

What is Operational Discretion and How is it Used by the UK Fire and Rescue Service? A Literature Review

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Abstract

The term operational discretion is currently used by the UK Fire and Rescue Service (FRS) to describe a situation where commanders are permitted to deviate from standard operating procedures. It was introduced to national guidance in 2015 (NOG, 2015), however there have been concerns raised regarding inconsistencies in understanding of this term and, relatedly, whether it is being used appropriately. This prompted the National Fire Chief's Council (NFCC) to establish a working group to consider whether the term should be revised, abandoned, or kept the same. The goal of this literature review was to establish a foundation of understanding on how this term has been interpreted within the literature. We searched both academic and non-academic literature. We found nine non-academic papers that referenced operational discretion, but definitions of what this term meant were inconsistent and confused. We found six academic papers that broadly explored discretion in the FRS, but only one that specifically studied operational discretion as defined within UK national guidelines. This study found a lack of understanding of when, and when not, to use operational discretion in an empirical study. Based upon our findings from this review, we recommend that a single, clear, and consistent definition of operational discretion be produced to avoid confusion in the literature and in practice. Further, we advocate for more research to be conducted to understand how discretionary decision-making in safety-critical environments operates to inform the future use of this style of decision-making across the UK FRS.

Introduction

Operational discretion can be used by incident commanders within the UK FRS when they are faced with a situation where there is no standard procedure available to deal with the situation, or where standard procedures would be inappropriate. The term was first introduced in the coronial report following the 7/7 terrorist incident inquest (7/7 Inquest, 2012), where it was used to describe an informal recommendation that protocols, procedures and training be regularly reviewed to ensure lessons are learnt. It was first introduced as an official term by the NFCC in 2015 as a measure to enable commanders to make decisions during rare or exceptional incidents that could not be foreseen. Research has found that when faced with “wicked problems” like these, that commanders are at risk of decision inertia, defined as redundant deliberation over a problem for no gain (Power & Alison, 2019). In theory, operational discretion provides a route for overcoming decision inertia by empowering commanders to think outside the box.

Why are we reviewing operational discretion?

There is a wealth of evidence across the UK FRS sector that suggests operational discretion is poorly understood. This is related to a lack of shared understanding about what the term means and, relatedly, when (and when not) to implement it. Reports from the HMICFRS, whose role is to independently inspect and report on the performance of FRSs across the UK, have found inconsistencies in understanding. For example, in Avon FRS it was found that understanding of the term was inconsistent and was often confused with the term ‘critical incident’ ([HMICFRS, Avon 2018/19](#)), with further misunderstandings identified in West Yorkshire FRS ([HMFRS, West Yorkshire 2018/19](#)) and Hereford and Worcester ([HMFRS, Hereford and Worcester 2018/19](#)). It has also been found that commanders are

overly cautious in their use of operational discretion as they fear backlash from deviating from procedures. A recent inspection of London Fire Brigade found that organisational culture inhibited the use of operational discretion as commanders felt unsupported by the brigade ([HMICFRS London 2021/22](#)).

Aims and Objectives

The aim of this literature review was to provide an overview of what is understood about operational discretion according to the published literature. It had two objectives; (i) to identify how operational discretion is defined within official FRS guidance; and (ii) to explore the academic literature on how operational discretion is used within FRS incident command.

Methodology

The literature review was conducted by a team of four academic researchers. Non-academic literature was obtained from online searches and the sharing of materials from members of the working group. We also searched recent public inquiries involving the Fire Service to identify how it was understood within these settings. The academic literature was searched online in databases including Scopus, EBESCOhost, and Google Scholar. Search terms included “firefighter”, “fire service”, “fire and rescue”, “operational discretion”, “professional accountability”, “professional judgement”, “decision making”, “autonomy”, and “standard operating procedure”. We excluded any papers that were not specifically related to discretionary decision-making in the fire service. A broader review incorporating the wider literature could be conducted (e.g., systematic literature review) with more time.

Literature Review Results

We identified 15 published articles in our review. Nine articles were found through our search of the non-academic literature, and six relevant papers were identified in the academic literature.

