



Home Office

Fire and Rescue National Framework for England

Government consultation

This consultation begins on 27 December 2017

This consultation ends on 14 February 2018

About this consultation

- To:** Fire and rescue authorities and fire and rescue representative bodies
- Duration:** From 27/12/2017 to 14 February 2018
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- How to respond:** You can submit your responses to the consultation by using the online form on gov.uk
- or in hard copy, by 14 February 2018 to:
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- Response paper:** A response to this consultation exercise is due to be published by spring 2018 on gov.uk.

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Foreword

Fire and rescue services play a crucial role in making our communities safer, whether it be preventing and protecting people from fire and other risks, or responding swiftly and effectively to the incidents and emergencies that occur. Over the past decade we have witnessed a significant decrease in the number of fires which suggests that we are, as a society, becoming safer than ever from the risk and consequences of fire. In part this must be a testament to the successful fire prevention and protection work that fire and rescue services deliver day in, day out, up and down the country.

Nevertheless, the awful tragedy at Grenfell Tower provided a stark and terrible reminder that we can never afford to become complacent. We must continue to work hard to keep people – especially those whose vulnerability to fire is increased by age, infirmity, mental health, domestic violence or any of the other complex issues some of us are living with – as safe from fire and associated risks as possible. In many cases, this means engaging effectively with other agencies to work together to better protect and improve the outcomes for these individuals.

The past decade has also seen fire and rescue services respond to an ever growing number of non-fire incidents. Collaboration should be at the heart of how services operate so that services can work with, or on behalf of, local providers, to deliver a range of public safety activity to protect their local communities where it is in the interests of efficiency and effectiveness for them to do so.

In 2016, the Home Office outlined an ambitious programme of reform which it is delivering with the fire and rescue sector. This revised National Framework seeks to embed these reforms, which include:

- transforming local governance of fire and rescue by enabling mayors and police and crime commissioners to take on responsibility for fire and rescue services where a local case is made;
- establishing Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) as an independent inspection regime for fire and rescue authorities;
- developing a comprehensive set of professional standards to drive sector improvement;
- supporting services to transform commercially with more efficient procurement and collaboration;
- increasing the transparency of services with the publication of greater performance data and the creation of a new national fire website; and -
- driving forward an ambitious programme for workforce reform including through enhancing: professionalism; management and leadership; training and

development; equality and diversity; improved culture; and options for flexible working.

As part of this reform programme, the fire landscape is changing with the formation of the National Fire Chiefs Council; an independent inspectorate (HMICFRS); and a professional standards body. The revised framework outlines the roles and responsibilities of these bodies and sets expectations for how services should work with them.

It is against this background that the Government launches this revised National Framework for consultation. The National Framework will continue to provide an overall strategic direction to fire and rescue authorities, but Whitehall will not run fire and fire and rescue services remain free to operate in a way that enables the most efficient and effective delivery of their services, drawing upon their considerable skills and experience to best reduce the risks from fire. Ultimately, it is to local communities, not Government, that fire and rescue authorities are accountable.

Finally, it is vital that we learn the lessons from Grenfell. I very much welcome the publication of Dame Judith Hackitt's interim report setting out a comprehensive analysis of the current system of building regulations and fire safety and recommendations for how it can be improved. It is clear there is a need for reform across the system and that we need a new intelligent system of regulation and enforcement which encourages everyone to do the right thing and which holds those who cut corners to account. The scale of the change that her report calls for cannot be delivered by government alone so we will work closely with Dame Judith and other partners – including the National Fire Chiefs Council and fire and rescue services - during the next phase of the review, identifying the changes that need to be made to the system. We will update the National Framework as required to ensure that the learning and recommendations from this Review, as well as those from the wider Grenfell Tower Inquiry, are captured and reflected.

In the meantime, we acknowledge the vital work that local fire and rescue services, and the NFCC, as a member of the Expert Panel, are doing to ensure that building owners are taking all the necessary steps to ensure those living in high rise buildings are safe and feel safe to remain in their homes.

I look forward to receiving consultation responses on the revised National Framework.



R thon Nick Hurd MP

Minister for Policing and the Fire Service

Executive summary

1. Section 21 of the Fire and Rescue Services Act 2004 requires the Secretary of State to prepare a Fire and Rescue National Framework which sets priorities and objectives for fire and rescue authorities (FRAs) in England in connection with the discharge of their functions. FRAs have a statutory duty to have regard to the Framework. The 2004 Act requires the Secretary of State to keep the Framework under review and revise it if needed with significant revisions subject to statutory consultation with representatives of fire and rescue authorities and their employees.
2. The National Framework was last updated in 2012 and changes are needed which warrant a full revision of it at this time to embed the fire reform programme such as the creation of a new inspectorate for fire and rescue services and the creation of the National Fire Chiefs Council. The Framework also reflects the provisions in the Policing and Crime Act 2017 on emergency services collaboration and changes to fire and rescue governance.
3. We have sought the views of an external working group in drafting this framework including the LGA and their elected members; the National Fire Chiefs Council; and HMICFRS.
4. We propose the priorities and objectives for FRAs as set by the Framework to be:
 - identify and assess the full range of foreseeable fire and rescue related risks their areas face;
 - make appropriate provision for fire prevention and protection activities and response to fire and rescue related incidents;
 - collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of service provision;
 - be accountable to communities for the service they provide; and
 - develop and maintain a workforce that is resilient, skilled, flexible and diverse.
5. Within the Workforce chapter (chapter 6) of the draft National Framework, the section on 're-engagement of senior officers post-retirement' has been the subject of an earlier, separate consultation. The Government's response to that consultation is published separately. The draft National Framework includes the proposed wording following that consultation and no more changes to that section are planned following this consultation process.

