the Fire Officers Association Chief Executive was told, in no uncertain terms, that only the chair and joint secretaries are allowed to speak and that the Middle Managers Negotiating Body is not a voting area”<sup>23</sup>

The result for many fire and rescue services and employee representatives was a feeling of disenfranchisement. The domination of some fire and rescue services on the employer side together with the domination of the Fire Brigades Union on the employee side left many without a voice, without a way of tabling agenda items or of influencing a resulting debate.

The balance of representation within the national bargaining machinery is dominated by the Fire Brigades Union. On a straightforward representative basis (see diagram below) there is underrepresentation from the other employee representative bodies (and particularly the Retained Firefighters Union). This is likely to be exacerbated by any drive to recruit higher numbers of retained personnel and should be addressed now.

The Fire Officers Association reported to me that they had not been allowed to meet with the Independent Chair of the NJC since her appointment over a year ago, (as at March 2015). Neither had their letter to the chair requesting a meeting been responded to. Whilst I, having met the independent chair, have to believe this is no more than a simple oversight, it does add to the suspicion of exclusion that some (including the Fire Officers Association) have of the operations of the NJC.

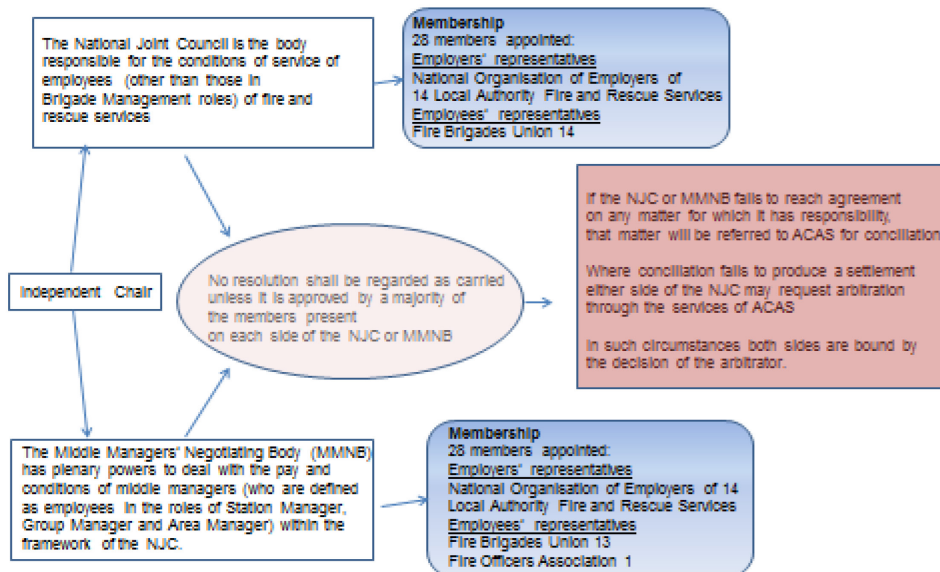
The chair of the NJC should instigate an independent review of the structure and representative make-up of the NJC to enable it to perform effectively at both a local and national level – noting that a number of contributors, from both the employers and the representatives, felt that they were excluded from the council.

It is recognised that this review was commissioned to look at the English Fire and Rescue Service and consequently, because the NJC operates United Kingdom wide, before any implementation of the findings of this review take place appropriate consultation should take place with the other governments which may be impacted by a changing remit for the NJC in England.

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<sup>23</sup> FRS Review of Pay and Conditions, submission by the Fire Officers Association 2014

Figure: Representation of the National Joint Council



## Section 3.4: Right to strike

There were major differences in views on any change impacting the right of firefighters to undertake strike action (withdrawal of labour). Firefighters and their representatives were largely, although not unanimously, of the view that the right to strike was a fundamental right of a worker. However, a right to strike is a misnomer, for there is no right to strike. What the Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) provides for in law is a protection for the union from being sued for inciting breach of contract by calling a strike, including in particular asking members who would not otherwise favour strike action to, nonetheless, strike in solidarity (collective action) with their fellow union members (who are themselves protected from strike action triggering a breach of contract) The legislation also provides some protection to the individual worker. However the words 'right to strike' are used extensively and I have used them in the sense of maintaining or removing the protection offered to trade unions under the Act<sup>24</sup>.

Some thought that the right to strike should have been negotiated away in favour of increased pay and benefits progression for fire fighters. Whereas at senior manager and authority level, views also differed significantly with support for a change away from the right to strike in many Fire and Rescue Services.

<sup>24</sup> Trade Union and Labour Relations (Consolidation) Act 1992

I was able to summarise the response from the Fire and Rescue Services as follows:

- Just over 30 per cent in favour of retaining the right to strike
  - 30 per cent not in favour of the right to strike
  - Just under 10 per cent in favour of greater restrictions\* in the ability to strike
  - 30 per cent who declined to present a view
- \*most commonly this was a greater notice period before strike action commenced.

In some places the view of the chair of the fire authority differed from that of the Chief Fire Officer. Some fire and rescue services found it difficult to take a stance on the question of strike action, whilst others presented two or more views depending on the political make-up of the authority. Those deciding not to express an opinion did so on the basis that taking a stance on this topic would impact their impartiality and is a matter for Government.

The position of firefighters was clear - it is the ultimate protest they can make without leaving the organisation.

The trade union position was also clear as the submission from UNISON sums up:-

The right to withdraw one's labour is a fundamental right, as declared by the International Labour Organisation's convention on the right to organise and bargain collectively, the Council of Europe's social charter and the UN's international covenant on economic, social and cultural rights. DCLG has a duty to respect the United Kingdom's historical position as a supporter of international rights, by upholding workers' rights that have already been ratified by the British Government.

I considered the views expressed to me both written and obtained during the fieldwork phase and these three considerations struck me hardest:

- The expectation from the public that a firefighter will respond to their emergency
- The amount of time a firefighter is engaged on emergency response is very low as a percentage of time at work
- The dedication of the firefighter and the desire to respond to incidents

Blue light response is now only a part of the role of a fire fighter. The majority of the role consists of training and community fire safety - and this is the norm in every fire and rescue service.

Fire and rescue authorities maintain resilience levels during current strike action by relying on non-striking firefighters, managers, auxiliaries and contractors. Most also operate 'return to work' protocols to recall strikers to duty should certain circumstance arise (for example major incidents with people reported trapped by fire or similar emergencies). This arrangement operated best when the watch on duty at a fire station was on picket duty at that station and a return to work simply meant leaving the picket line.

There has been a great deal of effort by some fire and rescue services to reduce the visibility of any strike action by dissuading striking firefighters from performing picket duty. The consequence of this this has been to render any return to work protocol, in such cases, practically useless.

Maintaining resilience cover during industrial action is an obligation for fire and rescue authorities and for some is proving a cost burden that has the potential to impact normal operations.

Whilst the country puts enormous value on the resilience provided by the fire service, and firefighters are held in great esteem by the general public, it does appear somewhat bizarre that emergency response has to be, essentially, negotiated during industrial action.

For this reason Government should consider bringing forward appropriate legislation to remove the protection afforded under the Act to unions when their collective strike action, or action short of strike, impedes the fire service from making an emergency response. There is a precedent for excluding certain workers from the Act and it is noted that specific legislation was enacted in the case of the Police and Prison Officers<sup>25</sup>.

The vast majority of time a firefighter spends at work is not in an emergency response situation but rather training, maintaining fitness, community safety activity or completing formal paperwork. The right to withdraw labour, under collective action and protected by 'The Act' for these or other non-emergency activities should be retained.

- **Industrial relations recommendations**

- I. The NJC should be retained for the purposes of national pay bargaining for basic pay whilst reforming itself to represent employers and employees on a

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<sup>25</sup> Criminal Justice and Public Order Act 1994 section 127/Police Act 1996 - although dates back to the creation of the Police Federation under the Police Act 1919

more local basis for all other conditions of service including incremental pay for acquiring competences beyond 'safe to ride'.

- II. The National Joint Council should consider operating regionally to reflect the requirements of the different fire authorities whilst retaining a national umbrella with respect to basic pay
- III. Remove Technical Advisory Panels and Resolution Advisory Panel (ACAS) and replace with a direct to ACAS approach. Fire Authorities are undertaking a significant amount of local negotiation as they agree positions outwith the Grey Book locally and this will not significantly increase workload or cost – in fact the Knight review suggested that local negotiations save money.
- IV. The Government should recognise the increasing view that the current right to withdraw labour (take strike action) is incompatible with the expectations that the public has of an emergency service. As such Government should bring forward appropriate legislation to remove the protection afforded under the Act to unions when their collective strike action, or action short of strike, impedes the fire and rescue service from making an emergency response. The right to strike being retained for non-emergency activities.
- V. If the Government determines not to bring forward legislation to restrict the right to strike then Government should instigate consultation with a view to agreeing with employees impacted a no strike agreement in emergency situations. The right to strike being retained for non-emergency activities.
- VI. The chair of the National Joint Council should instigate an independent review of the structure and representative make-up of the National Joint Council to enable it to perform effectively at both a local and national level – noting that a number of contributors, from both the employers and the representatives, felt that they were excluded from the council.