Non-academic literature

A total of nine documents were identified when searching the non-academic literature. These were split into two types: guidance documents (n=7) and public inquiries (n=2). Out of the seven guidance documents, there were five different definitions of operational discretion (Appendices, Table 1). This indicates that operational discretion as a term is inconsistently defined, which risks misunderstanding around when it should, or should not, be used. We identified four themes across the different definitions:

1. Operational discretion relates to rare circumstances.

All but one definition (see Table 1) highlighted that operational discretion should only be used under rare, exceptional, non-standard, or non-reasonably foreseeable incidents. However, the definition of what is meant by “foreseeable” is not provided.

2. It should be used when standard operational procedures are not appropriate.

All but one definition specified that operational discretion should be adopted when standard operational procedures would not help to resolve the incident, or where no standard operational procedure exists for the incident.

3. Incident Commanders must have a clear rationale for using operational discretion.

Three out of five definitions outlined the need for the incident commander to have a clear rationale or have made a dynamic risk assessment to evidence awareness of why they have used operational discretion.

4. Operational discretion involves the use of professional judgement.

Two out of the five definitions referred to operational discretion as professional judgement. However, it was not clear whether they were stating that operational discretion *is* professional judgement, or whether operational discretion is caveated *type* of professional judgement.

Operational Discretion Within Public Inquiries

We identified two recent public inquiries that discussed operational discretion: the Manchester Arena Inquiry (2022) and the Grenfell Inquiry (2021).

The Manchester Arena Inquiry

The Manchester Area Inquiry provided two recommendations regarding operational discretion:

- Recommendation 22 – North West Ambulance Service should ensure that its commanders are adequately trained in the use of operational discretion.
- Recommendation 36 - Greater Manchester Fire and Rescue Service should ensure that its commanders are adequately trained in the use of operational discretion.

Section 12.654 of the inquiry recommended that all levels of commander within GMFRS be trained in operational discretion. It suggested that operational discretion be utilised in “circumstances in which following normal procedures would be a barrier to resolving an

incident, or when there was no suitable procedure in place”, aligning with the view that operational discretion should only be used when standard operating procedures do not fit.

Grenfell Tower Inquiry

Operational discretion was referenced within the Firefighting Report as part of the Grenfell Tower Inquiry ([McGuirk, 2021](#)). This report described how although it is important that operational discretion is “not used lightly” that it is “equally important that any operational policy does not fetter the use of the discretion, but rather provides and important enabling framework for the exceptional incidents when commanders must improvise” (section 113, McGuire, 2021). The current inconsistency in how operational discretion is defined does not support this goal as confusion over what the term means can inhibit its use.

Academic Literature

A search of the academic literature was conducted. Six papers were found which had relevance to the use of operational discretion in the FRS. Of these, three papers were based in the UK, one in Sweden, one in the US, and one was broader theoretical paper. See Table 2 for a breakdown of the key aims and findings of each paper.

Academic research on “operational discretion”

The only published study we found that looked at how operational discretion is used by the UK FRS was by Butler et al (2023). They sought to test whether commanders understood when to use operational discretion by presenting them with two scenarios: only one where the use of operational discretion was deemed appropriate. They found that only five out of 43 participants used operational discretion appropriately, suggesting that understanding of operational discretion was poor.

Academic research on “discretion” more broadly

The other five papers explored the use of discretion in fire and rescue settings more broadly. From an empirical perspective, Butler et al (2020) described their approach to developing THINCS: a behavioural marker system, that advocates the need for greater non-technical skills training within the Fire Service. Within THINCS they describe decision-making as a non-technical skill, which has relevance to operational discretion, but do not explicitly link this in the paper. A second empirical paper was by Persson and Uhnöo (2021) who explored discretionary decisions made by the FRS in Sweden. Through an interview-based study they found that discretionary reasoning explained the variance in decisions made by FRS personnel and how there needs to be a greater understanding that people can respond to the same situation in different ways based on their discretionary reasoning. Finally, Andrews et al (2014) explored the role of discretion, not in firefighting, but in community service activities of the FRS. They found that a more representative FRS in terms of gender and ethnicity led to greater organisational performance, and this was related to use of discretion when engaging with the community.