6. Annex A of the draft National Framework contains a revised 'Protocol on Central Government Intervention Action for Fire and Rescue Authorities'. Section 23 of the Fire and Rescue Services Act 2004 requires that an intervention protocol be prepared, and for the Secretary of State to have regard to it in the exercise of their power of intervention. Revisions to the protocol are required to be consulted on and so comments are invited on this document.

7. Subject to the outcome of the public consultation and parliamentary time allowing, the Government intends for the new National Framework to come into effect in April 2018 to coincide with the commencement of fire inspection. The existing Framework – brought into effect in 2012 - remains valid until it is replaced. The outputs from the Grenfell Tower Inquiry and the Independent Review of Building Regulations and Fire Safety will be considered on an ongoing basis and further changes may be made to the Framework as required. Any such changes will be subject to a separate consultation.

Introduction

This paper sets out for consultation the revised Fire and Rescue National Framework for England and also for the revised 'Protocol on Central Government Intervention Action for Fire and Rescue Authorities'. The consultation is aimed at fire and rescue authorities in England and their staff, as well as fire and rescue representative bodies.

The proposals are unlikely to lead to additional costs or savings for businesses, charities or the voluntary sector, or on the public sector.

Copies of the consultation paper are being sent to:

Chiefs and Chairs of all Fire and Rescue Authorities in England

Local Government Association

National Fire Chiefs Council

Association of Principal Fire Officers

Fire Brigades Union

Fire Officers' Association

Retained Firefighters' Union

Association of Police and Crime Commissioners

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in, or views on, the subject covered by this paper.

Draft Fire and Rescue National Framework for England

1. INTRODUCTION

Powers

1.1 Under section 21 of the Fire and Rescue Services Act 2004 (“the 2004 Act”), the Secretary of State must prepare a Fire and Rescue National Framework.

The Framework:

- a) must set out priorities and objectives for fire and rescue authorities in connection with the discharge of their functions;
- b) may contain guidance to fire and rescue authorities in connection with the discharge of any of their functions; and
- c) may contain any other matter relating to fire and rescue authorities or their functions that the Secretary of State considers appropriate.

1.2 In setting out priorities and objectives for fire and rescue authorities in England, the requirements are best calculated to promote public safety and the economy, efficiency and effectiveness of fire and rescue authorities. The Framework sets out high level expectations; it does not prescribe operational matters which are best determined locally by fire and rescue authorities and their staff.

1.3 In preparing the Framework, the Secretary of State is required to consult fire and rescue authorities or their representatives; persons representing employees of fire and rescue authorities; and any other persons they consider appropriate.

1.4 Every fire and rescue authority must have regard to the Framework in carrying out their functions. Every authority must publish an annual statement of assurance of compliance with the Framework (see Chapter 3).

1.5 Fire and rescue authorities function within a long-established statutory and policy framework. This document does not repeat all the duties placed on them in connection with the discharge of their functions, or more generally as a public service provider and employer.

1.6 The term ‘fire and rescue authority’ in this Framework applies to every fire and rescue authority in England unless otherwise stated.

Priorities

1.7 The priorities in this Framework are for fire and rescue authorities to:

- identify and assess the full range of foreseeable fire and rescue related risks their areas face;
- make appropriate provision for fire prevention and protection activities and response to fire and rescue related incidents;
- collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of service provision;

- be accountable to communities for the service they provide; and
- develop and maintain a workforce that is professional, resilient, skilled, flexible and diverse.

2. DELIVERY OF CORE FUNCTIONS

Identify and assess

- 2.1 Every fire and rescue authority must assess all foreseeable fire and rescue related risks that could affect their communities, whether they are local, cross-border, multi-authority and/or national in nature from fires to terrorist attacks. Regard must be had to Community Risk Registers produced by Local Resilience Forums and any other local risk analyses as appropriate.
- 2.2 Fire and rescue authorities must put in place arrangements to prevent and mitigate these risks, either through adjusting existing provision, effective collaboration and partnership working, or building new capability. Fire and rescue authorities should work through the Strategic Resilience Board where appropriate when determining what arrangements to put in place.

Prevent and protect

- 2.3 Prevention is always better than cure. Fire and rescue authorities must make provision for promoting fire safety, including fire prevention, and have a locally determined risk-based inspection programme in place for enforcing compliance with the provisions of the Regulatory Reform (Fire Safety) Order 2005 in premises to which it applies.
- 2.4 We expect fire and rescue authorities to target their fire safety, prevention and protection resources on: those individuals or households who are at greatest risk from fire in the home; those most likely to engage in arson or deliberate fire setting; and on those non-domestic premises where the life safety risk is the greatest.
- 2.5 To identify those at greatest risk from fire, we expect fire and rescue authorities to work closely with other organisations in the public and voluntary sector, as well as with the police and ambulance services. Wherever appropriate, we expect fire and rescue services to develop partnerships to support risk reduction services to those identified as vulnerable, including from exploitation or abuse, and wherever possible to share intelligence and relevant risk data.
- 2.6 In many cases, fire and rescue prevention and protection staff will be in a position to identify individuals' wider vulnerabilities and exposure to risks beyond fire. By working closely and collaboratively with other public and voluntary sector organisations – both nationally through the National Fire Chiefs Council and through local arrangements - we recognise fire and rescue authorities can make an important contribution to increasing the effectiveness and efficiency of public services and alleviating pressures on local response resources. However, this should not be at the expense of their core fire functions.
- 2.7 Given the wide range of roles that fire and rescue personnel undertake, including with people with complex needs and vulnerabilities, fire and rescue authorities will need to ensure that all their staff in public-facing roles have the necessary skills and training to meet such demands. They also should have appropriate safeguarding arrangements in place to provide the public with the reassurance and confidence that they have every right to expect.

