

# Part 1: Overview



Many services have done more to prioritise fire protection.

## Overview

This year's report begins with my final assessment of the state of the fire and rescue sector in England in 2021. I also take this opportunity to comment on the progress made by the sector since the inspectorate's first round of fire and rescue service inspections in 2018. Considerable efforts have been made by local and national organisations to improve the sector, but there is still much more to be done.

All safety-critical, essential public services benefit from the scrutiny of inspection and reporting. Our inspections are valuable for both the public and the fire and rescue sector: we have seen evidence of how services have improved and staff have told us that they have seen worthwhile changes for the better.

The fire and rescue services and the National Fire Chiefs Council (NFCC) have welcomed our inspections. We have acted on feedback from services, the NFCC and others, and with the benefit of that advice we have developed our inspection methodology for our second round of inspections. This has enabled us to get a more detailed view of the state of the sector.

In August 2020, the Home Secretary commissioned us to inspect how all 45 fire and rescue authorities in England responded to the pandemic. We completed those inspections in November 2020. This means that, since 2018, every service has been inspected at least twice. There is now a benchmark against which the inspectorate can monitor progress.

### Progress has been made in some areas

It is encouraging to see many services that had received causes of concern in our first round of inspections have taken steps to improve and act on our recommendations.

Many services have done more to prioritise fire protection; this was an area we criticised heavily in our first round. This focus on protection has intensified alongside the national response to the *Grenfell Tower Inquiry (Phase 1)*.<sup>3</sup>

The Home Office has also provided fire and rescue services with additional funding for protection work. There has been a 17 percent increase in competent protection staff.

In many respects, the sector is well prepared when it comes to responding to routine and major emergency incidents, and this has been the case throughout the pandemic. In their responses to the questions we asked as part of last year's pandemic inspections, local resilience forums (which are made up of representatives from local public services) were overwhelmingly positive about the sector's response to the pandemic. This year, its pandemic response has continued to be good.

Most services we inspected are better at promoting a positive professional culture: 84 percent of respondents to the staff survey (part of our inspections) told us they are treated with dignity and respect at work (which is 3 percent more than in the first round of inspections). Staff wellbeing and health and safety are clearly being prioritised, with 91 percent of respondents telling us they are satisfied their personal safety and welfare are being treated seriously by their service (7 percent more than in Round 1).

**Most services we inspected are better at promoting a positive professional culture.**



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## Too many services aren't taking enough action on prevention.

### But more change is urgently required

Too many services have failed to act sufficiently, if at all, on the areas for improvement<sup>4</sup> we issued in Round 1 of our inspections. Of the 184 areas for improvement we issued across these 13 services in Round 1, one third remain open.

While all 10 existing causes of concern from Round 1 have now been closed, we issued 11 new causes of concern for the 13 services inspected between February and August 2021. Seven of these relate to effectiveness and four relate to people.

Too many services aren't taking enough action on prevention. This is despite the range of areas for improvement in respect of prevention that we issued in our first round of inspections. In many cases, we found a clear disconnection between what is in public-facing service plans and what is actually being done by public-facing staff.

Good intentions to promote equality, diversity and inclusion generally haven't resulted in tangible improvements, and many services don't clearly define what they are working towards. There remains a woeful lack of representation of both women and people from Black and minority ethnic backgrounds. In our most recent public perceptions survey,<sup>5</sup> 78 percent of 1,981 respondents said that fire and rescue services being representative of local populations was either fairly or very important. The sector must do much more in this respect, and must learn from experiences in other sectors. Not only should it recruit staff from a diverse range of backgrounds, but it should also foster environments and cultures that will keep those people in their jobs and develop them professionally.

The responsibility to make these changes does not lie solely with chief fire officers and their senior teams; political leaders must also take action to resolve both new and long-standing problems.



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## Our national recommendations need to be brought in faster

We have made national recommendations:

- the Home Office should precisely determine the role of fire and rescue services, to remove any ambiguity;
- the sector should remove unjustifiable variation, including in how they define risk;
- the sector should review and reform how effectively pay and conditions are determined;
- the Home Office should invest chief fire officers with operational independence, whether through primary legislation or in some other manner;
- there should be a code of ethics; and
- the Home Office should ensure that the sector has sufficient capacity and capability to bring about change.



