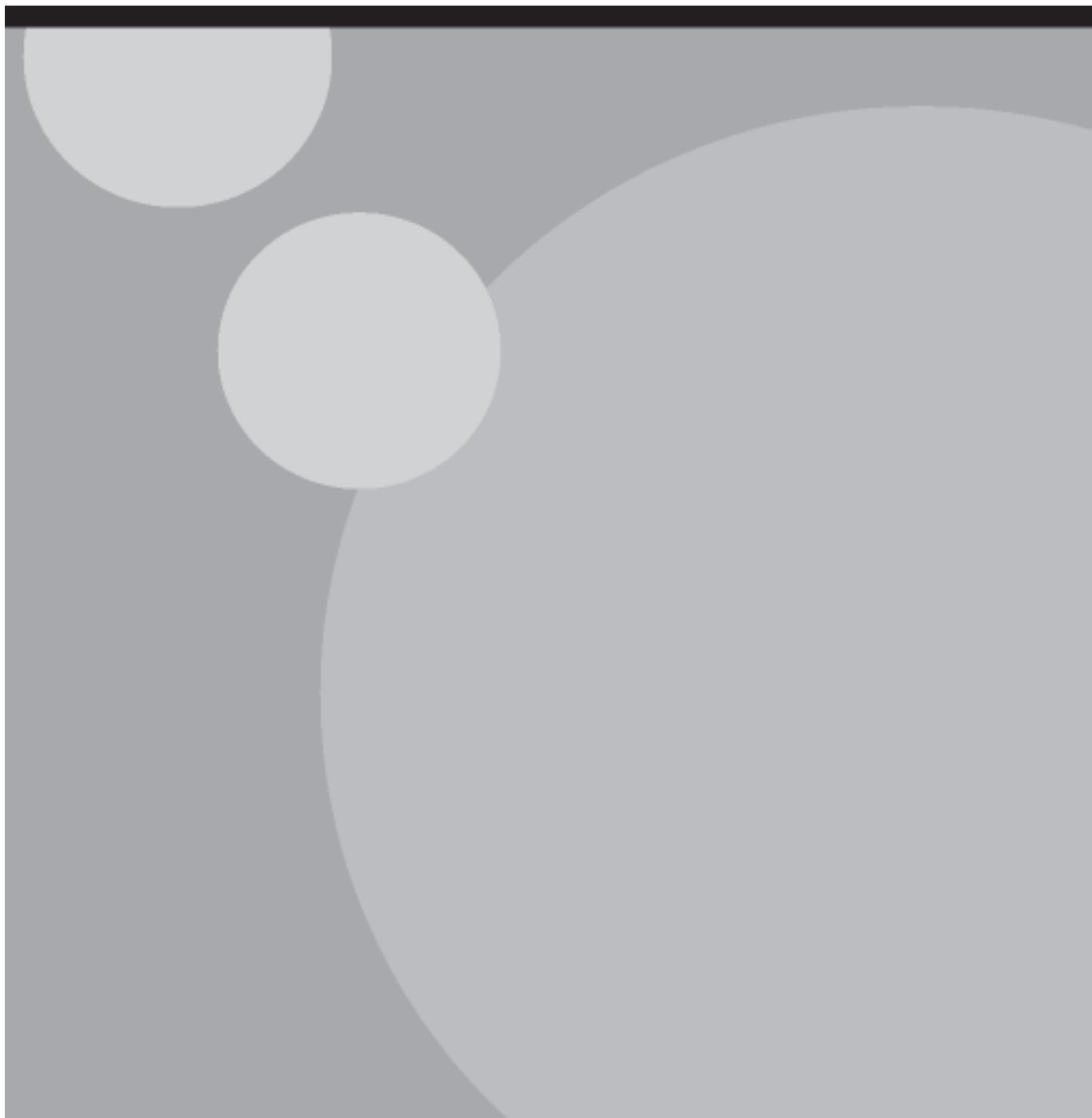




Fire and rescue national framework for England consultation

Summary of responses





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July 2012

Department for Communities and Local Government

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Introduction

The Fire and Rescue Minister, Bob Neill MP, published the Government's Fire and Rescue National Framework for England consultation document on 13 December 2011.¹