2.8 In all their prevention and protection activities, fire and rescue authorities should robustly evaluate the impact of their activities to ensure that they only pursue those which can be demonstrated to impact effectively and cost-efficiently on risk reduction within their communities. Fire and rescue authorities should share details of their successful interventions (and, importantly, those less successful interventions) to support each other to understand and build on what works best and what is most cost-effective.

Respond

2.9 Fire and rescue authorities must make provision to respond to incidents such as fires, road traffic collisions and other emergencies within their area and in other areas in line with their mutual aid agreements.

2.10 Fire and rescue authorities can enter into reinforcement schemes, or mutual aid agreements, with other fire and rescue authorities for securing mutual assistance, so far as practicable.

2.11 Fire and rescue authorities must have effective business continuity arrangements in place in accordance with their duties under the Civil Contingencies Act 2004. These arrangements must be able to meet the full range of service delivery risks and national resilience duties and commitments that they face. Business continuity plans should not be developed on the basis of armed forces assistance being available.

Integrated Risk Management Plan

2.12 To establish how it aims to deliver its core functions to effectively prevent and mitigate the fire and rescue related risks facing their communities, each fire and rescue authority must produce an integrated risk management plan. Each plan must:

- reflect up to date risk analyses including an assessment of all foreseeable fire and rescue related risks that could affect the area of the authority;
- demonstrate how prevention, protection and response activities will best be used to prevent fires and other incidents and mitigate the impact of identified risks on its communities, through authorities working either individually or collectively, in a cost effective way;
- evaluation of service delivery outcomes including the allocation of resources, for the mitigation of those risks;
- set out its management strategy and risk-based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005 in accordance with the principles of better regulation set out in the Statutory Code of Compliance for Regulators, and the Enforcement Concordat;
- cover at least a three-year time span and be reviewed and revised as often as it is necessary to ensure that the authority is able to deliver the requirements set out in this Framework;
- reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies and partners; and
- be easily accessible and publicly available.

3. INSPECTION, ACCOUNTABILITY AND ASSURANCE

Inspection

- 3.1 Independent inspection of fire and rescue authorities in England – and the fire and rescue service they oversee - is delivered by Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). The chief fire and rescue inspector and inspectors of fire and rescue authorities in England have powers of inspection given to them by the Fire and Rescue Services Act 2004, as amended by the Policing and Crime Act 2017.
- 3.2 The inspectorate will provide a crucial assurance function to consider how effective and efficient fire and rescue authorities are, how well they manage their people and whether they are fulfilling their statutory obligations. The inspectorate will also highlight good practice and identify areas where improvement is needed so that remedial or constructive action can be taken.
- 3.3 The Policing and Crime Act 2017 requires the chief fire and rescue inspector for England to publish an inspection programme setting out what inspections of fire and rescue authorities in England they propose to carry out, and an inspection framework setting out the manner in which inspections will be carried out, including the matters that will be inspected. The inspection framework and programme applies to every fire and rescue authority in England. The 2017 Act also requires the chief fire and rescue inspector for England to submit an annual report to the Secretary of State providing an assessment of the efficiency and effectiveness of fire and rescue authorities in England for the period in respect of which the report is prepared.
- 3.4 All fire and rescue authorities must cooperate with the inspectorate and its inspectors to enable them to deliver their statutory function. This includes providing relevant data and information to inform inspections. The Home Office and HMICFRS will work together to align data and information collections where possible to avoid duplication.
- 3.5 Fire and rescue authorities should give due regard to reports and recommendations made by HMICFRS and - if needed - prepare, update and regularly publish an action plan (including any such plans arising from peer reviews and self-assessments) detailing how the recommendations are being actioned. When forming an action plan, the fire and rescue authority could seek advice and support from other organisations, for example, the National Fire Chiefs Council and the Local Government Association.

Intervention

- 3.6 Section 22 of the Fire and Rescue Services Act 2004 gives powers to the Secretary of State to intervene should a fire and rescue authority fail, or is likely to fail, to act in accordance with this Framework. The Secretary of State is required to prepare a protocol about the exercise of these powers and to have regard to it when exercising the section 22 powers. The intervention protocol for these powers is attached at Annex A.
- 3.7 The 2004 Act allows the Secretary of State, by order, to require the fire and rescue authority to do something; to stop doing something; or not to do something in order to ensure the fire and rescue authority acts in accordance with this Framework. An order could be made if the Secretary of State considers it would promote public safety, the

economy, efficiency and effectiveness of the relevant fire and rescue authority. Before any such order is made the Secretary of State must give the authority an opportunity to make representations about the order proposed.

- 3.8 Use of this power is a last resort and intervention would only be considered if there was clear evidence that an authority was failing to act in accordance with the Framework, and that the failure was sufficiently serious as to warrant Government intervention. The expectation is that the fire and rescue authority should put in place processes to overcome any concerns, seeking sector-led support as appropriate.
- 3.9 The Secretary of State also has other powers of intervention (for example, under section 15 of the Local Government Act 1999) but the Protocol on Central Government Intervention Action for Fire and Rescue Authorities at Annex A relates solely to ensuring fire and rescue authorities act in accordance with the National Framework.

Accountability

- 3.10 Fire and rescue authorities are expected to have governance and accountability arrangements in place covering issues such as financial management and transparency, complaints and discipline arrangements, and compliance with the seven principles of public life.¹
- 3.11 Each fire and rescue authority must hold the individual who has responsibility for managing the fire and rescue service – in most cases the Chief Fire Officer - to account for the delivery of the fire and rescue service and the functions of persons under their direction and control. In London, the Mayor of London must hold the London Fire Commissioner, as fire and rescue authority for Greater London, to account for the exercise of the Commissioner's functions.
- 3.12 In demonstrating their accountability to communities for the service they provide, fire and rescue authorities need to:
- be transparent and accountable to their communities for their decisions and actions;
 - provide the opportunity for communities to help to plan their local service through effective consultation and involvement; and
 - have scrutiny arrangements in place that reflect the high standard communities expect for an important public safety service.