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The full details of each recommendation are contained in Annex D. They are designed to promote reform of the sector and address the barriers we have found in every service since we started inspecting. I reiterated this need in last year's assessment and explained the adjusted new dates for completion.

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**Our national recommendations are still relevant.**

Four of our national recommendations still have not been implemented. These relate to reducing variation in standards, determining the role of services and firefighters, reviewing the machinery determining terms and conditions, and providing operational independence for chief fire officers.

In October 2021, I wrote to the named bodies (the Home Office, the NFCC, the Local Government Association and National Employers) requesting an update on the progress of implementing our recommendations. I received comprehensive responses from each named body and acknowledge and welcome the progress made in this respect. I have provided a status update on the progress made against each recommendation in Annex D. These responses will allow me to revise the completion dates for two of the recommendations, where the current dates either have expired or are very shortly due to expire.

Although the pandemic has understandably delayed progress, the public and the fire and rescue services cannot wait any longer. In some respects and some levels, there has been a conspicuous failure to give due priority to the essential reform of the fire and rescue sector.

Our national recommendations are still relevant. This is why I will not be setting any new recommendations this year, as the sector must continue to act on the ones I have already made, and at a more urgent pace. My frustrations grow, on behalf of the public, at the lack of progress being made to reform this vital public service.



## The windspeed of national reform has dropped

In March 2021, the Home Secretary announced her plans to further reform fire and rescue.<sup>6</sup> I welcomed these plans and hope to see the subsequent Home Office White Paper published soon.

Many services that wrote to me about the state of fire and rescue services described the reforms they believe are necessary. These changes included the implementation of our recommendations; many hoped the White Paper would be the catalyst for this.



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## The case for reform remains

The sector continues to be admired by the public, as our most recent public perception survey showed: 57 percent of 1,981 respondents said they were satisfied with their local service and most said that they believed that the service provided by their local service has stayed the same.

Almost universally, the focus of fire staff is to protect the communities they serve. Their dedication to protect life and property is highly commendable, and their efforts throughout the pandemic have saved many lives.

It is unarguable that firefighters deserve fair pay; everyone does. But the continued threat of industrial action doesn't help anyone, least of all the public. Many services have told us that the threat can significantly adversely affect their ability to respond to incidents and that it is costly for them to provide contingency arrangements, particularly when, in some cases, resources are already scarce. We were also told that many firefighters are often conflicted in their choices; dissenting from union positions takes courage. The influence of the Fire Brigades Union (FBU) is considerable in some services. Sometimes, it goes too far and is contrary to services' values and behaviours, and to the public interest.

The threat of industrial action isn't the only thing that is hindering progress. The outdated and ineffective structures for negotiating pay, terms and conditions are where reform is most needed. A significant number of periods of industrial action have taken place since 2001; two were national strikes. These were largely as a result of failed negotiations on pay and terms and conditions.

Too often, the public haven't been served as they should because of the restrictive industrial relations arrangements in place. We provided examples of these in our report *Responding to the pandemic: The fire and rescue service's response to the COVID-19 pandemic in 2020*,<sup>7</sup> such as the limited ability of firefighters to support the vaccination programme or carry out wellbeing checks when delivering food to the most vulnerable.

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**The continued threat of industrial action doesn't help anyone, least of all the public.**

How services establish the necessary capability to respond to marauding terrorist attacks (MTAs) is another example of industrial relations impeding the ability of services to serve the public. As I have publicly set out<sup>8</sup> this year, it is of course extremely important that every fire and rescue service has the capacity and capability of dealing with an MTA. Training for an MTA as well as attendance at and the performance of fire and rescue functions in respect of an MTA, are squarely within the established role of a firefighter. However, the FBU's position on the matter has led services to consider paying twice for that essential service – a service the public both needs and properly expects – out of fear the FBU will direct firefighters to withdraw this capability. The FBU position has also led firefighters to incorrectly believe that they would be ineligible for a pension or compensation scheme pay-out if they were to die in the line of duty while responding to an MTA – a suggestion that lacks merit.

