



## Research support for public consultation on joint governance of Police and Fire and Rescue services

### Summary

The Policing and Crime Act (2017) makes provision for Police and Crime Commissioners (PCCs) to undertake an assessment as to whether a change in governance of the local Fire and Rescue Service would improve collaboration between these two services and with wider partners to the benefit of effectiveness, efficiency, economy and/or public safety.

In North Yorkshire, PCC Julia Mulligan has undertaken such an assessment and decided that there is a case for a transfer of governance to the PCC. As such a full Local Business Case (LBC) has been developed which now needs to be put to a public consultation to gather the views of the public and partners to contribute to the final LBC which will be submitted for consideration to the Home Office.

The Office of the Police and Crime Commissioner (OPCC) is seeking an agency to assist with research for this public consultation. The agency will be required to meet the code of conduct set out by the Market Research Society and be fully in line with national best practice; design and undertake a large representative survey of North Yorkshire residents; facilitate focus groups and public meetings as required by the OPCC; and provide an analytical report of the results of their work. The report will set out the result, any changes deemed necessary to the LBC, and will contribute to an Equality Impact Assessment prepared by the OPCC.

The OPCC is setting a maximum budget of £30,000 for this piece of work, though proposals will be assessed against value for money, including value added.

The tender timeline is set out below. The consultation should take place between July and September, with the final report being delivered in early October.

### Timeline

The timeline for tender and approximate delivery dates is:

Tender circulation date	Tuesday 30 <sup>th</sup> May
Contact period	30 <sup>th</sup> May – 9 <sup>th</sup> June
Tender closing date	Monday 12 <sup>th</sup> June, 13:00
Preferred supplier identified	Wednesday 14 <sup>th</sup> June
Contract start and launch meeting	Thursday 15 <sup>th</sup> June
Final report due	29 <sup>th</sup> September
Final report analysis meeting	2 <sup>nd</sup> October

## Background

### The Policing and Crime Act 2017

The Policing and Crime Act was given royal assent in January 2017. The Act places a high-level duty to collaborate on the emergency services (Police, Fire and Rescue and Ambulance). It also makes provision for local assessments by PCCs as to the most effective governance model for Fire and Rescue Services (FRS), giving them the ability to present a local business case to the Home Office where they perceive that a different governance model would generate improvements in economy, efficiency and effectiveness, and/or public safety.

At the heart of this is a clear case that by working together more closely, a better public service can be delivered to prevent the most vulnerable in our communities from coming to harm. Those who are most vulnerable to fire in their homes, for example, are often also likely to be vulnerable to burglary, fraud, substance abuse, mental ill-health, trips and falls, and/or economic and social disadvantage. The Policing and Crime Act therefore provides an opportunity for assessing how we can better respond to such needs and prevent vulnerability and harm, reducing strain on public services.

The Act enables PCCs to form part or all of the governance of their local fire and rescue service, either through sitting on the fire authority, or by replacing it. There are four options available: no change, the Representation Model, the Governance Model and the Single Employer Model. The Government has made it clear that the status quo is not acceptable.

The 'Representation' Model	The Governance Model	The Single Employer Model
<ul style="list-style-type: none"><li>• PCC is represented on a FRA (or its committees) in their police area with full voting rights, subject to the consent of the FRA</li></ul>	<ul style="list-style-type: none"><li>• PCCs take on responsibility for the fire and rescue service(s) in their area</li><li>• Individual services retain their operational independence, their chief officers and, their own staff</li></ul>	<ul style="list-style-type: none"><li>• Fire functions are delegated to a single chief officer for policing and fire</li><li>• Services would remain distinct front line services, albeit supported by increasingly integrated support services</li></ul>

A local business case must be made to support proposals to introduce the governance or single employer model, subject to tests to ensure that changes will deliver improvements in economy, efficiency and effectiveness, and/or public safety. It is the PCCs prerogative to develop such a business case. The business case is then submitted to the Home Office, following formal local consultation, and the final decision is made by the Home Secretary.

### Context of the Commission

North Yorkshire's PCC, Julia Mulligan, has taken the view that, given the possible operational benefits for public safety, such an assessment as made possible by the Policing and Crime Act is worth undertaking.

After a full and independent assessment of the options, the PCC has decided that a transfer of functions should be recommended and that the governance model should be implemented.