From a theoretical perspective, Jahn (2019) provided an insightful analysis of changes to the decision-making approaches used in US wildland firefighting. Here, the introduction of new guidance, named *Doctrine*, moved focus away from rigid adherence to rational safety rules (“you must”) to encourage firefighters to engage in more judgement-led decision-making. They highlighted the benefits of this approach, but warned how there was poor consideration in *Doctrine* of how less experienced firefighters might develop the experience needed to deviate from rule-based thinking, and how such professional judgements might be assessed in accident investigations and with regards to accountability. Kalkman (2020) provides further theoretical consideration of the role of discretionary

decision-making in frontline responders, suggesting that there are three tensions related to its use: (i) inconsistent use of discretion across responders who might, or might not, be constrained by safety rules; (ii) poor understanding on the reasons for discretionary action; and (iii) whether use of discretion is of use to, or a hinderance, to frontline workers (e.g., freedom of choice versus burden of responsibility).

Taken together, we conclude that there is limited research empirically testing operational discretion as defined by the UK FRS, but there do appear to be some interesting theoretical discussions internationally around the advantages and disadvantages to using prescriptive safety rules versus discretionary judgements. A more robust consideration of this literature is vital to develop our understanding on how operational discretion might be developed in the future.

Discussion

The main finding from this literature review is that operational discretion is inconsistently defined and, therefore, poorly understood. This is evident in the contradictory definitions provided in the non-academic literature, and through the one research study that found operational discretion was inconsistently and inaccurately used (Butler et al., 2023). We believe that this confusion is primarily due to a lack of consensus over how operational discretion relates to discretionary judgement. Professional judgement refers to the commander's use of skills and experience to inform their decisions and aligns with the broader discussion of the use of discretion during emergencies within the academic literature (e.g., Jahn, 2019). Operational discretion, in its current form, is a prescriptive rule-based procedure that details when, and when not, professional judgement can be used. This is an important distinction that is not well articulated in current definitions.

We have two recommendations based upon this literature review. First, that a more detailed literature review is needed to identify how different types of safety rules (e.g., prescriptive versus discretionary) influence behaviour in safety critical environments, whilst critically considering their wider impact, for example, in terms of accountability for those firefighters who are using discretionary judgements. Second, we argue that the term operational discretion as used by the UK FRS must be redefined to provide a single, clear definition that can be consistently applied across the sector.

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Appendices

Table 1: *Definitions of operational discretion*

Resource	Definition	Rare circumstance	SOPs inappropriate	Clear rationale	Professional judgement
1. HMICFRS (2018: Operational discretion - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (justiceinspectors.gov.uk))	Operational discretion relates to rare or exceptional circumstances where strictly following an operational procedure would be a barrier to resolving an incident, or where there is no procedure that adequately deals with the incident. Incident commanders need to be sufficiently aware of procedures, the skills and qualities of crewmembers and the capability of resources available.	Yes	Yes	Yes	No
2. CIOA NOG The Foundation of Incident Command (2015)					
3. NOG: Control measure – operational discretion (2020: Control measure - Decision-making - NFCC)					
4. CIOA The Future of Incident Command (2015)	Operational discretion can be described as those occasions whereby the incident commander makes the decision (following a dynamic risk assessment which indicates the benefit outweigh the risks), that the most appropriate actions for the incident are not aligned with standard operating procedures. This might be because it is a non-standard incident, or an aspect of the incident is non-standard.	Yes	Yes	Yes	No
5. NFCC: Control measure – decision-making (2022; Decision-	Operational discretion involves the use of professional judgement to make decisions in relation to incidents that are extremely	Yes	Yes	Yes	Yes

making - ICS (PUBLISHED) NFCC CPO)	unusual and not reasonably foreseeable, or a combination of circumstances that have not been predicted. Most situations that incident commanders are faced with are not unique and are foreseeable. In resolving an incident, commanders use their own experience and knowledge of guidance, together with that of the command team and personnel. Operational discretion relates to unusual circumstances where strictly following an operational procedure would be a barrier to resolving an incident, or where there is no procedure that adequately deals with the incident. Incident commanders need to appreciate that such circumstances may lead to increased stressful working conditions for them and other personnel. Incident commanders need to be sufficiently aware of operational procedures, the skills and qualities of personnel, and the capability of the available resources.	
6. NOG (2022) Operational discretion - KSU NFCC CPO)	Operational discretion involves the use of professional judgement to make decisions in relation to incidents that are extremely unusual and not reasonably foreseeable, or	Yes No No Yes

