

Appendix D**WMCA Constitutional Framework for West Midlands Fire Service (WMFS) Fire Functions****Explanatory Guide****Scope:**

This explanatory guide should be read in conjunction with and to enable a full understanding and clarity of the WMCA Constitutional Framework for West Midlands Fire Service (WMFS) Fire Functions.

The WMFS as a function of the Mayor will operate as a public service within the WMCA.

All references to WMFS policies and/or standing orders are WMCA policies for the Mayors fire function.

Officer Delegations:

WMCA Statutory Officers will be those officers for WMFS as the Mayors Fire Function, however it is recognised that a deputy Section 151 Officer, deputy Monitoring Officer and Clerk will exist for WMFS to ensure the Chief Fire Officer is sufficiently supported in the delivery of key fire functions and accountabilities and in particular in ensuring:

- The development and delivery of the IRMP, through the delivery of a balanced budget and agreed strategic priorities and objectives, and
- that the ring fenced arrangements of the WMFS budgets and reserves are appropriately considered.

To provide the appropriate level of support the deputy Section 151 Officer and Clerk will exist within the WMFS Strategic Enabling Team.

All functions of the CFO as set out in the WMFS Fire Functions will be undertaken in line with the WMCA constitution and relevant WMFS policies.

The Chief Fire Officer may further delegate to any member of the Strategic Enabling Team as appropriate. In the event of the inability of the Chief Fire Officer to act due to absence or a conflict of interest, the authority to act as prescribed in any individual delegation will pass to the officer of WMFS who holds management responsibility for the said post/postholder, except where otherwise indicated within the delegation itself.

Officers appointed to posts at Assistant Chief Fire Officer level shall, subject to appropriate delegation by the Chief Fire Officer, have the power to provide key CFO accountabilities.

Fire Functions Legislative Framework

The legislative framework for the delivery of WMCA fire functions are as set out below.

The Fire and Rescue Services Act 2004 establishes Fire and Rescue Authorities and their statutory functions across England and Wales. The Act gives Fire and a Rescue Authorities the responsibility for fire safety, firefighting, road traffic collisions and emergencies. The WMCA and Mayor through the West Midlands Fire Service (WMFS) are accountable for the delivery of these legislative functions for the West Midlands Conurbation.

The Fire and Rescue National Framework England 2018 sets out the strategic direction for Fire and Rescue Services, detailing priorities and objectives in connection with the discharge of their functions as set out in the Fire and Rescue Services Act. The National Framework sets out specifically the requirement for each fire and rescue service to have an Integrated Risk Management Plan, which must include an assessment of all foreseeable fire and rescue related risk and how prevention, protection and response activities will prevent and mitigate the impact of identified risk on its communities.

The Regulatory (Fire Safety) Reform Order 2005 provides a minimum fire safety standard for all non-domestic premises. The fire and rescue service has a specific duty through this legislation to enforce fire safety in these premises.

The Fire and Rescue Services (Emergency) Order 2007 places mandatory functions on fire and rescue services in certain types on incidents. These include chemical, biological, radiological, nuclear, and emergencies requiring the freeing of people from collapsed structures.

Civil Contingencies Act 2004 places a legal obligation on the fire and rescue service to plan and prepare for emergencies, together providing increased cooperation and communication and information sharing. As a category 1 responder the fire and rescue service is also responsible for alerting and informing the public in relation to emergencies.

The legislation below informs the governance arrangements and the responsibilities placed on the WMCA, Mayor and Chief Fire Officer to deliver those legislative fire functions as set out above.

The West Midlands Combined Authority (Fire and Rescue Functions) Order 2019 places the responsibility and accountability for the delivery and performance of the fire service with the Mayor. The Mayor approves the Integrated Risk Management Plan and the strategic objectives of WMFS in the delivery of services to the communities of the West Midlands on advice and recommendation of the Chief Fire Officer and holds the Chief Fire Officer to account for the delivery of the service.

The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

The Local Democracy, Economic Development and Construction Act 2009 enables the Mayor of the WMCA be the accountable figure for fire functions within the West Midlands.

The Policing and Crime Act 2017 places a duty on the fire and rescue service to collaborate with other blue light emergency services.

Section 1: Accountabilities of the Chief Fire Officer

In delivering against the accountabilities set out in this constitution the Chief Fire Officer will work with the Strategic Enabling Team, deputy 151, deputy Monitoring Officer and Clerk to discharge accountabilities effectively. This will incorporate the delegation of responsibilities to members of the Strategic Enabling Team.

Setting Strategy

The following key strategic documents provide the basis for an evidence based approach to planning fire and rescue services and are the basis upon which the accountabilities of the Chief Fire Officer are set.

This section paragraphs 1.1-1.4 reference the following strategic planning documents:

The Integrated Risk Management Plan (IRMP) identifies a range of foreseeable risks to communities, business and property across the West Midlands. WMFS then puts in place a range of risk reduction measures to either remove, displace, control or mitigate the risk to an acceptable level through our Prevention, Protection and Response work and has developed a 'tool kit' to enable an effective IRMP process.