Assurance and scrutiny

- 3.13 Fire and rescue authorities must provide assurance to their communities and to government on financial, governance and operational matters and show how they have had due regard to their priorities and expectations set out in their integrated risk management plan and the requirements included in this Framework.

¹ Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; and Leadership

- 3.14 Fire and rescue authorities must publish an annual statement of assurance, which in the case of PCC fire and rescue authorities (PCC FRA), will be subject to scrutiny by the Police, Fire and Crime Panel (PFCCP). These statements may also be considered by the inspectorate as part of their work.
- 3.15 PFCCPs will perform a scrutiny function, providing both support and challenge to the Police, Fire and Crime Commissioner (PFCC) on the exercise of their functions, acting as a critical friend. The powers, responsibilities and membership requirements of PFCCPs are set out in the Police Reform and Social Responsibility Act 2011.

Transparency

- 3.16 Each fire and rescue authority must comply with their statutory transparency requirements. The nature of the requirements is dependent on the legal basis of the authority; for example, combined fire and rescue authorities would be subject to the Local Authority Transparency Code 2015 while PCC FRAs must comply with requirements under section 11 of the Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Specified Information) Order 2011. All fire and rescue authorities should therefore publish certain information, including: senior salaries, register of interests, staffing, income and expenditure, property, rights and liabilities, and decisions of significant public interest. Fire and rescue authorities must make their communities aware of how they can access data and information on their performance.
- 3.17 Furthermore, section 26 of the Fire and Rescue Services Act 2004 states that a fire and rescue authority must:
- a) submit to the Secretary of State any reports and returns that are required; and
 - b) give the Secretary of State any information with respect to its functions that are required.
- 3.18 Specifically, fire and rescue authorities have a responsibility to provide regular data to the Home Office as stipulated by the DCLG Single Data List process. The data supplied are the source for the official and national statistics published by the Home Office and are used for the purposes of policy development across a range of organisations including Government as well as providing a publicly available national overview of activity by fire and rescue services.

4. GOVERNANCE

- 4.1 Fire and rescue authorities operate with a range of different locally determined governance arrangements including an individual – either a police, fire and crime commissioner or a mayor – having sole responsibility for being the fire and rescue authority for an area. Where police and crime commissioners - and mayors - wish to develop a local proposal with options to take on governance responsibility for fire and rescue in their area, fire and rescue authorities must provide the police and crime commissioner with such information that they reasonably require for the purposes of developing a proposal for the Secretary of State to consider.
- 4.2 The Secretary of State can only give effect to such a fire governance proposal where, in her view, it appears to be in the interests of economy, efficiency and effectiveness, or in the interests of public safety. The Secretary of State cannot give effect to a proposal if, in her view, it would have an adverse effect on public safety.
- 4.3 Each fire and rescue authority has a statutory duty to ensure provision of their core functions as required by the Fire and Rescue Services Act 2004 and, for example, take strategic decisions and hold their chief fire officer to account.
- 4.4 The exception is in London, where the Policing and Crime Act 2017 reforms the governance of fire and rescue in London by abolishing the London Fire and Emergency Planning Authority and creating the London Fire Commissioner as a corporation sole being the fire and rescue authority. The Mayor of London has overall responsibility for setting the strategic direction of the fire and rescue authority in London, appointing the London Fire Commissioner (subject to a confirmation hearing), holding the Commissioner to account and setting the budget for the Commissioner.
- 4.5 The London Fire Commissioner is responsible for ensuring fire and rescue services in London are efficient and effective and prepares the integrated risk management plan for approval by the Mayor.

Managing the fire and rescue service/Chief Fire Officer

- 4.6 Each fire and rescue authority will appoint an individual - a Chief Fire Officer - who has responsibility for managing the fire and rescue service. This includes managing the personnel, services and equipment secured by the fire and rescue authority for the purposes of carrying out functions conferred on it by the Fire and Rescue Services Act 2004, Civil Contingencies Act 2004, and other enactments. The Chief Fire Officer must, in exercising their functions, have regard to the fire and rescue authority's integrated risk management plan.
- 4.7 The fire and rescue authority should give due regard to the professional advice of the chief fire officer when making decisions affecting the operation of their fire and rescue service.

Plans to be prepared by PCC fire and rescue authorities

- 4.8 Where a police and crime commissioner takes on the functions and duties of a fire and rescue authority they will be known as the police, fire and crime commissioner (PFCC). The PFCC must prepare and publish the documents set out below:

A fire and rescue plan: the plan should set out the strategic vision, priorities and objectives for the fire and rescue service over the period of the document in connection with the discharge of the fire and rescue authority's functions. The plan is subject to scrutiny by the Police, Fire and Crime Panel (in the same way they scrutinise the PCC's police and crime plan). In developing this plan, the PFCC must make arrangements for obtaining the view of the community, as they currently do in preparing their police and crime plan.

A fire and rescue statement: the statement should outline the way in which the authority has had regard - in the period covered by the document - to this National Framework and to any fire and rescue plan prepared by the authority for that period. This is subject to scrutiny by the Police, Fire and Crime Panel.

