

**9 February 2012**

**Fire and Rescue National Framework for England, Consultation**

**Report by Chief Officer**

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## **1 Summary**

1.1 Communities and Local Government (CLG) has recently issued the new National Framework document for consultation. This represents the Government's expectations of Fire and Rescue Authorities (FRA) and proposals for Fire and Rescue Services (FRS) for the coming years. It makes new requirements for the design of the FRA integrated risk management plans in the light of government policy around localism and around the accountability of public bodies. In previous years the documents have enjoyed a three year life span. This document remains open ended, indicating that it may not change significantly over the coming years.

1.2 There are four chapters to the document entitled:

1. Safer communities
2. Accountable to communities
3. Assurance
4. Legislative context, timescale, scope

## **2 Recommendations**

2.1 The Fire Authority considers the draft framework document and any issues it wishes to submit as part of the consultation process.

2.2 That the Authority agrees that a final response to the consultation, based on comments provided by members, be produced and submitted by the Chief Officer in consultation with the Chairman of the Authority and the Clerk.

## **3 Introduction and background**

3.1 The Government's priorities in this Framework are for Fire and Rescue Authorities to:

- Identify and assess the full range of fire and rescue related risk their areas face, make provision for prevention and protection activities and to respond to incidents appropriately;
- Work in partnership with their communities and wider range of partners locally and nationally to delivery their service; and
- Be accountable to the communities for the service they provide.

3.2 The Framework strengthens accountability at a local level and directs Fire and Rescue Authorities to:

- Be transparent and accountable to their communities for their decisions and actions, and to provide the opportunity for communities to help to plan their local service through effective consultation and involvement;
- Have scrutiny arrangements in place that reflect the high standard communities expect for an important public safety service; and
- Provide assurance to their communities and to government on financial, governance and operational matters and on national resilience capability.

#### **4 Key changes to the new National Framework Document**

- 4.1 The framework is half the size of the previous one, indicating greater professional self reliance and management. The preceding framework was very prescriptive in design. This document is less so in its policy direction (localism and accountability) but more detailed and directive in the area of national resilience. This latter point marks a change in the relationship between the Government, Fire and Rescue Authorities and the communities they serve.
- 4.2 The framework no longer focuses on the need for organisational change or shaping the service, issues around equality and diversity are now deemed to be covered in existing legislation. Instead the emphasis is on local discretion in the delivery of the service with the FRA holding its Chief Officer to account. It asks for the public to be better informed and engaged in the decisions and direction of the FRS. This is articulated in the Ministerial foreword with phrases emphasising the government's desire "not micro manage" and to afford greater "freedom and flexibility". The framework implies that there is no desire for central government to be either involved or accountable for what could be described as local operational matters.
- 4.3 The document only covers England, but makes reference to working with the Devolved Administrations.
- 4.4 A new expectation is for additional information to be detailed within the Integrated Risk Management Plan (IRMP). This will, in future, not only address local risk but also take account of regional and national risk and in so doing, identify national gaps in service.

#### **5 Chapter 1 – Safer Communities**

- 5.1 The framework document widens the responsibility of the IRMP. It requires FRAs to identify and assess all fire and rescue related risks both within and across service borders. Furthermore it should help to identify national risks. This new identification of national risks in the local IRMP is intended to highlight any gaps in service and contribute to the national risk assessment. This issue of addressing risk at both a local and national level appears to provide tension within the document. Whilst the document is promoting flexibility and local governance it is, at the same time, prescribing quite detailed obligations on FRAs and FRSs.
- 5.2 This new requirement on FRAs not only to identify and address local risks in their IRMP (by the use of prevention, protection and response activities), but also national ones is not well articulated. The document discusses the identification of gaps in service, but singular FRS do not have sufficient oversight. Noticeably the structural arrangement to coordinate the building of a national risk assessment and the associated mitigation method does not appear in the document, but is subject to separate consultation (just published). This gives the impression of a rather

disjointed approach. There is no mention as to how these gaps will be filled. The challenge for an individual FRS is, without coordination, what will be the process and finance arrangements for filling identified 'national gaps'?

- 5.3 FRS are being directed to participate in cross border working with Devolved Administrations. The Government has stated that they will participate in dialogue to support this, as currently authority does not exist. FRS should also consider collaborative working with other partners to improve service delivery, efficiencies and effective response. To enable this collaboration and interoperability FRS will need to provide information, intelligence and data sharing.
- 5.4 The section regarding resilience is not explained well, it covers existing requirements and is vague on new areas. It calls for collective planning with other FRS to be included in the IRMP and collective arrangements with other FRS to manage risk. FRS are directed to work in partnership with the community both locally and nationally and also to have close collaboration with Category 1 and 2 responders. There are no specifics about the limitations that will need to be set and additional information is required as to how this would happen.
- 5.5 There is some repetition of the requirements imposed by other legislation contained within the document particularly around effective response. For instance, it states that FRA must make provision to respond in their areas and other areas (mutual aid). These are already contained in the Fire and Rescue Services Act 2004 and the Civil Contingencies Act.
- 5.6 With regard to the management strategy and risk based enforcement programme of the Regulatory Reform (Fire Safety) Order 2005, Fire Authorities must now set this out in accordance with the current Statutory Code of Compliance for Regulators and Enforcement Concordat.
- 5.7 Finally, FRS are required to continue to strengthen their business continuity plans.