The consultation ran for 14 weeks and closed on 19 March 2012. All responses were considered in drafting the Fire and Rescue National Framework for England. The Partner Working Group involving the Fire Sector Partnership, the Local Government Association, the Chief Fire Officers' Association and the Fire Brigades Union contributed to advice to ministers. A total of 93 responses were received:

- 44 from fire and rescue authorities²
- 19 from local authorities
- seven from representative bodies
- seven from resilience organisations
- six from interest groups and businesses
- five from individuals
- two from fire and rescue authority partnerships
- three from others organisations

This document provides a summary of the responses received together with a Government response where appropriate. It is not the intention for this document to repeat the content of the Framework; rather it should be considered in conjunction with the revised Framework being published at the same time as this summary of responses.

The Government invited consultees to respond in particular to the following questions:

1. Is the content of each chapter clear, specific and proportionate?
2. Does the draft National Framework set clear and appropriate expectations of fire and rescue authorities? If not, how could it be improved?
3. Are the respective roles of fire and rescue authorities and the Government set out clearly? If not, how could they be improved or made clearer?
4. Do the requirements for fire and rescue authorities on scrutiny, access to comparable performance data and assurance go too far or not far enough?

¹ <http://www.communities.gov.uk/publications/fire/fireframeworkconsultation2012>

² Includes two fire and rescue authorities that responded twice

While most responses touched on the four questions the majority were focussed on particular sections of the proposed text. In line with this approach, this summary of responses document is primarily focussed on a section by section approach.

The consultation responses were generally supportive of the draft Framework and provided a wide range of views on most sections with no clear consensus. The exception was continued support for the requirement that fire and rescue authorities produce integrated risk management plans.

Consultation Questions

Question 1

Is the content of each chapter clear, specific and proportionate?

The majority indicated that overall the Framework was clear to follow and proportionate. There were a number of comments related to specific sections of the Framework, which are considered later in the document.

Some responses suggested that the term ‘communities’ may be interpreted differently by different fire and rescue authorities.

The Framework text has been updated to reflect that civil society organisations and business are a part of local communities.

Question 2

Does the draft National Framework set clear and appropriate expectations of fire and rescue authorities? If not, how could it be improved?

There were a range of responses to this question. Some responded that the Framework sets clear and appropriate expectations of fire and rescue authorities in line with the Government’s public sector reform agenda approach to localism and that setting high level expectations was a useful approach. Others suggested that the Framework should have a more detailed, narrative approach for setting out the Government’s expectations rather than using ‘musts’.

The Government has used ‘musts’ rather than ‘shoulds’ in the Framework to be clear about the Government’s key priorities and objectives for fire and rescue authorities. Unlike most guidance issued by Government, the requirements of the Framework can be enforced through section 22 of the Fire and Rescue Services Act 2004 (although the Government does not intend to use this power except as a last resort). The Government considers that in this context it is appropriate to use “musts” to highlight those key aspects of the Framework. Fire and rescue authorities function within a long-established statutory and policy framework with which they are familiar. The role of the Framework is not to repeat all the duties placed on fire and rescue authorities in connection with the discharge of their functions or more generally as a public service provider and employer.

Some responses suggested that the Framework should set out the Government’s vision for fire and rescue authorities.

The Framework reinforces the Government’s vision for resetting the relationship to put power back to communities and the locally elected councillors who represent them. Ultimately it is local communities, not Government, that fire and rescue authorities are accountable for the service they provide to keep communities safe.

Also, some responses queried whether the Framework reflected the current funding environment.

The Framework clarifies the roles of fire and rescue authorities and the Government; it does not impose new functions or duties. Where new burdens arise, for example as part of building new national resilience capabilities, the Framework is clear that Government will pay if fire and rescue authorities are expected to meet these – in line with the new burdens doctrine.