Across the country there are many excellent examples of how the police, fire and ambulance services are working together to achieve better outcomes for the public, while delivering value for money. The Emergency Services Collaboration Working Group published a *National Overview*<sup>1</sup>

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<sup>1</sup> Attached with this briefing. Further copies may be requested from the Office of the Police and Crime Commissioner – [info@northyorkshire-pcc.gov.uk](mailto:info@northyorkshire-pcc.gov.uk).

report at the end of 2016 which showcases many of these. There is ongoing, positive collaboration work between police and fire services in North Yorkshire, and between each of these and ambulance, health and other services, but there is clearly room for further efforts, and for efficiencies and greater effectiveness to be achieved. North Yorkshire, for example, does not feature in the *National Overview*.

The PCC therefore appointed PA Consulting to assess whether or not a different governance model would be beneficial, and if so which of the different governance options set out in the legislation would most effectively deliver these opportunities. The PCC instituted a governance and delivery structure to implement this process which is fully inclusive of Fire Authority, Fire and Rescue Service and Police Service at every level to ensure a robust and collaborative process.

The process consists of four stages. A collaboration options assessment considers the current state of play, the ambition for collaboration and available opportunities through workshops, interviews and research. The assessment has identified many opportunities around further and enhanced collaboration for both effectiveness and efficiency of services and for public safety. The impact of these would be to strengthen the service that can be provided to the public, especially in terms of primary prevention, community safety and vulnerability checks. Innovative schemes around the country are seeing local communities receive an enhanced, joined up service in response to anti-social behaviour, crime, fire and accident prevention, vulnerability assessment, and a speedier response to medical emergencies, reducing harm and saving lives.

This collaboration assessment forms the basis for a governance options assessment that considers how this ambition might best be realised. It considers two tests through strategic and economic analysis:

- Whether a change in governance would drive economies, efficiency and effectiveness in both police and fire services by significantly accelerating the pace and efficacy of collaboration between these services and their wider partners, to the benefit of public safety; and
- Whether a change in governance would deliver wider benefits relating to transparency and accountability.

These factors for change, if proven, have to be balanced against the complexity that could be involved in making the change, which could result in disruption and affect performance.

This assessment, and the LBC, use the Treasury's Five Case model, looking at the strategic, economic, commercial, financial and management cases for change, and will follow guidelines set out by the Association of Policing & Crime Commissioners' Chief Executives. A wide range of stakeholders have been included in this process, from police, fire and local governance groups, officers and staff, to other public sector partners, police and fire unions, and relevant Government departments.

The final stage is a formal public consultation gathering public opinion, feedback and degree of support for the proposal. This public consultation must follow a robust process in line with best practice and legal requirements for local government consultations. It must gather views not only from the public, but from a range of local stakeholders, partners and government and professional bodies. The OPCC has developed a consultation strategy which can be found at appendix one.

## Objectives

The purpose of this commission is to provide an assessment of local opinion with regard to the LBC and recommend any consequent changes.

The agency will be required to meet the code of conduct set out by the Market Research Society and be fully in line with national best practice; design and undertake a large representative survey of North Yorkshire residents; facilitate focus groups and public meetings as required by the OPCC; and provide an analytical report of the results of their work. The report will set out the result, any changes deemed necessary to the LBC, and will contribute to an Equality Impact Assessment prepared by the OPCC.

- A public consultation survey that is fully inclusive, representative and which meets with best practice.
- Qualitative and quantitative analysis of all feedback to assess the response, determine the outcome of the consultation, and allow the PCC to respond to any representations made.
- Evidence-based recommendations as to any changes to the LBC that should be considered.
- Recommendations as to an assessment of equality issues to feed into an Equality Impact Assessment.

In accordance with the high standards of transparency that the OPCC holds, the agency should expect that key documents will be made public.

## Target Audiences

- The public of North Yorkshire, including harder to reach groups.
- Interest groups with links to policing, fire and rescue and community safety.
- Public sector organisations, partners and/or stakeholders, including councils, Police and Crime Panel, North Yorkshire Police, North Yorkshire Fire Authority, North Yorkshire Fire and Rescue Service, the NHS including CCGs and hospital trusts, Yorkshire Ambulance Service, Community Safety Partnerships, Safeguarding Boards, UNISON, policing associations, fire unions and associations.

## Expected Activities

Working with the OPCC during the contact period, the agency would need to deliver a range of activities, suggested below over a 10-week consultation period from mid-July. We are also looking for ideas on additional activities you would recommend in order to deliver as full a consultation as possible. We are open to agencies collaborating with other agencies in order to deliver a wider range of services.