# Chapter 4: Retained Duty System

## Section 4.1: Flexible Contracts and legislation

I was presented with very good evidence for both the use and non-use of Retained Duty System personnel. It was a key finding of the Knight review that there was an opportunity to drive up the number of retained firefighters, at the expense of whole time firefighters, and reduce expenditure by up to £123m.

“Increasing the total ‘on-call’ firefighters nationally by just 10 percent (to 40 percent) could provide annual savings of up to £123 million. All fire and rescue authorities must consider whether ‘on-call’ firefighters could meet their risk – it is an invaluable cost-effective service.”<sup>26</sup>

Figure 15: Potential saving from increasing the proportion of on-call firefighters, by governance type<sup>27</sup>

	Authority	Percentage of Retained	Cost	Potential Savings
Current model	County	51%	£212,400,000	-
	Combined	40%	£578,400,000	-
	Metropolitan	3%	£576,000,000	-
	England	30%	£1,366,800,000	-
Possible model	County	65%	£176,800,000	£35,600,000
	Combined	51%	£517,300,000	£61,100,000
	Metropolitan	9%	£549,300,000	£26,700,000
	England	40%	£1,243,400,000	£123,400,000

However – during my fieldwork phase it was apparent that there was a general lack of support for this finding from fire and rescue services. Some simply pointed out they already had far more retained duty system staff than the average presented in the Knight review. For others, many diverse arguments were put forward to me as to why increasing the numbers on the retained duty system or “on-call” staff was not possible.

In the main it was the perceived difficulty in recruiting and retaining 'On Call' staff that dominated the response. Multiple reasons were presented for this difficulty including:-

- Lack of population at key times

<sup>26</sup> Knight review, Facing the future page 7.

<sup>27</sup> CIPFA Fire and Rescue Statistics 2011/12 Actuals, reproduced from Knight review page 32.

- High level of time commitment
- Low pay
- Lack of local employer support
- The local demographics have changed over time.

Others suggested that the Knight review was partially right but rather than simply drive up retained the answer lay in the duty systems deployed; a more flexible (banded) approach to paying Retained Duty System firefighters, including moving away from the 100 per cent or 75 per cent restriction on payments (based on different rates of availability); or the introduction of part-time working.

Some fire and rescue services and fire authorities (particularly those heavily reliant on Retained Duty System staff) suggested that whilst recruitment was difficult it was also a mind-set issue. If a Retained Duty System was important to you then the difficulties were more easily surmountable - with more innovation in recruitment and communication and, it was argued that a national recruitment awareness programme for Retained Duty System personnel would enable local recruitment campaigns to have a greater impact.

Individually, fire and rescue authorities suggested they would not be able to deploy enough budget to raise the awareness of the Retained Duty System for recruitment purposes. This could be addressed by combining their resources. Given that the low levels of whole-time firefighter recruitment has resulted in many authorities avoiding external recruitment and adopting a 'retained to wholetime' approach, recruiting a more diverse retained population will inevitably result in the added benefit of that diversity transitioning through to the whole time workforce.

The general use of the requirement for retained firefighters to report to a station within 5 minutes of a call out (which greatly restricts the availability) is increasingly being challenged with some fire and rescue services increasing the tolerance on this. When Retained Duty System personnel are used for relief cover at incidents then this restriction becomes nonsensical.

There is still evidence in some authorities of tension between whole time firefighters and their retained duty system colleagues. This is clearest when fire and rescue services have segregated crewing. Where authorities do not have any retained firefighters I was assured (with the exception of one authority where I was told it was down to the political/ideological stance of the chair of the authority) that they kept the potential use of the Retained Duty System under review.

I find it difficult to accept that an ideological stance should trump the expertise of the fire and rescue service. In the case above, I am concerned to hear of the operational delivery of the service being taken out of the hands of the experts. Fire and rescue

authorities should be required to provide an annual statement on the use of retained firefighters. Any decision not to use or to cease to use retained firefighters should be communicated in this statement and underpinned with operational evidence provided by the fire and rescue service. This could be provided as part of an annual report on the use of retained and part-time staff (see below).

Another key point in the use of Retained Duty System personnel is mixed crewing (either at a station or on a fire appliance). Again evidence was presented to me of resistance to mixed crewing in some fire and rescue services. Mixed crewing conversations mostly occurred up when I was told a station or an individual fire appliance within a station was 'retained'. In many cases I was told one fire engine was crewed by whole time and the other retained – an interesting definition of mixed crewing. The industrial relations environment was the most common response to challenge as to why individual crews, when necessary, were not comprised of both whole time and retained. Most fire and rescue services indicated that they were making good progress in removing any barriers to mixed crewing, however the current national pensions dispute was offering significant challenge as many retained personnel were forming the resilience workforce during strike action.

It is surprising that resistance to co-working between wholetime and retained firefighters has not been completely overcome throughout the service.

This needs to be investigated further with fire and rescue services required to provide an annual review and statement on the use of retained firefighters. Organisational divides based on working hours is an antiquated system.

Co-operation and joint working is clearly going to be more efficient (flexible hours being reported in the private sector as one of the most important features for high employee engagement) and has been recognised as a way of enabling the Military to retain the skills it requires at the level of affordability available.

The survey by the Fire Brigades Union is helpful in understanding the views of retained firefighters. In the recent YouGov survey, retained firefighters made the following valuable points:

- 90 per cent said that if the minimum retainer was reduced, it would have an effect on recruitment
- 85 per cent believe that people don't work in the same communities where they live and so aren't able to commit to the retained as they were in the past
- 78 per cent perceive that their primary employer is reluctant to give release for employees to undertake retained duties
- 72 per cent believe the situation with the primary employers is exacerbated when the scope of work and number of call-outs increases



- 66 per cent said the prospects for self-employment are limited when the scope of firefighting work and number of call-outs is high.

Interestingly, some 42% believe that retained firefighters are treated well by fire and rescue services and so encourage others to apply. Similarly, nearly half (46%) felt that becoming a retained firefighter is not difficult for the self-employed. Whilst these numbers appear to be reassuring it actually says that more than half feel that they are not treated well by fire and rescue services and more than half saying it is difficult for the self-employed to become retained firefighters.

There are significant numbers of personnel undertaking wholtime-retained contracts across the UK, and increasing them further would increase the number of retained firefighters whilst simultaneously reducing equipment and training costs.

It is both surprising and comforting that Retained Duty System personnel are prepared to commit a significant proportion of their time to being available to respond when required; but as the Fire Brigades Union points out there is not a direct relationship between the number of Retained Duty System personnel and the availability of fire engines. It was common for fire and rescue services to have 'retained' fire engines 'off the run', i.e. unavailable to respond to emergency call-outs.

Many people reported concern about the relationship with the primary employer, with the risk of losing primary employment at the forefront of that concern. If fire and rescue services increase the number of firefighters on retained or part-time contracts in the future then this risk also rises significantly.

There is an opportunity to provide Retained Duty System personnel with the same employment protection as Military Reservists or Magistrates (with protected time off for training and deployment).

Legislation should be brought forward to provide employment protection to firefighters employed on the Retained Duty System. This legislation is already in place for other groups (military reservists, magistrates and so on) and will provide valuable reassurance to on-call fire fighters who worry that their commitments to their community could be at the expense of their employment. The Government will, of course, need to be satisfied that such legislation could be introduced without the benefits of employment protection being outweighed by any resultant impact on business.

This combined with a national awareness programme for retained duty system personnel will go some way to reducing the employment concerns currently being reported.

## Section 4.2: Bounty payments

When a retained firefighter is required for duty there is potential for disruption to either the home life or employer of that individual. Firefighters apply for the retained duty system in the knowledge that they are committing a significant amount of their own time by being 'on-call'. Employers are in a different situation and there is the potential for disruption and financial loss should an retained firefighter employee be called out.

To address this and also to show that employer support for the retained fire and rescue service is important there should be a trial in a limited number of fire and rescue services to evaluate the use of an employer bounty payment. This could be supported by the use of transformational funding.

If successful at increasing the numbers and support for the retained fire and rescue service then it should be rolled out using the principle of spend to save. With the saving generated by the reduction in recruitment costs and an increase in staff retention.

Separate funding to increase the training of fire cadets will further provide a potential supply of Retained Duty System personnel whilst also providing positive engagement for young people and also offers the potential to impact diversity and equality outcomes.

- **Retained Duty systems recommendations**
  - I. Fire and Rescue Authorities should adopt duty systems and staffing which align fire fighter availability to the planned work load (e.g. community safety) whilst providing response cover appropriate to the Integrated Risk Management plan should be encouraged.
  - II. Fire and rescue authorities should be required to provide an annual statement on the use of retained firefighters. Any decision not to use or to cease to use retained firefighters should be communicated in this statement and underpinned with operational evidence provided by the fire and rescue service.
  - III. As part of the annual statement fire and rescue services should be required to provide an annual commentary on the number and use of retained firefighters. And in particular to report on the level of mixed crewing or co-working with wholetime personnel.