Question 3

Are the respective roles of fire and rescue authorities and the Government set out clearly? If not, how could they be improved or made clearer?

The responses generally found the respective roles of fire and rescue authorities and the Government to be set out clearly although some felt that more detail on the Government role would be useful for some areas, considered later in the document.

Question 4

Do the requirements for fire and rescue authorities on scrutiny, access to comparable performance data and assurance go too far or not far enough?

The majority of responses supported the inclusion of requirements on scrutiny, transparency and assurance with some suggesting that they did not go far enough and others too far. Some agreed with the need to put arrangements in place for an important public service with no specific inspectorate while others expressed concern that the requirements were not consistent with the rest of local government. Responses on specific Framework requirements are addressed later in the document.

The Government considers that fire and rescue authorities are in a unique position in that they are local authorities that provide local services but they are also an emergency service and one that contributes to the national resilience of England. Also, they are the only service of their nature that does not have a specific Inspectorate. As such, it is proportionate for the Framework to highlight and/or strengthen requirements for accountability, transparency and assurance of fire and rescue authorities for the services they provide.

Chapter 1 – Safer Communities

Identify and assess

There were a wide range of responses that commented on the requirement to ‘identify and assess all fire and rescue related risk’.

- That it was an unnecessary requirement as it simply replayed existing statutory requirements for a Category 1 responder under the Civil Contingencies Act 2004
- That it was useful to set out in one place the existing statutory requirement for fire and rescue authorities to identify and assess risk
- That it was burdensome to identify and assess *all* risk, for example wider risks on terrorism

The Government’s aim is to mirror existing legislation, providing clarity on the role of fire and rescue authorities. The responses indicate that this was achieved albeit with some misunderstandings. The Framework text has been updated to reflect that the Government does not expect fire and rescue authorities to mitigate unforeseeable risks. Also, the supporting text has been expanded to further link into the risk identification and assessment framework put in place by the Civil Contingencies Act 2004, Regulations made under the Act and its supporting guidance

The requirement to retain integrated risk management plans was accepted although some sought clarification on the need for plans to identify and assess all fire and rescue related risks.

The Government’s aim is for fire and rescue authorities to identify and assess the full range of foreseeable fire and rescue related risks in their areas and to inform and engage communities on their plans to allocate prevention, protection and/or response resources to mitigate these effectively. The development of integrated risk management plans, and the consultative process to which they are subject, is a key tool for providing communities with transparent and relevant risk information, enabling enhanced scrutiny and, if necessary, challenge of individual authorities’ risk reduction plans.

A response suggested the Government should set out how it expects fire and rescue authorities to respond to new or emerging risks which are relevant across local fire and rescue authority boundaries.

The Government expects fire and rescue authorities to keep abreast of changing or emerging risks in their areas, and, where necessary, to pool their resources and work together and with key partners in industry to develop effective operational practices and other means for reducing or managing the risk.

Prevent and protect

Some responses said that there was less emphasis on prevent and protect activities compared to response activities in the Framework, inferring that this reflected Government priorities.

The Government does not underestimate the vital importance of the work of fire and rescue authorities, both independently and in partnership with other local agencies, to prevent fires and ensure their communities are protected from its devastating consequences. The Government expects fire and rescue authorities to identify the risks to all sections of their community, including those most vulnerable to fire, and to proactively deliver their statutory duties to promote fire safety and to audit premises to ensure compliance with the provisions of the Regulatory Reform (Fire Safety) Order 2005.

Respond - intraoperability/interoperability

Of the responses that commented on this section most suggested that some intraoperability requirements be regarded as 'compatible' rather than 'common'.

The Framework text has been updated to reflect this.

Some responses queried whether similar interoperability requirements were in place for other responders and requested more detail on the role of the Government to deliver interoperability.