### Consultation

To include, but not limited to:

- Development of survey questions in consultation with the OPCC
- A representative survey of c.1,500 North Yorkshire residents covering all districts and demographics
- Facilitation of OPCC-organised focus groups with key stakeholders (c.8 focus groups in different locations around North Yorkshire)
- Facilitation of public events (administered by the OPCC) in each district – York, Harrogate, Skipton, Northallerton, Malton, Scarborough, Richmond and Selby

- Consideration of a social media consultation using Facebook, Twitter and Instagram, which should also include a strategy for handling negative feedback as well as positive (please note there is implementation support available for this within the OPCC)

## Reporting

To include, but not limited to:

- Qualitative and quantitative analysis of all results and feedback
- Highlighting of statistical variations and significant findings as appropriate
- Recommendations of changes to the LBC resulting from the findings
- An assessment of findings against the requirements of an Equality Impact Assessment
- A final consultation analysis briefing with the PCC to deliver a summary of findings and next steps.

## Deliverables

The successful agency will deliver two reports:

- A final consultation analysis report detailing findings, determining the outcome of the consultation, recommending changes to the LBC that should be considered, and recommending findings relevant to an Equality Impact Assessment.
  - This report will be due by 13:00 on 29<sup>th</sup> September 2017.

The agency will also provide the OPCC with a full statistical breakdown of survey responses and with the raw survey data.

In accordance with the high standards of transparency that the OPCC holds, the agency should expect that key documents will be made public.

## Instruction for proposals

Your proposal should include the following information:

- Your understanding of the background to this work and of the role of the PCC and how this would shape your approach to the brief
- Three case studies of similar work for public sector clients.
- Your proposed activities to help the OPCC deliver a full public consultation that meets with rigorous standards and best practice.
- Your proposed process, stages of work, methodologies and a project schedule / timings, working to the deadlines set out above.
- Any potential barriers and issues you anticipate and how they might be overcome.
- A breakdown of your financial quote – how you will allocate the fees and any expenses within the total you are quoting.
- Your standard day rates for the people who will deliver this project and the number of days each person will spend on the job.
- Your proposed project team and their biographies demonstrating why they have the skills and experience to fulfil the brief.
- Any discounts / added value you are prepared to offer bearing in mind that value for money will be important during the evaluation process.

## Budget

We are looking for proposals of up to £30,000 + VAT.

The budget must cover all fees and expenses, including recruitment of respondents to any groups or surveys, equipment costs, expenses, etc. Venues will be booked and paid for directly by the OPCC.

Please note that whilst an upper limit has been set, value for money is a key criteria in the assessment of quotes, and potential suppliers will need to clearly demonstrate this in their responses.

#### Information Meeting

Any questions and requests for meetings should be sent to [Thomas.Thorp@northyorkshire-pcc.gov.uk](mailto:Thomas.Thorp@northyorkshire-pcc.gov.uk), or by phone on 01423 569562.

The OPCC is keen to discuss their requirements with agencies prior to receiving their submissions.

### Selection Process

The closing date for proposals is **13:00, Monday 12<sup>th</sup> June, 2017**. Proposals will be considered and the contract will be awarded by Wednesday 14<sup>th</sup> June, 2017.

Selection will be based on:

- Value for money – 30% weighting
- Detailed methodology and projected outcomes – 30%
- Evidence of ability to deliver against the brief: case studies, staff skills and experience, schedule of work – 20%
- Ability to understand the context in which this brief has been issued and the ‘business’ of the Police and Crime Commissioner – 20%

The successful agency needs to be ready to commence work on **Thursday 15<sup>th</sup> June, 2017** when there will be a project set up briefing.

## Appendix 1 – Consultation Strategy

### Consultation Strategy

This document sets out the North Yorkshire Office of the Police and Crime Commissioner’s (OPCC) strategy for undertaking a full public consultation on the Police and Crime Commissioner’s local business case regarding the governance of the North Yorkshire Fire and Rescue Service.

This strategy sets out the requirements of the consultation and the OPCC’s approach to ensure the consultation is fit for purpose and meets the legal requirements and best practice principles of public sector consultation.

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## Background

### National context

Our emergency services have had a responsibility to collaborate with each other in order to ensure that they are providing the most effective, efficient and best value public service for decades.

However, the Policing and Crime Act, which came into effect in January 2017, now places a statutory high-level duty to collaborate on the emergency services (Police, Fire and Rescue, and Ambulance). It also makes provision for local assessments by Police and Crime Commissioners (PCC) as to the most effective governance model for Fire and Rescue Services (FRS), giving them the ability to present a local business case to the Home Office where they perceive that a different governance model would generate improvements in economy, efficiency and effectiveness, and/or public safety.