- IV. Legislation should be brought forward to provide employment protection to fire fighters employed on the Retained Duty System. This legislation is already in place for other groups (military reservists, magistrates and so on).
- V. A national awareness programme for retained duty system personnel should be produced.
- VI. Trial and evaluate, in a limited number of fire and rescue services, the use of an annual bounty payment for employers of retained firefighters.

# Chapter 5: Management of the Fire & Rescue Service

## Section 5.1: Fire Authorities

### **Number of councillors on fire authorities**

The Knight review suggests that some barriers to change were anchored in local politics and the public's reluctance to accept change to a service for which, in his words, they have an unconditional attachment for.

Conditions of service are set by the employer. The remit within which the employer operates in the fire and rescue service is defined by the fire authority.

The 46 fire and rescue services (as at March 2015) have approximately 800 elected councillors sitting on fire authorities or associated committees. Many Chief Fire Officers spoke about the burden of managing this weighty political oversight. Although many were also quick to point out that they receive excellent support from the most committed members it was clear that the burden of supporting a fire authority and the various committees that spin off the authority draws much time and energy from the senior management team of the fire and rescue service.

A number of fire and rescue service chairs and Chief Fire Officers suggested that a smaller number of elected members on Fire Authority Boards would be an improvement. Some Chief Fire Officers suggested that reporting into an elected Mayor or similar or a board (like the ambulance service) would enable them to provide a better service. This recognised the belief that some decision making by elected members was on Ideological/political grounds as opposed to addressing the needs of the fire and rescue service.

The question is, is there value added benefit from an average of between 15 and 20 elected councillors in any one fire and rescue service providing political oversight and local accountability or can political decisions and this level of oversight actually work against reform and efficiency?

### **Number of Fire and Rescue Authorities**

The economies of scale driving greater opportunities for operations, communication, and use of resources/staffing together with the elimination of duplication (particularly in the introduction of new technology, equipment or working practice) are all powerful

arguments for reducing the number of authorities. But the greatest opportunity must be in bringing together support functions and decreasing the ratio of managers to staff.

The size of fire authorities together with their sub-committees also generates a formality and inflexibility which when combined with the current national approach to bargaining produces an enormous drag on change. Membership of local authority fire committees also appears to be held in high regard by the elected councillors who sit on them, which could cause further resistance to any future change.

Some (for example Tobias Ellwood MP) have proposed<sup>28</sup> more than just the combination of fire authorities but rather a more radical partial or total integration of the fire and rescue service with the ambulance service and the police. I did not identify wide support for this level of integration, although it was clear that there is an increasing amount of activity exploring the potential for collaboration.

Regardless of the size of the authority simplicity of command and clear communication of vision to all personnel is essential. In the private sector it is often termed 'line of sight' or even a 'golden thread' that joins the vision and strategy of the leadership to the operational delivery at the front line.

As covered in the section 4) c. culture and trust I found team working excellently delivered at watch level and even within each management layer, but relationships between layers of management varied significantly. Additionally shrinking fire and rescue services are going to struggle to find the managers and leaders of the future from within their dwindling ranks and given that the overwhelming view I took from the review was that 46 fire authorities mean any change appears to be required to undergo evaluation, be proven and then implemented 46 times.

There is a strong argument for reviewing the number of fire authorities. Mergers could offer the opportunity to create critical mass, not just in operational delivery or delivery of change or new technology, but also in recruitment, succession, training and development.

I found support for a reduction in the number of fire authorities from employers and employee representatives alike.

Larger organisations can be more efficient and provide a better leadership pool (see recruitment below). Fire and rescue services should create critical mass by collaborating in areas such as recruitment, leadership, succession, training and development.

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<sup>28</sup> Tobias Ellwood, Improving Efficiency, Interoperability and Resilience of our Blue Light Services, 25 June 2013

## Section 5.2: Recruitment

The focus on efficiencies in recent years is probably most visible by the lack of recruitment in most fire and rescue services over the past seven or eight years. This coupled with very little forecast recruitment (again in most authorities) for the foreseeable future will result in a management 'gap' of possibly a generation (15 – 20 years).

This reduction in the numbers of firefighters recruited, coupled with low academic entry requirements (either no academic qualifications or up to two GCSE's)<sup>29</sup> potentially pose serious challenges to the identification and training of future middle and senior managers of the fire and rescue service.

Changes in (or the introduction of new) technologies, working practice and even crewing levels may also call for future entrants to have different skills and behaviours (and career potential) than recruits from previous or current recruitment campaigns.

The senior management of the service is currently mostly drawn from a very small talent pool of long serving, technically skilled officers. This pool is reducing and as the number of firefighters reduces, the pool will reduce further. There is also a disconnection between the competencies used to recruit and those required to aspire to management levels.

Understanding where the future leaders of the industry will be drawn from, given this gap, is a concern. The fire and rescue service is an industry where the vast majority of management are recruited into entry level roles. Those with the skills, behaviours and competencies to progress into managerial roles do so via promotion either within their own fire and rescue service or, (usually only for more senior appointments), by transferring into another.

Appointment into managerial roles is competitive and despite very low academic entry qualifications, to date, there have been enough candidates to generate good talent pools to feed the recruitment process. There is no evidence that, currently, fire and rescue services are struggling to appoint appropriately qualified senior management, even those fire authorities who have allowed their Chief Fire Officer to retire and be re-appointed have satisfied me that the reason behind re-engagement was not related to lack of talent.

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<sup>29</sup> An assumption that stating minimum qualification requirements is discriminatory is apparently accepted throughout the service and yet this is not something that is generally accepted in the recruitment industry.

When recruitment activity is healthy and reasonable numbers of new recruits are joining, it is reasonable to assume that the talent pools, despite those low academic entry requirements, will contain suitable candidates to meet future senior managerial needs. However, should the numbers entering into that talent pool reduce or dry up, for example by low levels of recruitment over a number of years, then there is a risk that finding suitable senior managers is essentially being left to chance.

I did not see any authorities changing their recruitment requirements to counter this potential risk. Either they are blind to it (effectively leaving future management appointments to chance that sufficient talent will emerge) or they expect to address the issue in a different way, possibly by the introduction of lateral recruitment or fast track management schemes. Certainly very few fire and rescue services were able to supply a strategic workforce plan, as requested, during the information gathering phase.

It is also clear that widening this talent pool could introduce senior managerial competencies at the level required to drive change, deliver innovation or remove barriers by approaching activity without preconceived ideas or ways of working.

Direct entry above the rank of firefighter already occurs. As at March 2015, two fire and rescue services had appointed their current Chief Fire Officer (or rather Chief Executive Officer) via this route. London also has a graduate entry cadre. I found little appetite (mostly because they could not justify the cost given the size of the fire and rescue service nor did they have roles available) for formal graduate recruitment schemes - although every authority I spoke to recognised that the low levels of recruitment over 10, 15 or even potentially 20 years is storing up a major risk for them.

Whilst mergers of fire authorities may provide a solution in the longer term I recommend that an industry wide lateral recruitment scheme should be launched. A good model is the Track and Train programme<sup>30</sup> covering the rail industry. Whilst Track and Train is focused on graduates it doesn't necessarily follow that a scheme covering the fire and rescue industry has to be restricted to graduates. The aim of creating lateral entry points, whilst allowing for full training, will mitigate against the management chasm that is an impending risk in the future.

Additionally lateral recruitment is also a way to achieve increased diversity and equality within more senior management layers that would otherwise take an individual many years to achieve. Fire and rescue services should explore a collaborative approach to the creation of succession plans and senior leader

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<sup>30</sup> <http://www.trackandtrain.org.uk/>

programmes with more cross authority developmental moves. A reduction in the number of fire and rescue authorities would greatly assist this – see above.

It is noted that the Police have recently introduced direct entry at Superintendent level<sup>31</sup>.

Widening the attractiveness of a 'professional' career in Fire and Rescue is also difficult 1) because turnover is low and 2) the increase over the last 20 years of those achieving graduate level qualifications may have had the unintended consequence of dissuading them from applying as they seek 'graduate' careers and companies that target graduates for entry level roles. Many potential candidates with degree level qualifications, seeking professional careers, may not apply for roles with no or low academic entry requirements. In reality the low levels of recruitment coupled with high volumes of applicants have masked this issue.

Making recruitment processes harder will mean less people passing through the rigorous sift and selection processes and whilst this means more candidates will need to be put into the system, this can be easily managed (at virtually no cost) by any modern applicant tracking system. The larger number of candidates reached by the campaign allows for more activity to attract diverse and under-represented groups, particularly those with the skill sets to grow into future managers. This is directed at the wholetime service, where the candidate, should one would hope, be demonstrating ambition to rise further in the organisation. The situation is different for the retained, where this is not their primary occupation, and unlike the wholetime, there are recruitment issues. For them a lower academic entry point is entirely appropriate.