This is set out publicly in the Community Safety strategy (CSS) which provides the foundation from which WMFS builds its priorities, policies and objectives on. This enables decisions to be made around our IRMP which are informed by a sound evidence base. Our Community Safety Strategy brings together the extensive risk methodology, risk analysis, research and internal and external data sets which then feed into a technical paper, which through an IRMP panel allows the CFO to prepare an IRMP.

The CSS details the risk in the West Midlands and describes how we work to reduce risk and vulnerability across the West Midlands in a transparent way.

'The Plan' is the WMFS 3 year rolling strategic action plan detailing how we are going to reduce the risks identified by the risk analysis and research. 'The Plan' contains: The profile of the West Midlands; our Priorities and Outcomes; WMFRA business and financial planning process which delivers the IRMP and our Core Values.

The Plan sets out publicly WMFS priorities and objectives which have been defined to enable delivery of the IRMP within an agreed budget.

Supporting 'The Plan' is our strategic and organisational planning framework, which ensures that activities carried out at all levels of the organisation are strategically aligned to 'The Plan' as identifies within the IRMP.

1.4 The Fire and Rescue National Framework 2018 section 4.6 sets out a requirement for the IRMP to cover at least, a three year period and be reviewed and revised as often as needed to enable effective delivery of services. There is a requirement to reflect effective consultation throughout its development and at all review stages.

1.5 The operational decisions undertaken by the Chief Fire Officer on a day to day basis will be taken independently and will not require referral back to the Mayor.

1.6 Operational independence provides the Chief Fire Officer with the ability to flexibly manage and make decisions regarding the delivery of services and allocation and or variance of resources on a day to day basis, within the framework of the agreed strategic plan and budget.

1.7 Operational and technical competencies are required in the role of a Chief Fire Officer as the owner of the IRMP, to ensure efficient and effective strategic decision making in the delivery of the IRMP. The competencies required for this role are defined through national frameworks and are considered as part of the National Fire Chief Councils Community Risk Programme.

1.9 The Chief Fire Officer will lead and engage WMFS in collaborative opportunities which add value to the delivery of the agreed strategic priorities and objectives, as well as the improvement of efficiency and effectiveness and public safety.

1.10 As indicated in 1.4 where a significant change in internal or external factors results in the inability for WMFS to meet the requirements of the agreed IRMP and strategic priorities and objectives and where this change is will exist over the planning period 1-3 years, this will necessitate a review of the strategy setting process incorporating the IRMP, strategic priorities and objectives and budget.

1.11 Aligned to this is the accountability of the Chief Fire Officer in leading and resolving incidents locally, regionally and nationally, to ensure that during these circumstances, resilience is created within local communities and are restored to normality.

1.12 – 1.15

The Chief Fire Officer will be accountable for the workforce of WMFS.

The Chief Fire Officer will ensure all decisions made with regards to staffing arrangements, workforce development and transformation are aligned to the delivery of the IRMP and strategic priorities and objective and delivered through appropriate engagement, consultation and negotiation with all staff aligned to the WMFS Employee Relations Framework.

The Chief Fire Officer will be accountable for the appointment of all WMFS staff as is considered necessary to carry out the functions of WMFS. For clarity this will include the appointment of all Brigade Managers and Senior Officers.

All functions of the CFO as set out above will be undertaken in line with the policies of the WMFS and WMCA constitution.

The determination of staffing arrangements will include: Varying staffing structures, personnel issues, staffing arrangements, varying grading's of individual posts and acting up arrangements in line with WMFS policy, as well as the determination of the best staffing model to meet the requirements of the agreed strategic priorities and objectives, such as in/out sourcing, TUPE, contingency workers or employees. 1.20 The Chief Fire Officer will be accountable for disputes under the first stage of the Internal Disputes Resolution Procedure, lodged in relation to the Firefighters Pension Scheme or the Local Government Pension Scheme.

People undertaking functions within WMFS. Workers and contractors and employees of the Service or working on behalf of the CFO, will through the selection process be clear of the values and expectations on them when undertaking work on behalf of the CFO. Ensuring that nationally and locally agreed conditions of service are implemented in line with agreed policies for WMFS.

The Chief Fire Officer will ensure WMFS employment policies and procedures are based on best practice guidance and are properly applied and enforced.

1.18 – 1.19 The Chief Fire Officer will delegate the dismissal of staff and undertaking of appeals against dismissal and other disciplinary action, as appropriate and in line with WMFS policies.

1.20 Stage 1 appeals under the firefighter pension schemes and the local government superannuation regulations may be delegated to the another officer on determination of the CFO.

Financial and resource management

Financial and resource management accountabilities of the Chief Fire Officer and delegated officers will be undertaken in line within an agreed framework for decision making.

The Chief Fire Officer will undertake all matters of day-to-day financial administration for WMFS, in accordance with the policies and Financial Regulations of the WMCA.

The management and negotiation of trade union relations.

The WMFS Employee Relations Framework is a policy agreed between the Chief Fire Officer and recognised staff Representative Bodies which supports early engagement, consultation and negotiation around proposed changes.