Chief fire officers do not have the same operational independence as chief constables, something I recommended in an earlier *State of Fire and Rescue* report. Many services that wrote to me about this were broadly supportive of this. It is a pressing matter. Deployment decisions and operational preparedness, such as the location of fire engines and the duty systems worked by firefighters, get tangled in protracted local, regional and national differences to the detriment of the public interest.



Out of the 35 letters I received from services about the state of fire and rescue services, 25 specifically said that the Government needs to provide a much clearer specification of the role and purpose of the sector. The sector's response to the pandemic has demonstrated the capability of many services to do much more in responding to emergencies and the public's needs. Many of those who replied said that firefighters should be allowed to do more in response to medical emergencies. The public and those who work in the sector deserve greater clarity on these important matters.

**The current pay structure does not give experienced firefighters a sufficient financial incentive to stay in their roles.**

In our most recent public perceptions survey, "responding to storms and other natural disasters" was selected most frequently as the work that respondents felt their fire and rescue services have responsibility for, other than extinguishing fires (56 percent of 1,981). Other work included "responding to water rescue incidents" (50 percent of 1,981) and "responding to medical incidents" (40 percent of 1,981).

The current pay structure does not give experienced firefighters a sufficient financial incentive to stay in their roles; to get higher pay, they need promotion to command or management responsibilities. This fails to provide a fair reflection of their levels of experience. Unlike the police, who receive progression pay each year, firefighters only move between two levels for most roles: from trainee to competent. They usually move on from the trainee stage within 18 months, which means that most firefighters see minimal pay progression beyond this, irrespective of additional skills and contributions. This places firefighters at a disadvantage.

The primary focus of the National Joint Council (NJC) should be to reform pay structures to introduce much greater levels of fairness. Almost all services that wrote to me commented on the ineffectiveness of the NJC. I have previously recommended that the NJC be abolished and subsumed into the independent pay review body that already covers police officers.

In the interests of public safety, I urge policy-makers, legislators, employers and the wider fire sector to take steps to consider what useful improvement could be made to current terms and conditions and pay negotiation machinery. This work should include a consideration of the removal of the right of firefighters to strike.



If leadership quality is not the highest it can be, staff, services, and those they serve are at a disadvantage.

## Insufficient action to develop prospective future chief fire officers

Recently, we have seen a high turnover of chief fire officers. The lack of clarity on the Government's reform of the sector has had an unsettling effect on fire and rescue service leadership.

In too many recruitment campaigns, the pool of prospective candidates for the role of chief fire officer has been very small. Applicants may be dissuaded from applying for the role as a result of changes in terms and conditions for pensions, which have moved from final to average salary. Chief fire officers, unlike chief constables, do not have the ability to freeze their pensions, and they can be put at a financial disadvantage if they stay in service for more than 30 years. Many therefore leave the role prematurely.

There is a reluctance in the sector to open up the most senior jobs to people other than those who have worked their ways up from firefighter. This limits the diversity and volume of candidates. And this is particularly worrying given the fact that processes for appointing chief fire officers aren't always open and that there is a current lack of diversity at senior level.

In my 2019 assessment, I commented on how all too often we have found senior management teams to be echo chambers for people who look, sound and think the same. I welcome the work of the NFCC, including its direct entry scheme, to establish mechanisms to better manage, support and develop staff. Investment is needed for the full benefits of this work to be felt.

In some circumstances, the deputy chief fire officer may well be the best person for the top job, but if there isn't a range of candidates, and services don't at least consider appointing candidates from outside the sector, there is no guarantee that the best appointment will be made. I have said before that services sometimes miss opportunities to bring in new talent. If leadership quality is not the highest it can be, staff, services and those they serve are at a disadvantage.

## Progress seen elsewhere

The NFCC has carried out some commendable work on developing national fire and rescue policy on areas such as leadership, data and digital. The NFCC is also working with National Employers and the Local Government Association on the 'Fit for the Future' initiative.<sup>9</sup> When completed, Fit for the Future will set out all three organisations' joint objectives for the future of fire and rescue in England, as well as what is needed to achieve them. The three organisations will also establish how they will work together to best serve the public.