So in addition to the introduction of a lateral recruitment programme across the fire and rescue industry I suggest raising academic standards within the recruitment process standards. This will provide for a higher educational standard of recruits and provide seed corn for future development into senior managers. A consequence may be higher levels of turnover. However, importantly, increased turnover may allow a greater focus on equality and diversity enabling the service to change quicker to represent the community it serves.

Recruitment and selection standards should be immediately raised. Currently, where recruitment is taking place (and there is an academic standard) two GCSEs or equivalent is all that is typically required. Low levels of recruitment over many years require fire authorities to consider the risk of a gap in future management

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<sup>31</sup> <http://www.cipd.co.uk/pm/peoplemanagement/b/weblog/archive/2014/03/31/police-recruitment-shake-up-will-see-external-leaders-join-top-ranks.aspx>



competence. High application volumes means candidates are plentiful and the risk of failing to hire is almost negligible.

Finally I found it surprising that so few fire and rescue services were able to show me a strategic workforce plan.

A strategic workforce plan combines workplace change, technology, demographics and turnover to produce a staffing strategy which forms a major part of any strategic decision making. Without a workforce strategy/plan, decision making can become short term and opportunities for wider impact can be missed. For example failure to link leavers (either natural or via redundancy) to recruitment will leave gaps, or the introduction of new technology is slow because the people element is not considered early enough.

Components of a strategic workforce plan for a fire and rescue service may include collaboration with other authorities, crewing and staffing arrangements, location of stations and other property/facilities, redundancy, training programmes and introduction of different ways of working. The early involvement of the trade unions is an essential component of the plan.

Finally, all fire and rescue services should maintain an up-to-date strategic workforce plan.

There is a disconnection between the competencies used to recruit and those required to aspire to management levels. Consequently the entry level roles are lacking in future potential. This is further exacerbated by a lack of lateral entry points to boost management and leadership competence at any given level. It could be argued that the overall attraction and selection process, whilst robust in selecting from any given talent pool, is ultimately flawed in that it is focused on identifying entry level talent.

To summarise, the quality of recruitment seems to vary between fire and rescue authorities.

## Section 5.3: Training and development of workforce

### **I. Base level training**

It was explained to me that currently a firefighter is a firefighter: in other words, all fire-fighters are required to achieve the competencies that define the role of fully

trained fire fighter. These competencies are set at a level which allows for complete interoperability between firefighters. There is an assumption that firefighters on all duty systems, including the Retained Duty System, have and are required to have, the same skills.

From the discussions I had and the evidence submitted the reality seems to be somewhat different. Firefighters take roles, some are at different levels of training, and there are specialist roles outside of the Grey Book. Additionally, at the moment losing competencies risks job loss.

Now is the time to consider moving from 'a fire fighter is a fire fighter' to a base level of training for all, rather than everyone attaining all competencies. This would include a basic 'safe to ride' status providing a level field between the currently differing conditions of service and opens the way for more flexible ways of working that are underpinned by the introduction of job descriptions and enhanced competencies as required by the local integrated risk management plan.

There is of course sensitivity in suggesting that in the future firefighters may not have all the current competencies. It may suggest that they would not necessarily be fully skilled and therefore present a risk. Feedback to me suggests otherwise.

Training is currently delivered on the basis that all firefighters require the same skills with fire and rescue arguing that this increases flexibility. I am not so sure.

Replacing the current training programme which assumes all firefighters must be equally skilled with a base level of training to be 'safe to ride', complemented with additional competencies, will allow fire and rescue services to more closely align training and technical competence with the Integrated Risk Management Plan. This will also drive better management and planning allowing progression and the attainment of additional competencies in line with that plan.

Fire fighters will be able to achieve more competencies (and pay) aligned with the local requirements. Additionally firefighters who (for whatever reason) lose competencies can retain a firefighter role – aligning fitness with the roles firefighters are best able to perform. Benefits could include – enabling firefighters to serve longer, continue working whilst rehabilitating from illness or injury, continue working at lower fitness levels, acquire specialist skills quicker and integrate better with retained firefighters.

The result is:

The right number of firefighters, with the right skills and fitness levels to support the fire authority's Integrated Risk Management Plan.

Evidence of promotion outside of 'home' station or movement cross authority is limited. Usually the movement is at senior officer level. Collaboration between authorities should be encouraged in this respect, including the movement of resources at all levels of management (but particularly at first level management). This is in contrast to the current situation whereby typically only senior officers move between fire authorities. Indeed, I was given anecdotal advice that movement at lower levels was actively discouraged.

Most promotion takes place directly from the ranks with the newly promoted officer managing teams or working in close proximity to teams they were previously part of. Moving from team member to team leader is a crucial first step in a managerial career. It is only natural and right to feel an affinity with colleagues with whom an individual has learnt their trade.

However, the responsibilities of leadership and management require a line of sight that reaches beyond the immediate team and can cause conflict within that team. For example, taking responsibility for absence management can put a new manager into conflict with a former colleague who is being subject to a performance management process. Whilst this is almost a self-evident statement it should not be underestimated how difficult it can be to undertake such action.

If fire and rescue services cannot offer promotional opportunities away from the original place of work/watch then preparatory management training should be available as part of a strategic workforce development plan. Management training needs to precede appointment as a manager.

Resistance to change is often a result of satisfaction with current performance and a lack of desire to continually push the boundaries. Exposing people to more change, different practice and ways of working, together with working in management teams with different expectations and standards will encourage more stretch in personal delivery and performance, including the transferability of those experiences from one authority to another.

As communicated to me by the Fire Brigades Union, firefighters are also rightly concerned about the quality of training they receive to do the job safely. However, opinion was evenly divided about recent training, with 36% believing the quality of training had worsened, 31% saying it had improved and the remaining third suggesting it was about the same.

Training is vital to undertake any role safely and effectively. Training has to be of the highest standard, but it also has to be relevant to the role that is being undertaken. Automatically training an individual in all competencies will not make

them safer and more effective unless they actually use those competencies. Aligning training with the role undertaken is key and Role based training should be available equally to operational (Grey Book) and support (Green Book) personnel.

## **II. Leadership and management training**

All firefighters undertake common skills based training on joining and that training continues throughout their careers. There is also a comprehensive leadership training programme for those moving from firefighter into officer ranks.

Earlier, in section 4) The Working Environment, I discussed change management, in particular focusing on why positive change didn't seem to flow across the fire and rescue service and implementations seemed to be undertaken multiple times. One variable is, of course, the ability of the manager to make change happen.

One submission to the review made the following observation: -

“My take on the fire and rescue service nationally is that it appears to be “over managed and under led” at times. Perhaps my weak management infrastructure comment should extend to weak leadership. There appear to be significant barriers and/or resistance to progress or acceptance of any transformational change and the bureaucracy of the national negotiating structure would appear to provide the mechanism for this to flourish.”<sup>32</sup>

The suggestion is clearly that the fire and rescue service does not have the leadership quality needed to challenge the barriers to change and to drive through solutions in the face of resistance (wherever that resistance is coming from)

It is useful to understand the difference between managing change and leading change. John Kotter, emeritus professor of change at Harvard University describes it as follows: -

I am often asked about the difference between “change management” and “change leadership,” and whether it's just a matter of semantics. These terms are not interchangeable. The distinction between the two is actually quite significant. Change management, which is the term most everyone uses, refers to a set of basic tools or structures intended to keep any change effort under control. The goal is often to minimize the distractions and impacts of the

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<sup>32</sup> Confidential submission from a serving individual

change. Change leadership, on the other hand, concerns the driving forces, visions and processes that fuel large-scale transformation.<sup>33</sup>

Creating change leaders for the fire and rescue service will be key to the future success of the industry. The challenge to deliver ever more efficiently and effectively in changing political and economic environments will require investment in producing the very best leaders.

I note that the Chief Fire Officers Association, in partnership with Warwick University Business School, have been instrumental in delivering the Executive Leadership Programme (ELP) designed to develop leadership capabilities in the fire and rescue service. Unfortunately the programme is not mandatory, nor is it being used by all fire and rescue services. Whilst a good number of fire and rescue services do support the programme with student nominations of Group Managers and upwards, some do not. I am aware that some fire and rescue services opt for alternative executive development programmes as is the case with one authority who utilise faculty from Harvard University, USA.

Recognising that the Warwick leadership programme is the most widely utilised across the fire and rescue service, I am unconvinced that multiple leadership programmes is the appropriate way forward. The Warwick programme is delivered by a world class university that delivers similar programmes to a wide range of UK industries. Additionally a key issue here is that fire and rescue services look to invest in high quality, value for money leadership development programmes which could be scoped within their annual assurance statements.

Fire and rescue services not using the ELP should reconsider doing so.

