

# **Policing and Crime Bill**

## **Inspection of Fire and Rescue Authorities**

### Background

1. Powers for the inspection of fire and rescue authorities (FRAs) are provided for in section 28 of the Fire and Rescue Services Act 2004 (“the 2004 Act”). However, the inspection framework provided for in the 2004 Act is currently dormant. Instead, fire and rescue authorities rely on a system of peer review, whereby an FRA can commission a ‘Fire Peer Challenge’, under a framework developed by the Local Government Association and Chief Fire Officers Association.

2. Sir Ken Knight in his 2013 report ‘Facing the Future’<sup>1</sup> noted that:

“...the fire and rescue service is out of step with other agencies by not having an independent inspectorate. As public bodies, fire and rescue authorities are financially audited, but an inspectorate would look more widely at the operational performance and effectiveness of the service”.

3. The National Audit Office in 2015 commented in relation to its report ‘Financial sustainability of fire and rescue services’<sup>2</sup> that:

“Unlike in other emergency services there is no external inspection of fire and rescue authorities. DCLG now relies on local scrutiny – from local councillors, the public, and fire chiefs themselves – to safeguard service standards and value for money. Councillors can however lack technical independent support, while a lack of standardised data on response standards makes it hard for people to compare the performance of their local fire authority with others.

The Secretary of State has a statutory duty to assure Parliament on the standards of fire and rescue authorities, but DCLG’s evidence to support these statements is limited. DCLG is almost entirely reliant on authorities to self-certify they are in compliance with their mandated duties.”

4. To address these concerns the government now intends to reintroduce an independent inspection regime for fire and rescue authorities. Powers for inspection already exist in section 28 of the 2004 Act. These powers however are limited, and rely upon the consent of the fire and rescue authority to gain access to buildings and information. They also do not include requirements to produce frameworks for inspection to be approved by and, to respond to specific requests from the Secretary of State, to produce reports, or limit publication of sensitive information obtained. They also do not reflect the changing governance of fire and rescue authorities where proposals in the Bill foresee a greater role for Police and Crime Commissioners (PCCs) acting as fire and rescue authorities.

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<sup>1</sup> <https://www.gov.uk/government/publications/facing-the-future>

<sup>2</sup> <https://www.nao.org.uk/report/financial-sustainability-of-fire-and-rescue-services/>

5. The then Home Secretary, Theresa May, in her speech at a Reform event on 24<sup>th</sup> May 2016<sup>3</sup>, announced her intention of creating a robust inspection framework for fire and rescue. She said:

“To help fire and rescue authorities and PCCs hold their service to account and to drive closer scrutiny by taxpayers and communities, I intend to bring forward proposals to establish a rigorous and independent inspection regime for fire and rescue in England. I will shortly table amendments to the Policing and Crime Bill to strengthen the inspection powers in the Fire and Rescue Services Act 2004 to put beyond doubt the powers of fire inspectors to enter premises and access information, and to ensure the Government has the power to commission inspections of particular issues or fire and rescue services. Because it is only by understanding problems and holding services accountable that we can begin to fix them.”

#### Issues addressed by the new fire and rescue inspection measures

6. The Bill makes a number of amendments to section 28 of the 2004 Act to provide for a new independent inspection regime. These address a number of issues:
7. **Greater transparency in inspection arrangements and reporting.** As it stands there are no existing powers in statute to require a fire and rescue inspector to prepare a programme for the inspection of fire and rescue authorities, or to set out the manner in which they conduct inspections. Provisions in the Bill will rectify this and will require a programme and framework to be approved by the Secretary of State. The provisions will allow for it to be possible to undertake inspections outside of that programme, such as where a particular issue of concern has arisen in a fire and rescue authority, which needs to be addressed urgently. Prior to undertaking these inspections consultation is required with the Secretary of State. To enhance transparency, the Bill also makes arrangements for inspection reports to be published, and for the submission of an annual report on inspection activity to the Secretary of State, which must also be laid in Parliament. A new role of chief fire and rescue inspector will be created to be responsible for, amongst other things, setting out the inspection programme and reporting it to the Secretary of State and Parliament.
8. **Greater powers for fire and rescue inspectors.** It is important to ensure that inspectors have the necessary powers to exercise their functions. As a result it is proposed that new powers will be available to the inspectors to serve notice on a relevant person (including a person providing services to the fire and rescue authority) to produce any documents or information that the inspector reasonably considers necessary for the exercise of the inspection function. Similarly the inspectors will have powers to enter premises. There are proposed restrictions on the disclosure of sensitive information. These powers are similar to those held by Her Majesty’s Inspectorate of Constabulary.

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<sup>3</sup> <https://www.gov.uk/government/speeches/home-secretary-speech-on-fire-reform>

9. **Working collaboratively with other public sector bodies.** The new inspectorate will be required, when exercising the inspection function, to co-operate with Her Majesty's Inspectors of Constabulary, and act jointly with them where it is appropriate to do so for the efficient and effective exercise of their functions. This will be particularly important where a PCC becomes the fire and rescue authority. The new provisions also allow the chief fire and rescue inspector to provide assistance to other public bodies.
10. **Inspection arrangements where a PCC has responsibility for fire and rescue.** Where a PCC has taken on the functions and duties of a FRA, the new arrangements provide that the strategic functions, actions and decisions of the PCC will not be subject to inspection. Under the PCC model, PCCs are not subject to inspection by Her Majesty's Inspectorate of Constabulary. They are instead subject to scrutiny by the Police and Crime Panel and directly held to account by the public. In practice, the Government would expect the inspection of the fire and rescue service under a PCC to mirror that of an inspection of local authority FRAs. The inspection would concern matters such as the performance, efficiency and effectiveness of the fire and rescue service. The inspectorate will also be able to require from the PCC any information that they might reasonably require to enable them to conduct their inspection of the service.

**Home Office  
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