In May 2021, the Local Government Association, the NFCC and the Association of Police and Crime Commissioners published the *Core Code of Ethics for Fire and Rescue Services*.<sup>10</sup> I am pleased to see the publication of the code and I look forward to services adopting it. The code has also become one of the eight standards published by the Fire Standards Board.



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## I welcome the focus of the Government and the sector on fire and building safety.

I welcome the focus of the Government and the sector on fire and building safety. In early 2021, the Fire Safety Act 2021 received royal assent. This is an important piece of legislation that will ensure that the person responsible for building safety, as well as the fire and rescue services, know their roles and responsibilities when it comes to reducing the risks posed by external wall systems. This legislation will also make sure that due consideration is given to fire safety in multi-occupied residential buildings.

I also welcome the introduction of the Building Safety Bill,<sup>11</sup> which is designed to improve building and fire safety practices in high-rise residential buildings (HRRBs) – buildings over 18 metres or eight or more storeys tall. When brought into force, this legislation will establish a new building safety regulator for HRRBs. The legislation will also introduce a new regime that requires an accountable person to prepare a safety case for HRRBs in occupation. It is anticipated that representatives from fire and rescue services will contribute to this work by being part of multi-disciplinary teams.

The legislation will also strengthen some of the most important aspects of the Regulatory Reform (Fire Safety) Order 2005. These changes will help those who are responsible for fire protection to hold the person or persons responsible<sup>12</sup> – usually the landlord, employer or the building manager – for buildings to account.



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## 2021 inspections

The 13 service inspections we completed between February and August 2021 have given a clear picture of the sector's current state and the progress it has made since our first round of inspections, and our inspections of how services responded to the pandemic (which are still being carried out). We assessed services' work and their ability to continuously improve.

We made changes to our methodology for our second round of inspections on the basis of feedback from services. These changes included:

- a greater focus on diversity, and in particular race and how services are trying to overcome inequalities;
- considering the productivity of services;
- assessing how services are identifying and planning against known risks to their communities; and
- more case file reviews, particularly in relation to protection and the role carried out by services in fire safety regulations.

We paid great attention to how services collect and make sure all those who need risk information to serve the public have access to it when they need it. This includes making available to response crews the risk information gathered during services' prevention activity. For example, response crews need information about someone who has restricted mobility in order to rescue that individual. We are worried that some services aren't doing enough to make the availability of such information a priority.

We have seen some services make improvements this year, with both local successes and moderate improvements in some but not all areas. There have also been the continuing problems faced by services and the sector, with some services receiving lower grades on their effectiveness, efficiency and people assessments. In particular, so far in this round of inspections we have seen more causes of concern relating to the effectiveness of services.

We found that many services hadn't done enough work on prevention.

## Services are making good progress on protection

In my 2019 and 2020 assessments, I said that many services needed to improve their protection work. It has therefore been encouraging in our 2021 inspections to see that many services have made protection and risk planning more of a priority.

This is, in part, a result of increased government investment in protection in fire and rescue services and the NFCC. That investment needs to be sustainable and sustained. I am pleased to see an increase in the number of competent protection staff, who have the right knowledge and skills to carry out audits at premises at highest risk. This is making a difference, but it takes time to train and develop confident and competent fire safety inspectors, and a concerted effort to retain them. Leaders need to keep a relentless focus on protection, and develop, train and accredit their staff to maintain this progress and for the public to feel the safety benefits.

## Services need to do more on prevention

Despite this renewed focus on protection, we found that many services hadn't done enough work on prevention.

If we consider that an aspect of a service's practice, policy or performance falls short of the expected standard, we will report this as an 'area for improvement'.<sup>13</sup> In our first round of inspections, many of the areas for improvement we issued relating to prevention focused on how well services identify those most at risk from fire. We were disappointed to find a general lack of progress made to address those areas for improvement in many of this year's inspections.

A very small number of services hadn't planned well enough and hadn't allocated sufficient resources to be able to help those most at risk of fires. This was accompanied, in some cases, by a disconnection between what is in public-facing service plans and what is actually being done by public-facing staff.

It is understandable that services may change their focus to meet the needs of their communities, including at times of crisis such as during a pandemic. However, the three statutory functions of fire and rescue services are response, prevention and protection; they must all be resourced and prioritised continuously and appropriately for them to safely serve the public.