## Section 5.4: Gold Book/Principal Officers/Brigade Managers

### **I. Gold Book**

Quite simply there was very limited evidence of any fire and rescue authority actually using or valuing the Gold Book. I asked, on many occasions, principal officers within the fire and rescue service and also fire authority chairs and elected members if they could remember the last time they had used or referred to the gold book. At no point in the field work phase was anyone able to reach for a copy. Some even admitted to never having read any part of it.

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<sup>33</sup> <http://www.forbes.com/sites/johnkotter/2011/07/12/change-management-vs-change-leadership-whats-the-difference/>

With many authorities moving their principal officers pay away from the Gold Book I looked to see if the policies and procedures within it continue to have relevance. Whilst some authorities are still using the Gold Book as a conditions of service manual, many had moved away from this and had replaced it with contracts of employment. This was particularly the case with many county authorities.

So with the very general lack of support, with many authorities paying outside of the Gold Book terms and issuing completely separate contracts of employment I was unable to unearth any meaningful reasons to maintain it (other than to maintain the status quo). It would be fair to note that a minority of authorities did indicate that they would keep the Gold Book however no authorities were able to describe a practical benefit in retaining the Gold Book.

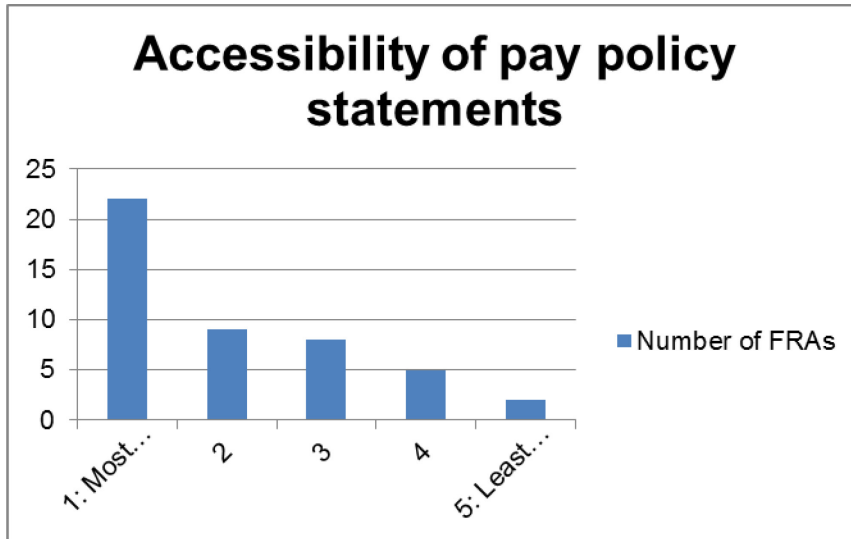
It is my view that the Gold Book conditions of service (for Principal Officers and Brigade Managers) should be discontinued. Given that local arrangements have effectively already superseded the Gold Book there should be nil or negligible transitional cost.

## **II. Accessibility of pay statements**

Sections 38 to 43 of the Localism Act 2011 require councils and fire and rescue authorities in England and Wales to prepare and approve a statement setting out their policies in relation to a range of matters on the pay and reward of their staff, particularly senior staff.

The ease of access (transparency) of these policies varies considerably between authorities and it is difficult to ascertain if 1) the policy and 2) the consequential pay decisions meet the legal requirements placed on the authority, an example being the stance taken by Cambridgeshire on the retirement and re-employment of staff which triggered an exchange of letters with the Fire Minister at the time. However it would be unfair to simply single Cambridgeshire out. There are a number of authorities who, in my view, could do more to improve transparency and their scrutiny committees should review the spirit of their compliance with the Localism Act.

Certainly in some instances policies (whilst technically published) are almost buried in papers prepared for meetings. To illustrate this point, I arranged for a search of authority websites to locate the pay policy statements and assess how easy they were to find – see diagram below.

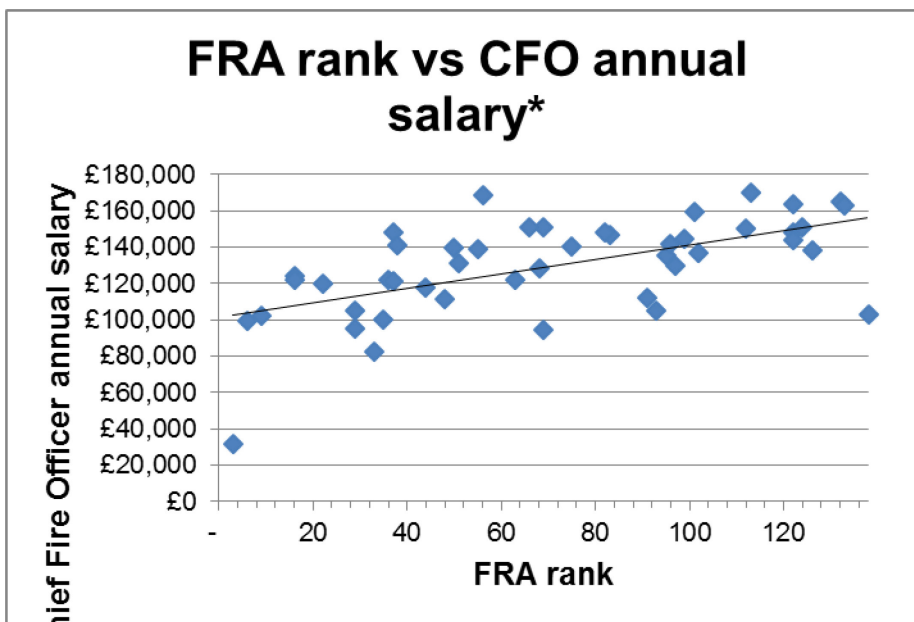


All fire and rescue services and fire authorities should review the accessibility of their pay policy statements.

### III. Job Evaluation

The terms of reference asked me to consider the arrangements for agreeing remuneration of senior officers in fire and rescue authorities.

A review of the current (March 2015) remuneration (salary) against a simple algorithm representing complexity of role gave limited correlation of salary versus size of the role.



\*The low data point at £31,700 is the part time salary of the chief fire officer of the Isles of Scilly.

The size and complexity of the role is represented by the scale FRA rank. Each fire and rescue service was assigned a FRA rank score by ranking three variables independently and then combining and summing the ranked scores.

The three variables used were: -

1. The population of each Fire and Rescue Service
2. The gross expenditure of each Fire and Rescue Service
3. The total firefighter headcount (whole time and retained) of each Fire and Rescue Service

This method gives a final 'Fire and Rescue Service size' table, which can then be compared against the Chief Fire Officer salaries. The salaries used are shown in appendix 4.

Using the above approach there a correlation of 0.588 between salary and the size/complexity of the fire and rescue service. However it is not the actual correlation that is the issue. The number of outlying points is significant and those above the correlation are particularly relevant as these show which roles have a level of remuneration which may appear generous given the level of complexity of the fire and rescue service.

For the purposes of establishing if there is a concern (to answer the question posed by the terms of reference) I used a simple three point factor approach to complexity with an assumption that variables such as population covered, spend, and number of employees directly relate to the size of the role undertaken.

From my field work it was apparent that a three point factor approach may be too simplistic. Principal Officers, in many instances, have responsibilities that range far beyond that of managing a fire and rescue service. In county fire authorities it was common to find roles such as Head of Highways, Children's Services or Coroner's Office (amongst others) to be part of the job description of a Principal Officer. I also recognised the very different challenges of running a metropolitan or a rural service, the very different relationships between the Chief Fire Officer and the Chair/members of the Fire Authority and also the industrial relations environment.

In terms of pay, principal officers are either paid under the Gold Book terms (see above) which allow for a twin track approach of core basic salary, topped up with a local variable amount set locally or are taken out of the gold book terms and paid on a local authority scale. Different job evaluation approaches are taken to align roles at the appropriate point on these scales.

The Gold Book sets minimum not maximum pay levels – which itself is a little surprising. It is more customary to find maximum salary levels, or at least pay bands with a minimum and maximum. Currently by virtue of the twin track approach



combined with local authority alternative scales it is difficult and probably impossible to compare principal officers' pay across the industry.

In order to offer comparison across the all authorities a common methodology is required. I noted that various job evaluation schemes have been deployed by a number of fire authorities but these have been focused on alignment to grades rather than cross industry salary benchmarking.

I asked PwC to consider the above points and the terms of reference of this review to suggest a route forward to provide, based on all job factors, a methodology which would allow genuine comparison across all principal officer roles, regardless of authority, or if the individual was within or outside the Gold Book terms.

PwC have provided that methodology (see appendix 7 for the full report).

Until there is a comparative way to look at principal officers' roles across authority boundaries in a fair and transparent manner it is not possible to assert if the current structure governing the pay of the principal officers of the fire and rescue service is delivering appropriate value for money with respect to other fire authorities.