	a combination of circumstances that have not been predicted. Such incidents will be novel and unfamiliar to an incident commander characterised by ambiguity and uncertainty.					
7. LFB Policy 342, Dynamic Risk Assessment (2016) LFB00000236 LFB document entitled 'Dynamic Risk Assessment' (policy number 342, reviewed 31 August 2016) policy and process for risk assessment balancing firefighter safety and carrying out the role of the fire and rescue service.pdf (grenfelltowerinquiry.org.uk)	To achieve specific objectives, operational discretion empowers individuals to adapt or move away from operational policy if it is justifiable in terms of risk versus benefit. Any move away from policy should be the minimum necessary to achieve the objective(s), in order to minimise exposure to the increased levels of risk.	No	Yes	No	No	

Table 2: *Academic research on operational discretion*

Publication	Notes
Andrews, R., Ashworth, R., & Meier, K. J. (2014). Representative Bureaucracy and Fire Service Performance. <i>International Public Management Journal</i>, 17(1), 1–24. https://doi.org/10.1080/10967494.2014.874253	Aim: To identify whether a more representative FRS can lead to better organisational performance. They looked at how the use of discretion in community service was linked to representation and organisational performance. Method: Analysis of secondary data collected from 2006 to 2008 by fire authorities as well as central and local government. They tested for whether representation (gender, ethnicity) was related to organisational performance with regards to number of accidental deaths by fire, the number of special services incidents, and, comprehensive performance assessment scores. Results: They found that the positive effects of a more representative FRS on organisational performance is greater when organisations make greater use of discretion, particularly when interacting in the community rather than when dealing with firefighting and saving lives. Conclusion: A more representative fire service leads to greater organisational performance, especially when using discretion in community service activities.
Butler, P. C., Bowers, A., Smith, A. P., Cohen-Hatton, S. R., & Honey, R. C. (2023). Decision Making Within and Outside Standard Operating Procedures: Paradoxical Use of Operational Discretion in Firefighters. <i>Human Factors</i>, 65(7), 1422–1434. https://doi.org/10.1177/00187208211041860	Aim: To better understand how and when firefighters use Standard Operating procedures or Operational Discretion within operational scenarios, and what relationship exists between such uses of SOPs and OD and stress. Method: Incident Commanders were presented with two simulated incident scenarios. The discretion scenario involved a group of children stuck in a sinkhole, and where the use of operational discretion would be licensed. The control scenario was a contained fire in a flat with no immediate dangers, and so SOPs could be adequately utilised. Video footage of the ICs was used to code their scenario reactions as SOP or OD. Assessment of immune function using blood measurements and self-report responses were used to measure the stress caused by the incidents. Results: ICs were more likely to use OD in the control scenario than in the discretion scenario. More participants did not use OD in either scenario than those who used it in both scenarios. Intermediate commanders may be more reluctant to use OD than advanced commanders. Only 5 out of 43 participants used OD in an appropriate manner within the study. Over half of participants (23) used OD with no justification.