The Framework text is consistent with the requirements placed on fire and rescue authorities by the Civil Contingencies Act 2004, and Regulations made under that Act, to co-operate and share information with other category 1 and 2 responders. In addition to this, police forces across England and Wales are expected to have in place a number of collective capabilities to protect the public, including "consistency" and "connectivity" arrangements to ensure interoperability between police forces and with other partners. These expectations are set out in the shadow Strategic Policing Requirement. The Framework text has been updated to provide more detail on the role of the Government in delivering interoperability.

Resilience - Collective engagement - Gap analysis - Capability building

Some responses suggested that the Framework include more detail on the strategic governance arrangements for national resilience.

The Framework text has been updated to reflect that the Fire and Rescue Strategic Resilience Board has been established and that the terms of reference are available on request. Also, there is more detail on the role of the Board in considering capability gaps and the possible outcomes of this consideration.

Some responses called for clarity on the resource split between local and national resilience.

Local response is the building block of national resilience. National resilience is based on the local expertise and knowledge that is held by fire and rescue authorities – because every major emergency originates as a local emergency. The roles and responsibilities of fire and rescue authorities in relation to national resilience are not new. The draft Framework simply sets them out clearly and succinctly. The existing National Framework, the Fire and Rescue Services Act 2004, the Fire and Rescue Services (Emergencies) (England) Order 2007, the Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 all set out requirements in relation to national resilience. For example, the Civil Contingencies Act requires fire and rescue authorities to assess the risk of emergencies occurring and to put in place emergency plans.

Some responses called for clarity on Government funding for national resilience.

The Framework commits the Government to fund according to new burdens principles, and to continue funding existing national resilience capabilities.

Chapter 2 – Accountable to communities

Accountability

Some responses supported the requirement for the fire and rescue authority to hold the Chief Fire Officer/Chief Executive to account while others considered it unnecessary.

By directly referencing the accountability of the fire and rescue authority, the Government is seeking to strengthen local political leadership.

Scrutiny arrangements

The requirement that fire and rescue authorities must have arrangements in place to ensure that their decisions are open to scrutiny was generally supported. Some responses welcomed that scrutiny arrangements be locally determined while others called for Government prescription to ensure consistency. A few responses questioned whether, rather than being included in the Framework, the Government should address specific authorities where it believes there are gaps in scrutiny arrangements. Some responses suggested that scrutiny arrangements would slow down decision making.

The Government expects those responsible for delivering public services to have robust scrutiny arrangements in place. It is a key responsibility of any public service to act in a transparent way with the proper scrutiny of decision making on public safety and how public funds are used.

The draft Framework text had referred to different types of scrutiny models already in place in fire and rescue authorities and local government to acknowledge that many authorities already have arrangements in place that meet this requirement. However, this was interpreted by some as a requirement to follow a particular scrutiny model. This was not the intention and, accordingly, that text has been deleted. The removal of this text is permissive; leaving an opportunity for fire and rescue authorities to demonstrate sector leadership in how they undertake their scrutiny arrangements.

Transparent data enables communities to hold service providers to account

The draft Framework set a requirement for fire and rescue authorities to make their communities aware of how they can access comparable data on their performance. Some responses cited difficulties in producing and publishing meaningful comparable data, since different authorities use different metrics. Others referenced the lack of a central inspectorate or the Audit Commission to impose national standards to aid comparability.

Many responses interpreted the requirement as requiring fire and rescue authorities to produce only comparable data, thereby inhibiting the amount of useful data that should be provided. This was not the intention of the requirement. The aim was to emphasise the importance of authorities ensuring that their communities could access a wide range of data and information on their performance, including access to comparable data where

it was available. Removing the word ‘comparable’ from the overall requirement achieves the Government’s aim and, it is hoped, reduces the scope for misunderstandings. The secondary bullet requiring ‘fire and rescue authorities to raise awareness of sources of comparable data and how to access these’ remains to ensure that some element of the overall data made available is comparable.

The requirement to publish peer reviews and self assessments was supported in some responses while others thought that publication should be voluntary.