A comprehensive job evaluation analysis of all the principal officer roles across the fire and rescue service would need to be completed to allow for that comparison to be made. Should such an exercise be completed it would provide an objective justification for setting pay, allow for external comparison, transparency and additionally some element of market-based pay to be introduced. An expected added benefit would be the ability to compare roles externally, therefore increasing the potential talent pool for future appointments and succession planning.

#### **IV. Chief Fire Officers Association**

During the field work phase of my research I was taken by the number of people who pointed out the stability of tenure of the Local Government Association, the key players from the various Trades Unions, the National Fire Policy team and many others and contrasted it with the rotating presidency of the Chief Fire Officers Association whereby a president serves just one year in office.

I note the many initiatives being led or supported by the Chief Fire Officers Association (CFOA) and the role they take in leading and influencing the fire and rescue service.

In their own words<sup>34</sup>: -

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<sup>34</sup> Chief Fire Officers Association website, [www.cfoa.org.uk/about](http://www.cfoa.org.uk/about), 2015

“CFOA is the professional voice of the UK fire and rescue service, supporting members to fulfil their leadership role in protecting local communities and making life safer through improved service delivery”

“Providing professional advice to inform government policy, CFOA is committed to developing both strategic and technical guidance and sharing notable practice within the wider FRS”

“CFOA is the driving force in managing change and implementing reforms in the service”

I also note that the route to the presidency is via a two year introduction as vice president elect, vice president and then in the third year president.

In the absence of a single national fire service or fire inspectorate, the role undertaken by CFOA, is key in providing consistency across the industry, cross authority leadership in fire and rescue matters, and independence from any one authority or Government.

To align better with those that CFOA interact with and influence, I recommend that the board of directors and wider membership of CFOA consider whether it would be advantageous to appoint a president for a period longer than one year.

- **Management of the Fire and Rescue Service recommendations**

1. Fire authorities should keep the number and level of commitment of fire authority elected members under review. The right number may differ by authority but should be large enough to allow scrutiny without becoming burdensome on operational delivery.
2. Recruitment and selection academic standards should be immediately raised.
3. Fire and rescue services should create critical mass by collaborating in recruitment including lateral recruitment into ‘fast track’ management programmes.
4. Fire and rescue services should explore a collaborative approach to the creation of succession plans and senior leader programmes with more cross authority developmental moves
5. Where collaboration could lead to more formal mergers, Government should find transformational funding to support the creation of larger fire and rescue services that offer critical mass in areas of technology introduction, recruitment, succession and development.

6. Fire and rescue services should maintain an up-to-date strategic workforce plan.
7. Fire and rescue services that cannot offer promotional opportunities away from the original place of work/watch then preparatory management training should be available as part of a strategic workforce development plan.
8. The expectation that all fire fighters attain the same, maximum, level of competency should be removed. The wide and increasing range of roles and activities undertaken by fire fighters calls for a more sophisticated alignment of capability with the activity required in support of the local Integrated Risk Management Plan than can be provided by the view that 'a fire fighter is a fire fighter'.
9. Training and pay should reflect a 'safe to ride' measure – basic core skills and core pay followed by competency based increments as required (which in the event of losing that competency means that the fire fighter retains their job albeit without that competency).
10. To create and maintain (in the face of decreasing numbers) a cadre of managers capable of becoming future fire and rescue service leaders, a standardised industry wide approach to leadership development should be adopted.
11. Fire and rescue services not using the Executive Leadership Programme should reconsider doing so.
12. A lateral, industry wide, recruitment scheme should be created. This will fast track managers through the experiential requirements and into senior roles.
13. The Gold Book (conditions of service for principal officers) should be removed along with that for Brigade Managers. With pay and conditions of service agreed locally subject to the introduction of a more sophisticated job evaluation programme that better reflects job size, role complexity and other duties in a way which allows inter authority comparison.
14. All fire and rescue services and fire authorities should review the accessibility of their pay policy statements.
15. The Chief Fire Officers Association should consider increasing the term of office for the role of president from 1 year to 2 or 3 years – to provide increased stability of leadership.

# **Appendix 1**

## **Terms of reference**

To review the conditions of the service of chief fire officers and firefighters, and the processes by which they are determined to consider whether they present barriers to the reform, improvement and efficiency of fire and rescue services.

In particular, the review should consider barriers to:

- the flexibility and responsiveness of staffing and crewing arrangements.
- collaboration and integration with other emergency services.
- the increased use of on call firefighters.
- clarity of process in the fair recruitment and remuneration of senior fire officers and fire officers

The review should also consider the national arrangements for agreeing conditions of service, in particular:

- whether a UK-wide process remains appropriate;
- whether there is sufficient independent advice and expertise in the process;
- whether there are sufficient mechanisms to ensure that conditions of service keep pace with the rest of the public sector;
- consider the current usefulness of the Grey and Gold Books, and the present arrangements for dispute resolution within the Grey Book;
- consider the arrangements for agreeing remuneration of senior officers in fire and rescue authorities;
- identify any barriers in moving between the Grey and Green Books;
- the impact on services by the undertaking of activity, by firefighters, outside of normal working hours/shift systems.

In conducting this review, the review team should consult with fire and rescue authorities, firefighters, representative bodies, and others they deem relevant. It will report to government, but should make recommendations to others, including fire and rescue authorities and representative bodies. The cost of any recommendations should be calculated and in sufficient detail to enable effective implementation.

## Appendix 2

### Governance structure for fire and rescue and geographical location (as at March 2015)

	<b>Local Authority</b>	<b>Membership</b>	<b>Funding Route</b>
County (11)	Fire and rescue services are part of the County Council.	One of the County Council members is portfolio holder for fire and rescue.	Funding to the county but not clearly identified and not ring-fenced, council sets the budget of the fire and rescue service. No separate fire precept.
Unitary (4)	Fire and rescue services are part of the Unitary authority	Various, set out in legislation.	
Combined (24)	A stand-alone authority covering pre-1992 county council areas, including a combination of residual county councils, district councils and unitary authorities.	Maximum 25 elected members nominated from constituent authorities.	Funding direct from central government, plus precept across constituent authorities.
Metropolitan (6)	A stand-alone authority covering the area a number of Unitary Authorities within the Metropolitan Counties set out in 1974.	Membership is set out in Local Government Act 1985, which specifies numbers from each constituent council.	
London Fire and Emergency Planning Authority (1)	A stand-alone authority including emergency planning, covering 31 London Boroughs plus City Corporation.	17 elected representatives plus 2 Mayoral appointees.	Separately identified, but funding to the Greater London Assembly is non-ring fenced. The GLA then set the budget requirement for LFEPA. No separate fire precept.

# Appendix 3

## Fire & Rescue Authority Governance and Location (March 2015)



# Appendix 4

## Chief Fire Officer annual salaries and complexity rank

Data for Chief Fire Officers' salaries has been obtained from each fire and rescue service website. Fire and Rescue Authorities are required to include the salaries of senior officers in their annual Statement of Accounts.<sup>35</sup>

Number	Authority	CFO Total reward <sup>36</sup>	FRA Rank <sup>37</sup>	Visited during review
1	Merseyside	£170,000	113	✓
2	Cambridgeshire	£168,302	56	✓
3	Greater Manchester	£165,000	132	✓
4	Kent	£163,600	122	✓
5	West Midlands	£162,903	133	✓
6	South Yorkshire	£159,701	101	
7	West Yorkshire	£151,172	124	
8	East Sussex	£151,123	69	
9	North Yorkshire	£150,661	66	✓
10	Lancashire	£150,000	112	✓
11	Cleveland	£148,422	37	✓
12	Essex	£148,266	122	✓
13	Leicestershire	£148,220	82	✓
14	Cheshire	£146,972	83	
15	Staffordshire	£144,873	99	✓
16	Hampshire	£143,823	122	
17	Nottinghamshire	£141,592	96	
18	Durham	£141,400	38	✓
19	Derbyshire	£140,536	75	
20	Buckinghamshire	£140,000	50	✓
21	Berkshire	£138,857	55	

<sup>35</sup> Data was taken from accounts published September 2013.

<sup>36</sup> Amounts quoted do not include pensions

<sup>37</sup> See page 69 for the definition of 'FRA rank'

22	Devon and Somerset	£137,954	126	
23	Tyne and Wear	£136,611	102	✓
24	Humberside	£135,779	95	✓
25	Dorset	£131,301	51	✓
26	Avon	£130,080	97	
27	Norfolk	£128,100	68	
28	Shropshire	£124,008	16	
29	Warwickshire	£122,254	16	
30	Hereford & Worcester	£122,027	63	✓
31	Northamptonshire	£122,000	36	✓
32	Oxfordshire	£121,176	37	
33	Gloucestershire	£120,146	22	✓
34	Suffolk	£117,465	44	
35	Surrey	£111,838	91	
36	Lincolnshire	£111,223	48	
37	Hertfordshire	£105,330	63	
38	Cumbria	£105,000	29	
39	London F&EPA	£102,626	138	✓
40	Northumberland	£102,000	9	✓
41	Wiltshire	£100,151	35	
42	Isle of Wight	£99,721	6	
43	Bedfordshire	£95,085	29	
44	Isles of Scilly*	£94,699	3	
45	West Sussex	£94,260	69	
46	Cornwall	£82,500	33	

\*The CFO for the Isles of Scilly works 7.4 hours per week as Chief Fire Officer. The annualised salary is £94,699



# Appendix 5

## COBRA – Cold Cut Systems

I have included a more detailed reference to COBRA as it was utilised as a question during the field work phase (late 2014) of the review. Fire and Rescue Services were asked why they were or were not implementing COBRA as an example of trying to understand why change is happening in some fire and rescue services and not in others.