The Government has made it clear that it expects to see greater joint working not only delivering efficiencies and savings to the public purse, but also more effective services that improve public safety and resilience. In a

“The government believes that greater joint working can strengthen the emergency services and deliver significant savings and benefit for the public. It has already invested over £70 million to help drive blue light collaboration programmes. Although there are many good examples locally of joint working between the emergency services, the overall picture remains patchy and much more can be done to improve taxpayer value for money and the service to communities.”<sup>2</sup>

The Government have been clear that the status quo is not sufficient and that there must be improvement. In describing the measures set out by the Policing and Crime Act, Brandon Lewis, Minister for Policing and Fire said that “by overseeing both police and fire services, I am clear that PCCs can drive the pace of reform, maximise the benefits of collaboration and ensure best practice is shared.”<sup>3</sup>

### Governance Options

To facilitate better collaboration and improve emergency services, the Act proposes three alternative options to the status quo. These are:

#### **Representation model**

The PCC is represented on a Fire and Rescue Authority (and its committees) in their police area with full voting rights, subject to the consent of the Fire and Rescue Authority. In North Yorkshire, this would see the PCC join North Yorkshire Fire and Rescue Authority (NYFRA).

#### **Governance model (referred to as Transfer of Functions in North Yorkshire)**

The PCC takes on legal and overarching responsibility for the provision of the fire and rescue service(s) in their area. Individual services retain their operational independence, budgets, their chief fire officers and their own staff. In North Yorkshire, this would see the PCC becoming the NYFRA.

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<sup>2</sup> HM Government (2015), [Enabling Closer Working - Consultation](#)

<sup>3</sup> Brandon Lewis (2017), [Fire Minister's speech to Reform](#)



## Single employer model

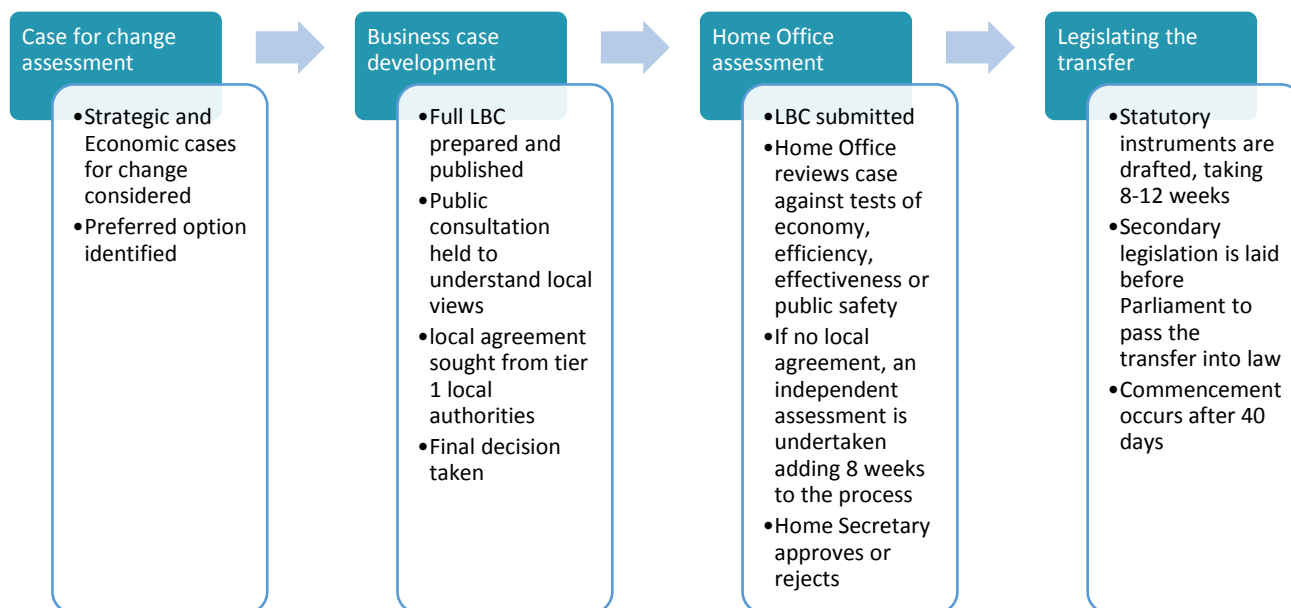
The PCC would become the NYFRA but, in addition, fire and rescue functions are delegated to a single chief officer for policing and fire. Within this model, the services remain distinct front line services with separate budgets, albeit with increasingly integrated support services.