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**Many services are still operating with a lack of financial certainty.**

## **Inconsistent funding and governance arrangements persist**

In previous assessments, I have spoken of the inconsistencies of funding arrangements, with some services financially strapped and others relatively flush but inefficient. Many services are still operating with a lack of financial certainty, which is caused by differences in their governance models. Most services that wrote to me about the state of fire and rescue services said the current year-to-year funding arrangements are a constraint on their ability to be efficient and effective. Many noted that short-term funding settlements continue to make medium and longer-term planning difficult.

Simply put, services need to know how much money they will receive every year. Funding comes to fire and rescue authorities in different ways depending on their governance models. Those services that are not part of councils or other organisations receive their funding directly from local government settlements and from increased rates of council tax. Fire services that are part of a wider authority (such as county, unitary and mayoral services) receive their funding from the authority it sits under. Almost a third of those who wrote to me said that they wanted to see the fire funding formula reviewed. The fire funding formula is the model used by the Government to allocate funding to all 44 fire and rescue services in England.



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**Those services in strong financial positions must become more efficient.**

This year, we continued to find short-term funding arrangements for services, which makes it difficult for them to plan ahead and to invest to make efficiencies. These include the one-year government funding settlements. The amount they receive varies year on year, and this makes it even more difficult for them to plan ahead.

The Government should review the way services are funded to address this problem. While the future of fire reform and future governance remains unclear, many services are vulnerable to a lack of investment or even the ability to work with other public sector organisations. Some services told us that some public sector organisations were reluctant to consider working with them as a result of their future financial uncertainty.

And while many services do not struggle financially, some services rely too much on their financial reserves. Fire and rescue authorities (other than county council-led fire and rescue authorities) can keep part of their funding as reserves. But these should be used to manage financial risk, fund major future programmes and cover unforeseen pressures. They shouldn't be used to plug budget gaps in the long term or to put off making efficiencies. If a service relies on its reserves, this means that it may delay making efficiencies, such as investing in technology to improve efficiency and productivity.

Those services in strong financial positions must become more efficient, and most services could do more to make sure their workforces improve their productivity. For instance, we found examples of ineffective ICT structures hampering the productivity of staff, operational crews not carrying out protection work, and low levels of prevention and protection activity.

## Some services don't allocate resources appropriately

During our first round of inspections, we established that some services were spending too much on their response functions and not enough on prevention and protection. While some progress has been made since then, fewer than half of the services we inspected in 2021 were able to demonstrate they were allocating resources appropriately across their response, prevention and protection functions. This casts doubt on their ability to achieve sufficient operational performance.

Over half of the services we inspected had problems with capacity, in particular when it came to prevention, protection and control functions. They don't always have enough of the right people available to carry out these functions. We saw a range of problems, such as an over-reliance on overtime and a lack of qualified staff in certain areas. This is not a new problem; this is something we have mentioned in previous reports. In many services, while response functions are well resourced and maintained, this is often at the expense of other statutory functions.

Over half of the services we inspected had problems with capacity.



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The on-call model still needs attention to make sure it works now and in the future.

## Many services rely on dual contracts and overtime, which can create inefficiencies

On-call firefighters account for 35 percent (12,498 of 35,291) of firefighters nationally. They are essential to make sure services have enough firefighters to crew engines to meet foreseeable risks. During the pandemic, they have been invaluable as they have done some work that the FBU discouraged its members from doing. For example, they drove ambulances, packaged and repackaged food supplies for vulnerable people, and delivered personal protective equipment and other medical supplies.

Despite this, over a third of services that wrote to us about the state of fire and rescue said they had misgivings about the sustainability of the on-call model and said – as I have said previously – that there needs to be a national solution.

Most services have a shortage of crews available at their on-call stations. This low availability – mainly during office hours – makes it a risk for most services to include on-call crewed engines as part of their minimum crewing arrangements. The on-call model depends on having enough appropriately trained firefighters within a few minutes of the fire station when the call comes in.