There is no endorsement of the technology nor any suggestion that this is a product or process that should be rolled out across the fire and rescue service.

Cobra is a firefighting system developed by Cold Cut Systems of Sweden. COBRA utilises high pressure water (300 bar) and can be used in conjunction with an abrasive compound to cut through materials releasing high pressure water droplets to a fire compartment. These water droplets are proven to absorb heat in the compartment and very quickly, using minimal water. I.E. temperature levels that are near flashover levels +600°C are reduced to below 100°C in under a minute, using only 1 litre of water thus reducing water damage and more importantly allows firefighting operations to be carried out externally in a safer area (traditional methods crews are deployed into fire compartment) also improving conditions for casualties.

Northamptonshire Fire and Rescue Service is a proactive user of this technology and gradually installing the equipment to standard and specialist fire appliances. The Cobra concept forms part of a new firefighting approach, using innovative technology to extinguish structural fires, combined with thermal image cameras and Positive Pressure Ventilation, a more effective firefighting technique can be applied.

Northamptonshire Fire and Rescue Service have trialled and introduced Rapid Intervention Vehicles and or COBRA Intervention Vehicles (CIV) which are smaller vehicles than traditional fire appliances (van) that utilise COBRA technology to back up the traditional response with fire appliances, or to supplement fire cover where this is reduced due to staffing issues I.E. Retained Duty System areas where crew levels can be unpredictable due to crews primary working commitments or other operational activity.

The RIV, CIV provides a capability to intervene in **some** fires with potentially reduced crewing levels whilst waiting for additional/ traditional resources to intervene offensively.

## Appendix 6

### Percentage of fatalities thought to be already dead when firefighters arrived

<b>2013/14</b>	
Thought to be already dead when Firefighter arrived	131
<b>Grand Total</b>	<b>131</b>
<b>2013/14</b>	
Alive on leaving scene, but died later	74
Not known	9
Thought to be already dead when Firefighter arrived	131
Unable to resuscitate at scene, confirmed dead at hospital	19
Unable to resuscitate, confirmed dead at scene	40
<b>Grand Total</b>	<b>273</b>
	48%

# **Appendix 7**

## **Full PwC report on Job Evaluation for Principal Officers**

### *Purpose*

- 1.1 PwC was asked by independent reviewer of the Fire & Rescue Service (FRS) terms of service, Adrian Thomas, to provide observations and comments related to an approach on how a review of Senior Fire Officers pay could be undertaken.
- 1.2 As per an email from Adrian Thomas on 1 February 2015, PwC was asked to provide commentary on the following:
  - 1.2.1 A method of evaluating the size of Senior Officers' roles across England taking into account the different types of authorities and the different regions of England. PwC was asked to consider what might be a preferred approach and the reasons why;
  - 1.2.2 The disparity of Principal Officer pay across the different Fire and Rescue Authorities;
  - 1.2.3 The impact of any changes to role size under job evaluation should there be a reduction in the number of authorities;
  - 1.2.4 The legality of "retirement and rehire", ensuring the difference between rehire into the same or different role is communicated transparently and approved by the fire authority.
  - 1.2.5 The financial implications on the public purse from allowing firefighters to retire and by re-hired with a pension abatement? It is recognised that recruitment costs are avoided, employer/employee pension and/or NI contributions may be avoided, lump sums taken from pension schemes will reduce the size of the pensions reserves and may impact valuation, etc. and;
  - 1.2.6 Consideration of any change of the potential impact on the available talent pipeline (internally or externally).
- 1.3 The purpose of this paper is to provide views on one possible approach on how Senior Officers' remuneration packages could be reviewed. PwC recognises there are other valid approaches.

## Scope

- 1.4 PwC understands as part of the review of Senior Fire Officers' terms of service, the process behind the establishment of Senior Officer Pay in the Fire and Rescue Service is being considered. Part of this assessment is to assess whether national arrangements for remuneration remain competitive and consistent within senior roles.

## Rationale for the Review

### *Disparity across the country*

- 2.1 Reviewing pay across the different Fire and Rescue Authorities, there is evidence which points to a discrepancy between salary level and the size of the role (considering the number of employees within a service). Furthermore, after a high level review of job descriptions of Senior Fire Officers it appears some roles include certain responsibilities which are disproportionate to their remit. This creates complexities when comparing roles, as further analysis will be required to objectively compare roles.
- 2.2 Currently, PwC understands that the pay of a Senior Officer is decided by two factors: 1). a National Pay Scale as detailed in the Gold Book plus 2). a locally decided element (which can be as large or larger than the national award). In some cases the Senior Officers are on a local council salary scheme and are outside the Gold Book entirely. In these cases pay is 100% locally driven. It appears around 300 Officers are in roles which are covered by the Gold Book.

### *PwC's understanding of why is it a challenge?*

#### 2.3 *Impact on the Talent Pool*

PwC understands that generally, due to few academic qualifications and an increase in in-house training available, there is a view shared by some Fire Officers that working up the ranks will lead to senior roles. However, there is an opposing view that Senior Officers are operational leaders and/or managers, so do not require in-depth knowledge of the Fire & Rescue Service's processes and procedures. These contrasting views lead to an interesting debate about the future of the Service.

PwC understands that recruitment is generally reassigned to those already in the role. This could lead to talent pools stagnating or even shrinking, putting the future of effective service delivery at risk. PwC understands that it has

been agreed that external recruitment is needed to bolster the skills and fill in a potential talent gap.

#### 2.4 *Retire and Rehire Dynamic*

PwC understands there may be some disillusionment by the public regarding the ability of individuals within the public sector to retire and be re-hired into the same role. PwC understands that the Fire and Rescue Service allows this practice, and it is thought the last two Government Senior Fire Advisors also followed this practice. It is understood that in most (possibly all) of the Fire and Rescue Service the same practice applies throughout the ranks – although below Principal Officers those rehired tend to go into non-operational roles (e.g. community fire safety personnel).

#### 2.5 *Paying for the role, not necessarily for the person*

Given the current challenges of budgetary cuts and pressure to reduce headcount within the public sector, there is a great need for committed leadership and not just managers within the Fire and Rescue Service.

With this in mind, a systematic process of determining the relative ranking of senior roles within the Fire and Rescue Service is required. A framework can be established to define roles and hierarchy and reflect the complexity of different roles, providing a foundation for reward and talent management decisions.

### **1 *PwC observation: create a fair, objective baseline using the principals of job evaluation***

#### *Why Job Evaluation*

- 1.1 PwC believes the starting point of any review should be to create an objective basis which will allow for accurate measurement and comparison of roles across the FRS. Additionally, PwC would suggest that with an agreed baseline of the roles, there can be some steps toward external parity. This is in line with the Hutton Review on pay where the “weight of each role” is considered. One approach which may be adopted to achieve this baseline for accurate comparison is via a *job evaluation* methodology.
- 1.2 One of the principals which underpins job evaluation is that job complexity increases with seniority, therefore requiring greater levels of knowledge, skills, communication ability and lateral thinking. Accessing key criteria will allow for objective comparison as the principals for assessment are equal.

Furthermore, job evaluation assesses the competencies required for a role – it is not driven by the individual.

- 1.3 The measurement for job complexity may differ by the job evaluation system and what an organisation has determined is strategically important. For example, one organisation may put significant weight on budgetary control while another may believe reputational impact is critical. As a general rule, there are four to eight key areas which are measured with several sub-categories which will underpin the headline areas.
- 1.4 An example of the key categories (“factors”) is shown in Section 4.
- 1.5 PwC does recognise that some of the senior roles within the FRS may have been evaluated in the past. However, it is our understanding that not all roles across all services have been evaluated so no relative comparison exists.
- 1.6 If the intention of the job evaluation process is not to use it for internal grading purposes, the methodology should be kept relatively simple. The objective of achieving accurate job matching may be better served by using a straightforward scheme which focuses on a fairly small number of key job characteristics.
- 1.7 PwC would suggest reviewing a portion of the c.300 officers, looking for: diversity of role, various employing service, a spread of headcounts and complexities of the organisational structure. As similarities will be identified between services, we do not believe you need to review all of them. Our experience would suggest a sample of 10% to 20% may be required. It may be also appropriate to evaluate Deputy Chief Fire Officers to understand the relativities.
- 1.8 In reviewing the roles, a method would be developed for measuring the comparable “size of the job” across the Fire and Rescue Service. This may be considered a type of job levelling. This would also allow for an external job matching process by establishing a profile for each Senior Fire Officer job in terms of the characteristics which are required to perform the job. Secondly, it would help determine a relative job “weight”. That is, an objective measure size which will allow for comparison between roles within the FRS, across services and throughout general industry.
- 1.9 By creating a methodology, any changes to, and evolution of, the FRS are catered for, as the methodology will not be dependent on size, structure or service variations. The methodology will allow for change to the number of services or changes to the role of Senior Officers.