	Participants showed more acute stress in the discretion scenario based on both the blood and self-report assessments. Conclusion: Guidance and training around the use of OD may need to be strengthened. The greater stress response may influence the decision-making of firefighters when in scenarios that license OD and lead to a reliance on SOPs. And so this may be the area that needs reconfirming, such as training on high-stress decision-making and resilience.
Butler, P. C., Honey, R. C., & Cohen-Hatton, S. R. (2020). Development of a behavioural marker system for incident command in the UK fire and rescue service: THINCS. <i>Cognition, Technology & Work</i>, 22(1), 1–12. https://doi.org/10.1007/s10111-019-00539-6	Aim: To identify the non-technical skills lead that contribute to effective incident command in the UK FRS, with an aim to develop this into a behavioural marker system. Method: An online survey of UK FRS incident command training centre managers to gather data on the non-technical skills training. Semi-structured interviews with incident commanders and a series of expert workshops were used to develop a behavioural marker system. Results: All 27 FRSs provided some level of training in decision-making, whether theoretical or practical. Training in the remaining skills (situational awareness, leadership, teamwork, communication, personal resilience) is much less consistent across the services. 26 out of 27 FRS used the 'Foundation for Incident Command' for their theoretical training on decision-making. It was also used in many services for training on the other skills. Live exercises are the most common form of practical training. 25 out of 27 FRS provided theoretical decision-making training to Level 1 ICs, yet only 7 provided this to Level 4 ICs. Such differences are consistent among all measured non-technical skills, theoretical and practical training, and all sources of potential training. The interviews and workshops led to refined set of 6 skills and 20 sub-skills which led to the THINCS system. After a preliminary review, raters found the THINCS system comprehensive, straightforward to link skills to behaviours, and useful. Conclusion: Theoretical and practical training of skills is inconsistent across fire services in the UK. The THINCS system may be useful to link skills to exemplary behaviours in firefighters.
Jahn, J. L. S. (2019). Shifting the safety rules paradigm: Introducing doctrine to US wildland firefighting operations. <i>Safety Science</i>, 115, 237–246.	Aim: US wildland firefighters introduced <i>Doctrine</i>, a policy which formally allowed firefighters to disregard safety rules if their judgement deems it acceptable. Doctrine was formed on a 'tools not rules' approach, following reports which claimed firefighters had 'violated' rules and 'caused' their own deaths, where it was agreed that such strict rules cannot be applied to dynamic firefighting situations and flexibility is needed. This paper aimed to

https://doi.org/10.1016/j.ssci.2019.02.002	track how Doctrine documents have affected the use of safety rules operationally as well as within processes of accountability. Method: Publicly available archival data including official documents, handbooks, and training manuals that included safety directives and references to Doctrine were collated. A text analysis of the documentation was conducted. This included assessing and tracking how Doctrine-informed documentation conflicted with previous documents. Results: Doctrine supports the process of ‘how’ to think and, more importantly, how to think under change and variable circumstances. It empowers firefighters to think, make decisions, and increase personal awareness, responsibility, and accountability. However, more discretion in decision-making means that decisions must be made within a grounded foundation of previous firefighting experience, and there is minimal guidance on how Doctrine applies to firefighters with less experience. They also recommended that there needs to be a new way to understand accidents and their causes without blaming firefighters for acting in accordance with their best judgment, according to Doctrine. Conclusion. There are practical issues that arise from an adaptive safety paradigm such as Doctrine. These include how the existing safety rules should be involved in normal work, how safety rules can be invoked to voice dissent, and the need for alternative methods to investigate accidents and determine accountability.
Kalkman, J. P. (2020). Frontline Workers in Crisis Management. In <i>Oxford Research Encyclopedia of Politics</i>. https://doi.org/10.1093/acrefore/9780190228637.013.1527	Aim. Emergency responders work in uncertain situations, which affords them increased autonomy in acting on their own judgments. Previous crisis management literature has led to the emergence of three tensions. First is around the nature and extent of frontline discretion, second is the reasons for taking discretionary actions, and thirdly, the advantages and disadvantages of discretion use by frontline personnel. Method. A review and commentary on previous literature and theory. Results. After recognising the limitations that come with a hierarchical approach, principles of decentralization have been introduced to better facilitate frontline discretion and local coordination.
Persson, S., & Uhnöo, S. (2021). Dilemmas and Discretion in Complex Organizations: Professionals in Collaboration with Spontaneous	Aim: To investigate the use of discretion and discretionary reasoning among FRS professionals when collaborating with spontaneous volunteers during a forest fire in Sweden. Discretionary reasoning refers to an individual’s judgements about which actions to take in a situation.

Volunteers During Disasters.
Professions and Professionalism,
11(2), Article 2.
<https://doi.org/10.7577/pp.3961>

Method: Semi-structured interviews with 17 personnel from FRS, 11 at strategic level and 6 at operational level.

Results: Conflicting reasoning feeds into dilemmas and can lead to an array of actions. The same reasoning can lead to different courses of action, such as the inclusion or exclusion of volunteers. Extreme and chaotic situations can lead to wider discretionary variance across individuals.

Conclusion. People reason about and react to extreme situations in different ways. Discretionary reasoning is used by professionals to understand complex situations and how they justify their choices.