In North Yorkshire, an assessment has been undertaken, and a preferred option of the Transfer of Functions model is being put forward.

## Process

The Policing and Crime Act specifies a process whereby PCCs assess the case for change and, if a case is seen to exist to move to the governance or single employer model, prepare a full local business case (LBC) in accordance with the Treasury's five case model, demonstrating how the change is in the interests of economy, efficiency, effectiveness and public safety.

If this is done a public consultation must be held on the proposal. The PCC then makes her final decision as to whether to submit the LBC to the Home Office. If so, the Home Secretary then reviews the case and takes the final decision whether to approve it or not. If approved secondary legislation is laid before Parliament to put in place the statutory instruments to make the transfer possible.



## Approach

In North Yorkshire, the PCC has taken a collaborative approach to this process, instituting a structure that allows for the input and collaboration of key stakeholders from the beginning of the process.

This approach will be reflected in this consultation, which will aim to engage with a range of stakeholders as well as the public to gather and assess many and diverse perspectives. North Yorkshire is the largest county in England, containing many different communities – from the historic urban centre of York to seaside towns, rural villages, isolated hamlets and farms, and the sparsely populated Yorkshire Dales and North York Moors national parks.

This consultation seeks to engage across the county to explore and listen to the public's opinions about the opportunities that the LBC presents. It will present an evidence base for an innovative and fresh vision for how community safety can be delivered in North Yorkshire.

## Objectives

The objectives of this consultation are to:

- develop public understanding about the options set out by the Policing and Crime Act and about the rationale for the preferred option put forward by the PCC
- set out to the public the criteria and factors that will be important in the decision-making process
- effectively obtain the views and opinions of a broad range of stakeholders across North Yorkshire on the benefits of the options explored in our LBC
- inform the PCC of the public's opinion to enable her to consider their views and possible amendments to the LBC, and to inform her final decision
- ensure that the PCC discharges her duty to consult as set out in the Policing and Crime Act in line with legal requirements and best practice in public consultation

## Legal Requirements

The Association of Police and Crime Chief Executives has set out guidance based on the Policing and Crime Act requirements. This guidance is set out below.<sup>4</sup>

Prior to submitting a business case to the Secretary of State, a PCC is required to meet a number of consultation duties as set out in the Policing and Crime Act 2017 Schedule 1 Part 1. These are:

- consulting each relevant upper tier local authority about the business case;
- consulting people in their local police force area about the business case;
- consulting those who the PCC considers represent the views of employees who may be affected by the PCC's proposal including fire and rescue personnel and police staff;
- consulting those who the PCC considers represent the views of members of the police force who may be affected by the PCC's proposal; and
- publishing a summary of the PCC's response to the representations and views expressed in response to the consultation.

The Act does not prescribe how PCCs should go about meeting these requirements. This reflects the principle that PCCs are best placed to determine locally how to consult their local communities based on the nature of their case and its complexity. There is, however, related case law and best practice in this area that PCCs may wish to draw on when considering how to discharge their consultation duties.

Consultation will need to demonstrate that it meets two criteria.

1. It adheres to the **Gunning Principles of good consultation:**

- consultation must take place when the proposal is still at a formative stage;
- sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response
- adequate time must be given for consideration and response
- the product of consultation must be conscientiously taken into account.

Recent case law has also added two further principles:

- the degree of specificity regarding the consultation should be influenced by those who are being consulted;
- the demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit.

2. It adheres to the government **Consultation Principles 2016:**<sup>5</sup>

**Consultations should be clear and concise**

Use plain English and avoid acronyms. Be clear what questions you are asking and limit the number of questions to those that are necessary. Make them easy to understand and easy to answer. Avoid lengthy documents when possible and consider merging those on related topics.

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<sup>4</sup> APACE (2017), [Police and Fire Business Case: Guidance for OPCC CEOs](#)

<sup>5</sup> HM Government (2016), [Consultation Principles](#). These have been adapted to suit local consultation. This government document does not have legal force and is subject to statutory and other legal requirements.

**Consultations should have a purpose**

Do not consult for the sake of it. Ask departmental lawyers whether you have a legal duty to consult. Take consultation responses into account when taking policy forward. Consult about policies or implementation plans when the development of the policies or plans is at a formative stage. Do not ask questions about issues on which you already have a final view.