The Government looks to the sector led approach for peer review and self assessment to support service improvement. The publication of such documents is an important opportunity for fire and rescue authorities to enhance their transparency and accountability to communities; however we agree that the publications should be for local determination. The Framework has been redrafted to require the publication of the actions arising from a self assessment or peer review to show what action an authority is undertaking to improve their service.

Chapter 3 – Assurance

Assurance

The requirement for fire and rescue authorities to publish an annual statement of assurance was welcomed by some responses with suggestions that it should go further than covering financial, governance and operational matters to cover all aspects of service delivery. Other responses queried the need for the statement; they were concerned that the statement would represent an additional burden and duplicate existing reporting requirements. Responses called for clarification over what process was expected to be put in place to deliver ‘independent assurance’ of the statement.

The Government recognises the calls for further detail on the manner of the annual statement of assurance and will work with the sector to consult on light touch guidance. The requirement for the statement recognises that it is reasonable for the Government to seek assurance for the delivery of an important public safety service.

Also, some responses suggested that the annual statement of assurance was unnecessary as people won’t read it.

Whilst acknowledging that engaging with communities is not always easy, this can only be helped by the provision of easily accessible information, which will sit alongside a fire and rescue authority’s existing methods of engagement (e.g. the integrated risk management planning process).

Currently, any member of the public interested in fire and rescue authority provision of services would need to trawl through a number of documents - some of which are necessarily complex in order to comply with legislation - in order to form a view of their authority's performance. This is not user-friendly, is not particularly transparent and does not aid local accountability. One of the aims of the annual statement of assurance is to address that.

National resilience assurance

The few responses on national resilience assurance suggested that the current national resilience assurance arrangements work well, while a small number called for more detail.

The Framework takes an outcome based approach; the detail of delivering national resilience assurance is for the Fire and Rescue Strategic Resilience Board to agree, building on existing arrangements.

Chapter 4 – Context, timescale, scope

Legislation

Some responses suggest that the Framework go into more detail about the role of the Chief Fire and Rescue Adviser. One response suggests an independent review of the impact of the role.

The Framework text reflects the statutory role of an inspector appointed under section 28 of the Fire and Rescue Services Act 2004. The Chief Fire and Rescue Adviser is appointed by Her Majesty the Queen to fulfil this role.

On equality and diversity issues, some responses suggest it would be helpful for the Framework to reference a Community Needs Assessment. Another response suggested the Framework was light touch on people related issues and may be misinterpreted as Government not treating this as a priority.

The role of the Framework is not to repeat all the duties placed on fire and rescue authorities. They are aware of the importance of complying with the requirements of the general and specific duties set out in the Equality Act 2010 and the Equality Act 2010 (Specific Duties) Regulations 2011 in all of their functions, both as employer and service provider.

Some responses query whether the Framework should be accompanied by an equality impact assessment and a financial impact assessment.

An equalities statement has been produced along side the Framework, a copy is available on request. An Impact Assessment is not required as the Framework does not impact on business or civil society organisations.

Some responses welcome Government expectations for local political and professional leadership in respect of improvement through peer led responses and effective partnership working, however some suggest that the peer review system is not transparent. Also, other responses suggest that the Government must retain an overall role in performance monitoring and audit for all fire and rescue authority statutory duties. A response is concerned that the current text does not accurately reflect the role of improvement support.

The Government endorses the process of sector improvement via peer-led responses and partnership-working. It is right that sector partners provide initial support, so that any issues identified can be swiftly dealt with by the sector. The Government will work with the political and professional leadership to share intelligence about any performance concerns and to assess the progress of sector support. However, the Government retains its legislative powers of intervention for the most serious cases. We are working with the Local Government Association and the Chief Fire Officers' Association on revisions to the intervention protocol.

Some responses suggested that the open ended duration necessitates a programme of regular reviews to ensure the Framework requirements remain up to date.

The Government commits in the Framework to, from time to time, discuss with partners whether changes need to be made to the document. Also, the Secretary of State is required to prepare a biennial report to Parliament on the extent to which fire and rescue authorities are acting in accordance with the Framework, under section 25 of the Fire and Rescue Services Act 2004.