## **6 Chapter 2 – Accountable to communities**

- 6.1 A strong and enduring theme in the document is accountability, scrutiny and assurance. Specifically, a transparent process will be required to engage and consult with communities in the development of the IRMP. This process supports the Government's vision of withdrawal from central target setting. Rather, it now requires FRA to be locally engaged, more self directing and focussed on evaluating the outcomes of their work. For this process FRS will need to supply current and accessible data on risk and evaluations to the public. This will expose the evidence base for decisions and reflect the priorities and expectation of local communities in the development of the IRMP.
- 6.2 To support this level of accountability, scrutiny and assurance within the design of the IRMP, FRA Member representation, systems and process will need to be in place. This structure will not only be there to report but also to assist local communities in helping to design 'their service'. However, there is little explanation of the scope or extent of the engagement required, which could create a considerable divergence in approach between authorities.
- 6.3 In order to make scrutiny arrangements transparent to communities, FRA Members of upper tier authorities or those locally elected should be considered for membership of scrutiny panels. This is to provide a separation in the powers of

oversight. We do already have scrutiny through the FRA and some professional bodies (Hampshire Children Safeguarding Board), however, these arrangements alone will be insufficient and will need extending. The theme of accountability and scrutiny is further made by instructing Authorities to hold the Chief Officer to account, with FRA decisions themselves being open to greater scrutiny from the public.

## **7 Chapter 3 – Assurance**

7.1 FRS must publish annually, assurance on financial, governance and operational matters as set out in their IRMP. Moreover, assurance will be required from FRS working collectively to inform government that risks are assessed, plans are in place and capability gaps have been identified. Again, additional information will be required about how this will take place and who will be liable for the cost of new capabilities.

## **8 Chapter 4 – Legislative context, timescale, scope**

8.1 There are a number of expectations articulated in this chapter which are already prescribed in statute and therefore need little reiteration. This is particularly the case in relation to the Fire and Rescue Services Act, the role of the Local Resilience Forum under the Civil Contingencies Act and the Protocol on Engagement and Intervention in Poorly Performing Local Authorities. Indeed the whole of chapter four seems to be largely a description of the statutory framework FRAs and their services work within. It would seem more appropriate to place this in an appendix.

## **9 Timescales and scope**

9.1 The national framework now has an open ended timescale with the document stating it will apply for a least 3 years. While reference is made to the devolved administrations, it only covers England.

## **10 Supporting our corporate aims and objectives**

10.1 The Service will undertake a review of the impact of the National Framework document against its corporate aims and objectives once the final document is published.

## **11 Risk analysis**

11.1 None of the proposed changes to the National Framework represent a significant risk. However some of the new requirements surrounding IRMP design, community engagement, transparency, assurance and scrutiny will require careful consideration to ensure compliance.

## **12 People Impact Assessment**

12.1 No people impact assessment is required for this submission; however a preliminary assessment will be required when the final National Framework document is published.

12.2 The proposals in this report are considered compatible with the provisions of the European Convention on Human Rights, the Human Rights Act 1998, and the Race Relations (Amendment) Act 2000.

### **13 Environmental and Sustainability impact assessment**

- 13.1 No environmental and sustainability impact assessment is required for the submission; however a preliminary assessment will be required when the final National Framework document is published.

### **14 Resource implications**

- 14.1 There are no resource implications at this stage of consultation, however there is likely to be if new requirements are imposed around accountability and transparency.

### **15 Consultation**

- 15.1 Consultation has been between Hampshire Fire and Rescue Service and Hampshire Fire Authority at Corporate Management Team and will progress in accordance with the recommendations contained in section 2.

### **16 Conclusion**

- 16.1 The Government has set priorities that FRAs identify all risk in their areas and make provision to respond appropriately. They are to be accountable and should work with the local community to help plan the local service through effective consultation. This planning should also take account of national risks and support the identification of gaps in service.
- 16.2 Greater transparency of decision making is required with additional scrutiny arrangements in place. Assurance will be required to both the local community and government on financial, governance and operational matters. Assurance will also be required to Government on the national resilience capability.

### **17 Background papers**

- 17.1 The following documents disclose the facts or matters on which this report, or an important part of it, is based and has been relied upon to a material extent in the preparation of the report:
- 17.2 2011. CLG. Fire and Rescue National Framework for England, consultation, <http://www.communities.gov.uk/publications/fire/fireframeworkconsultation2012>

Note: The list excludes: (1) published works; and (2) documents that disclose exempt or confidential information defined in the Act.