- 4.9 The PFCC must have regard to both the fire and rescue plan and the police and crime plan when carrying out their functions. The plans can be combined. Where a joint police and crime and fire and rescue plan is developed, the plan must set out both policing and fire and rescue priorities and objectives. Such plans are subject to scrutiny by the Police, Fire and Crime Panel.
- 4.10 The PCC FRA must, like all other fire and rescue authorities, produce an integrated risk management plan as set out in chapter 2. This may also include details of how the fire and rescue service intends to meet the strategic vision set out by the fire and rescue plan. The integrated risk management plan will be subject to inspection by HMICFRS.
- 4.11 The function of preparing and issuing the plan may be delegated to the Chief Fire Officer - or Chief Officer where a single employer has been put in place – however, the plan must be approved by the PCC FRA.

National Fire Chiefs Council

- 4.12 The National Fire Chiefs Council brings together the leadership of the UK's fire and rescue services to provide co-ordinated professional, operational and technical leadership of the sector, advising and supporting central and local government, and other stakeholders.
- 4.13 The NFCC fulfils a multifaceted role that is reflected throughout this document and other national frameworks. The NFCC represents the sector in local and national structures, helping to develop national policies and strategies. The NFCC is the first line of operational advice to central and local government during major incidents. This is outlined within the National Coordination and Advisory Framework (NCAF), which fire and rescue services must proactively engage with.
- 4.14 The NFCC has a role to drive continuous improvement and development throughout the sector. Fire and rescue services should consult the NFCC for advice and support when developing improvement plans, particularly in response to inspections.
- 4.15 The expectation is that fire and rescue services in England engage with the NFCC and, in turn, that the Chiefs Council works to support and represent every service.

5. ACHIEVING VALUE FOR MONEY

- 5.1 Fire and rescue authorities must manage their budgets and spend money properly and appropriately, and ensure the efficient and effective use of their resources, pursuing all feasible opportunities to keep costs down while discharging their core duties effectively. Fire and rescue authorities should regularly review the numbers and deployment of firefighters and other staff to ensure that its fire and rescue service has a workforce that is commensurate with the risks that it faces.
- 5.2 Fire and rescue authorities must ensure that financial decisions are taken with the advice and guidance of the chief finance officer and that decisions are taken with an emphasis on delivering value for money to the public purse. Fire and rescue authorities should ensure that management of their finances is undertaken with regard to published guidance including those set out at Annex B.
- 5.3 Fire and rescue authorities should publish a medium term financial strategy which includes funding and spending plans for revenue and capital. The strategy should take into account multiple years, the inter-dependencies of revenue budgets and capital investments, the role of reserves and the consideration of risks. It should have regard to affordability and also to CIPFA's Prudential Code for Capital Finance in Local Authorities. The strategy should be aligned with the fire and rescue authority's integrated risk management plan and – if appropriate – the Fire and Rescue Plan.
- 5.4 Fire and rescue authorities should publish robust, transparent and locally owned efficiency plans on their websites. Each fire and rescue authority should also publish an annual report on their progress against their efficiency plans.

Reserves

- 5.5 Sections 31A, 32, 42A and 43 of the Local Government Finance Act 1992 require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement.
- 5.6 Fire and rescue authorities should establish a policy on reserves and provisions in consultation with their chief finance officer. General reserves should be held by the fire and rescue authority and managed to balance funding and spending priorities and to manage risks. This should be established as part of the medium-term financial planning process.
- 5.7 Each fire and rescue authority should publish their reserves strategy on their website, either as part of their medium term financial plan or in a separate reserves strategy document. The reserves strategy should include details of current and future planned reserve levels, setting out a total amount of reserves and the amount of each specific reserve that is held for each year. The reserves strategy should provide information for at least two years ahead.
- 5.8 Sufficient information should be provided to enable understanding of the purpose for which each reserve is held and how holding each reserve supports the fire and rescue authority's medium term financial plan.

5.9 Information should be set out in a way that is clear and understandable for members of the public, and should include:

- how the level of the general reserve has been set;
- justification for holding a general reserve larger than five percent of budget;
- whether the funds in each earmarked reserve are legally or contractually committed, and if so what amount is so committed; and
- a summary of what activities or items will be funded by each earmarked reserve, and how these support the fire and rescue authority's strategy to deliver good quality services to the public.

Commercial transformation

5.10 Each fire and rescue authority must demonstrate that it is achieving value for money for the goods and services it receives. Every fire and rescue authority should look at ways to improve its commercial practices including whether they can aggregate their procurement with other fire and rescue authorities and other local services (e.g. police) to achieve efficiencies.

5.11 Fire and rescue authorities must demonstrate and support commercial transformation programmes where appropriate. Each fire and rescue authority should be able to demonstrate full awareness of the objectives to standardise requirements, aggregate demand and manage suppliers of products and services within their commercial arrangements.

5.12 Fire and rescue authorities must ensure that their commercial activities, be that the placement of new contracts or the use of existing contracts, is in line with their legal obligations, including but not limited to the Public Contracts Regulations, the Public Services (Social Value) Act 2012, the Modern Slavery Act 2015 and transparency commitments.

Collaboration

5.13 The Policing and Crime Act 2017 created a statutory duty on fire and rescue authorities, police forces, and ambulance trusts to:

- keep collaboration opportunities under review;
- notify other emergency services of proposed collaborations that could be in the interests of their mutual efficiency or effectiveness; and
- give effect to a proposed collaboration where the proposed parties agree that it would be in the interests of their efficiency or effectiveness and that it does not have an adverse effect on public safety.

5.14 The duty is deliberately broad to allow for local discretion in how it is implemented and recognises that local emergency services are best placed to determine how to collaborate for the benefit of their communities. However, the duty sets a clear expectation that collaboration opportunities should be considered.

5.15 The duty does not preclude wider collaboration with other local partners, such as local authorities and wider health bodies. To reflect their wider role, ambulance trusts are required to consider the impact of the proposed collaboration on their wider non-

emergency functions and the NHS when determining if it would be in the interests of their efficiency or effectiveness.