There needs to be a continued, concerted effort by services and policy-makers to create and maintain the conditions necessary to attract and retain enough firefighters to crew engines when they are needed. This includes providing greater flexibility in working arrangements and establishing other financial incentives. Making sure these firefighters also have the right training is another difficulty for services. Services usually only run one paid training night a week for on-call firefighters. While I recognise the difficulties involved, services need to find more innovative ways to develop and maintain the skills of these firefighters. The public need to know that, regardless of whether a wholetime or on-call crew responds to an incident, the response will be of the same standard. The on-call model still needs attention to make sure it works now and in the future.







**Managers need to be able to be confident that those being deployed to emergencies are safe to work.**

Many services use alternative working models because they don't have enough crew members available at on-call stations. These models include employing staff on dual-contract<sup>14</sup> and overtime arrangements (approximately 12 percent of wholetime firefighters have dual-contracts). Only 35 percent of services regularly monitor staff secondary employment, and some services don't monitor it at all. If these arrangements aren't monitored properly – or aren't monitored at all – this model runs the risk of being inefficient at best, and unsafe at worst. Managers need to be confident that those being deployed to emergencies are safe to work. It was therefore disconcerting to find examples of staff working for long periods without a break.

This is yet another example of the need for terms and conditions and the pay model to be reformed to better reflect the work firefighters do.



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## Good intentions to promote equality, diversity and inclusion aren't always successful

We found that most services were better at promoting their values. This is an aspect of operations which varied considerably across services in our first round of inspections, and led to us issuing eight areas for improvement. These have now largely (six out of eight) been addressed and every service inspected had established clearly defined values; virtually all (96 percent) of the respondents to our staff survey stated they were aware of them. Generally, we found that staff behaved consistently with their services' values and demonstrated respect for one another.

Two services took no or little action to improve equality, diversity and inclusion. Many services have acted with good intentions to promote equality, diversity and inclusion, although this hasn't always led to actual improvements being made. In our most recent public perceptions survey, respondents said that fire and rescue services should hold open days for the public and careers events for children, as well as promote the different types of roles available in services, in an effort to make services more inclusive.

In our 2021 inspections, we found a lack of training on equality, diversity and inclusion, including among managers, and a poor understanding by staff.

We continue to find evidence that fire and rescue service staff with protected characteristics, including women, aren't always given opportunities to be heard, and we still find that the number of women working in the sector is very low. The sector must work with its staff in this respect. It should take steps to get rid of the unfair barriers experienced by women and Black and other ethnic minority staff and ensure they do not suffer unlawful discrimination in the workplace.

## Diversity and race equality in the fire sector continues to be woeful.

Diversity and race equality in the fire sector continues to be woeful. We have seen continued low joiner rates from groups with protected characteristics. New recruits will only be attracted by, and must be able to join, a workforce that is fair, open and inclusive. Although many services welcome a greater diversity of staff and are taking steps in this respect, they must ensure these are not just tokenistic efforts and that their actions are part of a sound strategy. Services must make sure that current staff are aware of the value of having an inclusive workforce and the benefits it can bring for the service and the community it serves.



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## Future of inspection

We will continue to improve what we do and listen to what services, policy-makers and the public tell us. We will also evaluate the effect of our inspections on the sector and the degree to which services are improving as a result of our findings.

From September 2021, we have continued to inspect as part of our Round 2 inspections, which will conclude in 2022. We have reintroduced some on-site inspection activity for the remainder of these inspections.

The findings from our inspection of all 44 services will be in the 2022 *State of Fire and Rescue* report.

## Conclusion

The fire and rescue services continue to be an enormous asset to our communities. In many respects, the sector's response to the pandemic has been exemplary. Services have had to adapt many aspects of how they operate as a result of the new requirements and restrictions brought in to reduce the transmission of the virus.

The dedication and expertise of the fire and rescue services have provided an invaluable source of security. But the sector faces significant obstacles that are hampering its progress. These include: rigid national terms and conditions that stop services from fully exploiting their resources to meet local needs; out-of-date working practices; a lack of diversity; and, in some respects, weaknesses in leadership development.

While improvements have been made at local and national levels, including in recent reforms, much more needs to be done. Policy-makers and legislators need to raise the priority of fire reform considerably. The service, its staff and the public deserve no less.

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**The fire and rescue services continue to be an enormous asset to our communities.**