#### *Potential Project Approach*

- 1.10 Previously, when PwC has run similar projects, including the review of senior police roles across the country, a first stage was to determine whether there

was a reasonably good match between jobs in terms of the tasks and responsibilities performed by the jobholders.

- 1.11 As a second part of the initial stage, an assessment of the job profiles of the Senior Officer roles would be required. A match to an existing role would be sought (i.e. a match to a role in the PwC database) to look for a comparative role in either the public or private sector, depending on the information gathered. A “ranking” or level would be given to the role.
- 1.12 The next step would be to undergo selected stakeholder interviews to gather further information related to the role and job undertaken.
- 1.13 Analysis would then follow to score the job in order to determine a rank for the in-scope Fire and Rescue Service roles. After sizing all the roles in scope, a review of the evaluations would be undertaken to identify any apparent anomalies and resolve any instances of identified inconsistency.
- 1.14 The final step in this process would be to consider the impact of other influences on pay levels. These influences would include any recruitment and retention difficulties for particular ranks, competencies or additional skills required of particular posts (for example the more demanding posts). This analysis could have an impact on the “weight” assigned to the role. This stage would end with pay benchmarking analysis – both internal comparisons (across the Fire and Rescue Service) and external ones (for other roles of similar size/ level).

#### *Job Evaluation Outcomes*

- 1.15 Lastly, an analysis of all the roles across the Fire and Rescue Service, including pay, would be completed to allow for changes and adjustments as required. It would provide an objective justification for setting pay, allow for external comparison and some element of market-based pay to be introduced. An expected additional benefit would be the ability to compare roles externally, therefore increasing the potential talent pool for future appointments and succession planning.

## **2 PwC’s Job Evaluation System**

As an example of one job evaluation process, the PwC Six Factor methodology could be used to evaluate and weigh roles. For illustrative purposes, we have provided sample questions which could be used to help develop an understanding of the role, analysing the work through a lens related to the six factors. The answers would be assessed against a master scoring matrix to size the job.

Category/ Factor	Description of Factor	Guiding Questions & Observation Cues
<b>Knowledge</b>	Knowledge is essentially a database of information that is held and used by the jobholder in carrying out his/her work and refers to the breadth of knowledge required to do the job. It can be acquired through experience as well as education and training.	<ul style="list-style-type: none"> <li>• What areas of knowledge are required to undertake your job?</li> <li>• What is the difference between a new job holders as compared to an experienced job holder?</li> <li>• What is the change in requirements to move to a more senior job?</li> </ul>
<b>Specialist Skills</b>	Specialist skills are acquired through natural ability, training, experience or practice. Specialist skills are different from knowledge, although they involve the use of knowledge to produce outcomes. For example, the jobs of a general manager may require broad knowledge but few specialist skills.	<ul style="list-style-type: none"> <li>• What are the requirements to undertake the job at a fully competent level?</li> <li>• What makes the job different to other jobs in your team?</li> <li>• What new skills do you require to progress in the organisation?</li> </ul>
<b>People Skills</b>	People skills are required for getting things done with and through people. These skills are used when working within organisations, for example, in line management, team working and communicating with colleagues or in working with suppliers, customers and the general public.	<ul style="list-style-type: none"> <li>• Who are the regular points of contact in the course of your job?</li> <li>• How much freedom is there to change contact points?</li> <li>• Are there limits on what can or cannot be communicated?</li> </ul>
<b>External Impact</b>	External impact looks at the extent to which the jobholder has an impact on the services provided to customers outside the organisation, distinguishing between jobholders who have a direct and an indirect impact on client service.	<ul style="list-style-type: none"> <li>• How much contact do you have with the public?</li> <li>• What is the scope of that contact and what boundaries do you need to operate within?</li> <li>• Who else would you deal with and what is the nature of that contact?</li> </ul>
<b>Decision Making</b>	Decision making looks at the complexity of factors to be considered and the extent to which information for consideration is likely to be ambiguous or conflicting.	<ul style="list-style-type: none"> <li>• What type of decisions do you have to make in the course of your work?</li> <li>• How much freedom do you have to make your own decisions?</li> <li>• What would happen in a situation where your manager is not available?</li> </ul>
<b>Strategy</b>	Strategy refers to the requirement of a job holder to think ahead or 'outside of the box' as well as develop and implement new ideas. This factor measures the extent to which the jobholder is required to be creative, rather than making choices within existing rules and procedures.	<ul style="list-style-type: none"> <li>• How much of your job is set-down within rules and procedures?</li> <li>• What happens if the situation is not covered by the rules and procedures?</li> <li>• What is the process for making changes to operating procedures?</li> </ul>

The questions above are a sample and would need to be customised for any review of the Fire & Rescue Service.

There are many other job evaluation systems available in the market which could be leveraged to produce comparative results.



### **3 Total Employee Value Proposition**

- 3.1 Following a job evaluation exercise, the roles across the Fire and Rescue Service can be compared and the pay and benefits of each considered. The purpose would not be to increase or decrease remuneration but rather to provide each relevant authority an evidence-based structure to consider the appropriate level of remuneration for the Senior Officers.
- 3.2 PwC would expect the output of any job evaluation and subsequent comparison to be one component of the decision on what is the appropriate level of remuneration for a role. Other considerations could include: the talent pool (i.e. the need to attract and retain a job holder), external talent forces (i.e. what is happening in the broader pay market), internal relativity (i.e. what other senior posts within the relative Authority earn) and the overall employment offering (i.e. holiday offering, pension, benefits, work-life policy, etc.).
- 3.3 It is recognised some senior role holders within the Fire and Rescue Service are individuals who have completed 30 years of service, retired and then been rehired as contractors in the exact same position on same/ similar compensation but who also draw a pension which has been rightfully accrued. The fairness of this perceived “double dipping” has been questioned by some.
- 3.4 PwC does recognise this practice happens in other parts of Government. However, some departments use abatement - a process commonly used in public sector pensions whereby there is a reduction or suspension of pension income when a pensioner is re-employed in a similar role.
- 3.5 In the case of the Fire and Rescue Service, the principal of abatement would be that Officers would not receive more than total remuneration during post retirement reemployment than the rate of salary on the last day of earlier service.
- 3.6 If the Government were to consider changing the relevant legislation or pension scheme rules, one consideration should be the definition of “contractor” as it can be a matter of judgment.
- 3.7 In reviewing the Employee Value Proposition and how Senior Officers are paid, the manner and approach for how they are measured should also be considered. Performance Management should be reviewed to ensure it is robust and accurately reflects an objective and fair process for identifying success and supporting development for Senior Officers.
- 3.8 The Hutton Review comments on “due dessert”. It was highlighted that “reward should be proportional to the weight of each role and each individual’s

performance". Setting pay and comparing roles can only be achieved if the role holder is regularly and fairly assessed.

## **4 Conclusion**

- 4.1 PwC does recognise the challenges currently faced by the Fire and Rescue Services in terms of objective comparison of senior roles across the Service. Given the different sizes of Authorities, remit of the in-scope roles and local talent challenges; comparison may be a challenge.
- 4.2 Job Evaluation is one methodology which could be employed to create a justifiable comparison. Once a job evaluation process has been completed, pay and other benefits can be analysed and necessary changes could be made.
- 4.3 One additional benefit would be accurate comparison with the external talent market, potentially increasing the talent pool available for senior roles.
- 4.4 Following the creation of a baseline for role comparison, the broader questions of Total Reward and the Employee Value Proposition can be looked at for fairness, equity and creation of a reward philosophy which can be used across all Authorities.

# **Appendix 8**

## **Material reviewed**

Summary of material reviewed - previous reviews, national & local bodies/structures...

1. Facing The Future - Findings from the review of efficiencies and operations in fire and rescue authorities in England - Sir Ken Knight May 2013
2. National Agreement on Pay & Conditions of Service - National Joint Council for Local Government Services - First Edition 1997 (updated 2005)
3. The Future of the Fire Service: reducing risk, saving lives - Professor Sir George Bain 2002
4. Our Fire and Rescue Service - Office of the Deputy Prime Minister June 2003
5. Fire and rescue national framework for England - Department for Communities and Local Government July 2012
6. Accounting Officer Accountability System Statements for Local Government and for Fire and Rescue Authorities - Department for Communities and Local Government September 2013
7. National Joint Council for Brigade Managers of Fire and Rescue Services. Constitution and Scheme of Conditions of Service Fifth Edition 2006 (The Gold Book)
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ISBN: 978-1-78655-270-9