- 5.16 Fire and rescue authorities should, where appropriate, work alongside all relevant local agencies and multi-agency teams involved in protecting those identified as vulnerable.
- 5.17 Fire and rescue authorities must collaborate with other fire and rescue authorities to deliver intraoperability (between fire and rescue authorities) and interoperability (with other responders such as other emergency services, wider Category 1 and 2 responders and Local Resilience Forums) in line with the Joint Emergency Services Interoperability Principles (JESIP). Fire and rescue authorities must collaborate with the National Resilience Lead Authority to ensure interoperability is maintained for National Resilience assets.
- 5.18 Intraoperability includes, but is not limited to:
- compatible communications systems, control rooms and equipment;
 - common command and compatible control and co-ordination arrangements;
 - effective information, intelligence and data sharing;
 - compatible operational procedures, and guidance with common terminology;
 - compatible training and exercising (both individually and collectively); and
 - cross border working with other English fire and rescue authorities and those in the devolved administrations.
- 5.19 Interoperability includes, but is not limited to:
- compatible communications systems, control rooms and equipment, as appropriate;
 - compatible command, control and co-ordination arrangements;
 - effective inter-agency working and liaison and, where appropriate, information, intelligence and data sharing;
 - shared understanding of respective roles and responsibilities, operational procedures, guidance and terminology;
 - robust multi-agency plans for managing risks identified in the National Risk Assessment and community risk registers;
 - multi-agency training and exercising; and
 - cross border working with other responders in England and the devolved administrations.

Research and development

- 5.20 Fire and rescue authorities should engage with national research and development programmes, including those overseen by the NFCC, unless there is a good reason not to.
- 5.21 Where fire and rescue services embark on research and development outside of any national programme, processes should be put in place to ensure it meets quality standards and, where possible and appropriate, is available to the sector to enable good practice to be shared.

Trading

- 5.22 Fire and rescue authorities have the power to trade and make a profit but they must ensure that their commercial activities are performed in accordance with the requirements of the Local Government Act 2003, the Fire and Rescue Services Act 2004 (as amended by the Localism Act 2011) and the Local Government Order 2009. Fire and rescue authorities must also ensure that such commercial activities are exercised through a company within the meaning of Part 5 of the Local Government and Housing Act 1989.
- 5.23 A trading company is a separate legal entity and elected members and officers should at all times be aware of potential conflicts of interest when carrying out their roles for their authorities, or when acting as directors of trading companies.
- 5.24 Fire and rescue authorities must ensure any actions taken in respect of their trading companies are considered against the requirements of competition law. Any financial assistance - in cash or in kind - given by an authority that establishes or participates in it, should be for a limited period, set against the expectation of later returns, and re-paid by those returns. Any assistance should be provided under a formal agreement with the company and must be entered into for a commercial purpose. Before entering into such an agreement, the authority should satisfy itself that it will achieve its objective, and the company should satisfy itself that it will meet its objective in terms of its business plan. The parties should consider any State Aid implications and obtain their own expert advice where necessary.

6. WORKFORCE

People Strategy

- 6.1 Each fire and rescue authority should have in place a people strategy that has been designed in collaboration with the workforce. This should take into account the principles set out in the NFCC's people strategy and at a minimum cover:
- improving the diversity of the workforce to ensure that it represents the community it serves;
 - equality, cultural values and behaviours;
 - recruitment, retention and progression;
 - flexible working;
 - professionalism, skills and leadership;
 - training opportunities;
 - health, wellbeing and support; and
 - a policy to tackle bullying and harassment.
- 6.2 The Home Office collects and publishes a range of workforce data. This includes workforce diversity, information on new joiners, reasons for leaving and firefighter injuries.

Professional Standards Body²

- 6.3 The sector is currently working in partnership with government to consider options for enhancing professionalism by ensuring the development of a coherent and comprehensive set of professional standards across all areas of fire and rescue services' work, drawing on existing standards where appropriate.
- 6.4 All fire and rescue authorities must implement the standards approved through this work and the inspectorate will have regard to these standards as part of their inspections.

Fitness Principles

- 6.5 Fire and rescue authorities have an important role in helping to ensure their firefighters remain fit and are supported in remaining in employment. Each fire and rescue authority must comply with the fitness principles set out at Annex C.

Re-engagement of senior officers

- 6.6 The re-appointment of principal fire officers to the same or similar posts within the same fire and rescue authority, a short time after they have retired, has caused concern in recent years and increases costs for taxpayers. These individuals very often receive their pension benefits on retirement (such as their tax free lump sum) and then return on favourable terms, including an increase in take-home pay through avoiding paying employee pension contributions.

² Please note that this policy is under development and an announcement is likely to be made before the final Framework is published.

- 6.7 Fire and rescue authorities must not re-appoint principal fire officers³ after retirement to their previous, or a similar, post save for in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited.
- 6.8 In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a public vote of the elected members of the fire and rescue authority, or a publicised decision by the appropriate elected representative of the fire and rescue authority, taking into account the legislative requirements of PCC FRA Chief Fire Officer appointment procedures. The reason why the re-appointment was necessary in the interests of public safety, and alternative approaches were deemed not appropriate, must be published and the principal fire officer's pension must be abated until they cease to be employed by a fire and rescue authority.
- 6.9 To ensure greater fairness and the exchange of talent and ideas, all principal fire officer posts must be open to competition nationally, and fire and rescue authorities must take account of this in their workforce planning.
- 6.10 While the above requirements only extend to principal fire officers, we expect fire and rescue authorities to have regard to this principle when re-appointing at any rank.

³ For the purpose of this Framework, Principal Officers refers to those officers at Brigade or Area Manager level, and above, or those with comparable responsibilities to those roles.