**Consultations should be informative**

Give enough information to ensure that those consulted understand the issues and can give informed responses. Include validated assessments of the costs and benefits of the options being considered when possible; this might be required where proposals have an impact on business or the voluntary sector.

**Consultations are only part of a process of engagement**

Consider whether informal iterative consultation is appropriate, using new digital tools and open, collaborative approaches. Consultation is not just about formal documents and responses. It is an on-going process.

**Consultations should last for a proportionate amount of time**

Judge the length of the consultation on the basis of legal advice and taking into account the nature and impact of the proposal. Consulting for too long will unnecessarily delay policy development. Consulting too quickly will not give enough time for consideration and will reduce the quality of responses.

**Consultations should be targeted**

Consider the full range of people, business and voluntary bodies affected by the change, and whether representative groups exist. Consider targeting specific groups if appropriate. Ensure they are aware of the consultation and can access it. Consider how to tailor consultation to the needs and preferences of particular groups, such as older people, younger people or people with disabilities that may not respond to traditional consultation methods.

**Consultations should take account of the groups being consulted**

Consult stakeholders in a way that suits them. Charities may need more time to respond than businesses, for example. When the consultation spans all or part of a holiday period, consider how this may affect consultation and take appropriate mitigating action.

**Consultations should be agreed before publication**

Seek collective agreement before publishing a written consultation, particularly when consulting on new policy proposals.

**Consultation should facilitate scrutiny**

Publish any response on the same page as the original consultation, and ensure it is clear when the PCC has responded to the consultation. Explain the responses that have been received from consultees and how these have informed the policy. State how many responses have been received.

**Responses to consultations should be published in a timely fashion**

Publish responses within 12 weeks of the consultation or provide an explanation why this is not possible. Where consultation concerns a statutory instrument publish responses before or at the same time as the instrument is laid, except in exceptional circumstances. Allow appropriate time between closing the consultation and implementing policy or legislation.

**Consultation exercises should not generally be launched during local or national election periods.**

If exceptional circumstances make a consultation absolutely essential (for example, for safeguarding public health), departments should seek advice from the Propriety and Ethics team in the Cabinet Office.

## Consultation Timeline

In North Yorkshire, the PCC has set out her timeline for consultation as follows:



## Stakeholders

In North Yorkshire the PCC has made it clear that this consultation should reach as broad an appropriate audience as possible.

The main stakeholder groups are listed below.

### The public

- Representative sample
- Community groups
- Businesses

### Local Authorities

- North Yorkshire County Council and City of York Council
- MPs
- Fire Authority
- Police and Crime Panel
- District and Borough Councils
- Town and Parish Councils
- Clinical Commissioning Groups and Hospital Trusts
- Safeguarding Boards
- Community Safety Partnerships

### Emergency Services

- Fire officers and staff
- Police officers and staff
- Unions and staff associations
- Yorkshire Ambulance Service

### Media

- Newspapers
- Emergency services professional publications
- Local and regional radio and television stations
- Social media

## Methodological Overview

In North Yorkshire, the PCC has stipulated that the consultation must meet with rigorous standards, legal requirements and best practice principles of public sector consultation.

We will ensure that consultation documents are concise and clear, written in plain language that can be understood by the intended audience, avoiding jargon at all times.

Subject to a full consultation plan, our consultation methods are as follows.

### Survey

- An online survey accessible via a dedicated webpage (see Media)
- Face-to-face and telephone representative sample
- Officer and staff survey for fire and police
- Hard copy versions circulated to public buildings and by request with freepost return address (see also Leaflet)
- Easy read and other language versions

### Leaflet

- A public information leaflet also containing the survey for distribution to public buildings with freepost return address

### Public notices and meetings

- Public consultation notices distributed to all councils, and posted at police and fire stations where possible
- Public meetings or events across the county attended by the PCC where possible to advertise the consultation, provide information and allow for completion of surveys
- PCC engagement with County, City, Borough and District Council public meetings to present the LBC
- Key stakeholder focus groups to present the LBC and gather views

### Media

- A dedicated webpage which will accessibly host the consultation information
- An ongoing social media campaign will be used to keep the public up-to-date on the process and will be used as an effective tool to gather feedback
- PCC to provide press release to newspapers, features to industry magazines, and radio and TV interviews
- A list of FAQs will be prepared in advance so that all press requests can be met in a timely and informative manner
- A simple and easy to understand animated video, lasting less than five minutes, will outline the background and relevant information in plain English with subtitles
- A second short video will involve the PCC speaking to camera about her preferred option and her rationale for putting it forward to the public