7. NATIONAL RESILIENCE

- 7.1 The Government retains responsibility for the provision of national resilience assets and capabilities managed and delivered through fire and rescue services. This responsibility extends to undertaking the National Risk Assessment which informs the requirements for fire and rescue national resilience capabilities.
- 7.2 In meeting this responsibility, the Government has committed significant financial resource to build national resilience capabilities and to support their ongoing maintenance.
- 7.3 The Government relies on the strategic leadership role of the NFCC to maintain fire and rescue national resilience capabilities in a high state of operational readiness through a comprehensive assurance regime delivered through lead authority arrangements.
- 7.4 Fire and rescue authorities must work with the lead authority to support the national resilience assurance processes in order to ensure capabilities are maintained at a high state of operational readiness. This includes co-operation of fire and rescue authorities, as necessary, on devolved training and, where applicable, on the long term capability management arrangements.
- 7.5 Fire and rescue services, through the NFCC's representation on the Strategic Resilience Board, must also work with Government to identify and address any national resilience capability gaps identified through ongoing analysis of the National Risk Assessment.

Gap analysis

- 7.6 Fire and rescue authorities' risk assessments must include an analysis of any gaps between their existing capability and that needed to ensure national resilience (as defined above).
- 7.7 Fire and rescue authorities are required to assess the risk of emergencies occurring and use this to inform contingency planning. To do this effectively, fire and rescue authorities are expected to assess their existing capability and identify any gaps as part of the integrated risk management planning process. This gap analysis needs to be conducted by fire and rescue authorities individually and collectively to obtain an overall picture of their ability to meet the full range of risks in their areas.
- 7.8 As part of their analysis, fire and rescue authorities must highlight to the Home Office or the Fire and Rescue Strategic Resilience Board, any capability gaps that they believe cannot be met even when taking into account mutual aid arrangements, pooling and reconfiguration of resources and collective action.
- 7.9 The Home Office, in liaison with other government departments and the devolved administrations, will support fire and rescue authorities in considering and defining the gap between existing capability and the capability required to ensure national resilience.

National Coordination and Advisory Framework

- 7.10 The National Coordination and Advisory Framework (NCAF) has been designed to provide robust and flexible response arrangements to major emergencies that can be adapted to the nature, scale and requirements of the incident.
- 7.11 Fire and rescue authorities must proactively engage with, and support, the NCAF arrangements including the NFCC's lead operational role.

Response to Terrorist Attacks or Marauding Terrorist Attacks

- 7.12 Fire and rescue services must be able to respond to the heightened threat of terrorism and be ready to respond to incidents within their areas and across England to keep communities safe. Fire and rescue services should also be interoperable to provide operational support across the UK to terrorist events as required. To enhance resilience to terrorist risks, the Government has committed significant financial resources to develop a Marauding Terrorist Firearms Attack (MTFA) capability, with the support of fire and rescue services. This is aligned to the National Risk Assessment and provides a specialist response across the country.
- 7.13 Government and the NFCC recognise the critical contribution of fire and rescue services when responding to acts of terrorism. This is an agreed function of fire and rescue services as set out in the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service (the Grey Book), and is encompassed within the broad descriptions within the existing agreed firefighter role maps: to save and preserve endangered life, and safely resolve operational incidents.
- 7.14 Fire and rescue authorities are responsible for maintaining the robustness of the capability and, where they have an MTFA capability, must put in place arrangements to ensure their teams are fully available at all times, including periods when business continuity arrangements are in place.
- 7.15 MTFA arrangements shall be further enhanced by putting in place an appropriate multi-agency assurance mechanism that will ensure the capability is effective and delivers it to the agreed standard.

National Resilience Assurance

- 7.16 Fire and rescue authorities must continue to work collectively and with the Fire and Rescue Strategic Resilience Board and the national resilience lead authority to provide assurance to government that:
- existing national resilience capabilities are fit for purpose and robust; and
 - risks are assessed, plans are assessed and any gaps in capability that are needed to ensure national resilience are identified.
- 7.17 Fire and rescue authorities with MTFA teams must work with police forces and ambulance trusts to provide tri-service assurance of this capability.

8. TIMESCALE AND SCOPE

Timescales

8.1 This Framework has an open ended duration. The Secretary of State continues to be responsible for keeping the terms of the Framework under review under section 21(3) of the Fire and Rescue Services Act 2004 and is required under section 25 to prepare a biennial report to Parliament on the extent to which fire and rescue authorities are acting in accordance with the Framework.

Scope

8.2 The Framework covers England only. It does not apply to Northern Ireland, Scotland or Wales where responsibility for fire and rescue is devolved.

Annex A

Protocol on Central Government Intervention Action for Fire and Rescue Authorities

Introduction

1. It is a requirement under section 23 of the Fire and Rescue Services Act 2004 (the 2004 Act) that an intervention protocol be prepared, and for the Secretary of State to have regard to it in the exercise of their power of intervention.
2. The Secretary of State's order-making powers under section 22 of the 2004 Act are to ensure that fire and rescue authorities act in accordance with the Fire and Rescue National Framework for England (the Framework). Intervention is by order, subject to the negative Parliamentary procedure, and can only be made if the Secretary of State considers it would promote public safety; and the economy, efficiency or effectiveness of the relevant fire and rescue authority, or the services it provides.
3. To date there has been no formal intervention in the operations of a fire and rescue authority by the Secretary of State under these powers. Use of this power is seen as a last resort. The expectation is that the political and professional leadership of the fire and rescue authority will put in place processes to ensure that sector-led support is provided to any fire and rescue authority that needs it.
4. This intervention protocol (the protocol) broadly sets out the arrangements between the Secretary of State, the Local Government Association (LGA), Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), the National Fire Chiefs Council (NFCC) and fire and rescue authorities should formal intervention be considered necessary.
5. In this protocol the term 'intervention' is used to refer to action by the Secretary of State in exercise of their powers under section 22 of the 2004 Act. Although the Secretary of State also has other powers of intervention (for example, under section 15 of the Local Government Act 1999) this protocol does not apply to an intervention under those powers.

Role of partners in supporting fire and rescue authorities at risk

6. HMICFRS will play a leading role in identifying any fire and rescue authority that is failing, or is likely to fail, in providing efficiency, effectiveness and leadership for the public. The NFCC and the LGA, will play an important liaison role in engaging the wider sector in supporting those authorities at risk and work collaboratively with key bodies,⁴ identify at an early stage serious risks to performance or the requirement to act in accordance with the Framework. The NFCC and/or Local Government Association will work with these bodies to prevent the escalation of those risks to avoid any risk to public safety or any negative impact on the reputation of the sector. For a PCC fire and

⁴ This could refer to fire and rescue authorities, the relevant professional leadership including the National Fire Chiefs Council, other sector-owned bodies, inspection bodies and HMICFRS in particular, and/or government departments

rescue authority, the Association of Police and Crime Commissioners (APCC) could also be approached for advice and support.

7. If there are specific concerns in respect of performance, or if there is evidence that indicates a fire and rescue authority is failing or is at risk of failing to act in accordance with the Framework, either through inspection by HMICFRS or through sector-led processes, the NFCC and/or the Local Government Association, and/or the Police, Fire and Crime Panel, and/or the Association of Police and Crime Commissioners will work with the authority to help them address the issues and seek improvement.

Circumstances leading to statutory intervention

8. No intervention would be considered unless there was clear evidence that an authority was failing to act in accordance with the Framework and that the failure was sufficiently serious as to require Government intervention.
9. If, following a sustained and determined attempt to resolve problems through sector-led improvement an issue cannot be resolved, or if a fire and rescue authority is unwilling or unable to engage with sector-led improvement measures, the Secretary of State can, under section 28 of the Fire and Rescue Services Act 2004, commission HMICFRS to lead an investigation. Under this provision, the Secretary of State also has the power to require HMICFRS to undertake any further inspection of fire and rescue authorities in England as required for the purpose of furthering their efficiency and effectiveness. The Secretary of State may also seek advice and information from other persons/bodies (for example, the NFCC) in respect of specific identified issues.
10. The Secretary of State has a range of powers including to request information about a fire and rescue authority's functions⁵ and conferring on a fire and rescue authority functions relating to emergencies⁶. Inspection powers – powers to obtain information and access premises – are also held by HMICFRS' inspectors.⁷

What happens upon statutory intervention?

11. In the event that statutory intervention is considered necessary, the Secretary of State will consult the authority concerned and any other body or authority which is considered necessary, such as HMICFRS, the NFCC and the Local Government Association, before exercising powers of intervention under section 22 of the 2004 Act.
12. The form or extent of any formal intervention will be a matter for determination on a case by case basis, taking into account the views of the fire and rescue authority, HMICFRS, the NFCC, the Local Government Association, and any other consultees, depending on the nature and the severity of the failure under consideration. Following such deliberations, the Secretary of State will agree a course of action, and how the required improvement will be delivered.

⁵ Section 26 of the 2004 Act

⁶ Section 9 of the 2004 Act

⁷ Section 28 of the 2004 Act

Annex B

Published Financial Guidance (see Chapter 5)

- The Accounts and Audit Regulations 2015 issued by the Department for Communities and Local Government which sets the financial reporting framework for local government bodies, including police bodies and Combined Authorities.
- The Code of Practice on Local Authority Accounting issued by CIPFA /LASAAC, which constitutes proper practices for local government bodies, including fire bodies.
- The Public Sector Internal Audit Standards (PSIAS) issued by CIPFA as the relevant internal audit standards setter for local government and the fire and rescue service.
- Local Government Application Note for the United Kingdom Public Sector Internal Audit Standards issued by CIPFA.
- Delivering Good Governance in Local Government issued by CIPFA/SOLACE.
- Statement on the Role of the Chief Finance Officer in Public Service Organisations issued by CIPFA.
- Standing Guide to the Commissioning of Local Authority Work and Services issued by CIPFA.
- Prudential Code for Capital Finance in Local Authorities issued by CIPFA.
- Treasury Management in the Public Services: Code of Practice and Cross Sectoral Guidance Notes issued by CIPFA.
- Audit Committees: Practical Guidance for Local Authorities and Police issued by CIPFA.
- Position Statement on Audit Committees in Local Authorities and Police, CIPFA, 2013.
- Statutory guidance for local authorities on the framework for flexible use of capital receipts issued by the Department for Communities and Local Government.
- Local Authority Accounting Panel (LAAP) bulletins that provide topical guidance on specific issues and accounting developments.

Annex C

Fitness Principles

Fire and rescue authorities have an important role in helping to ensure their firefighters remain fit and are supported in remaining in employment. Each fire and rescue authority must:

- have a process of fitness assessment and development to ensure that operational personnel are enabled to maintain the standards of personal fitness required in order to perform their role safely;
- ensure that no individual will automatically face dismissal if they fall below the standards required and cannot be deployed operationally;
- ensure that all operational personnel will be provided with support to maintain their levels of fitness for the duration of their career;
- consider where operational personnel have fallen below the fitness standards required whether an individual is able to continue on full operational duties or should be stood down, taking into account the advice provided by the authority's occupational health provider. In making this decision, the safety and well-being of the individual will be the key issue;
- commit to providing a minimum of 6 months of development and support to enable individuals who have fallen below the required fitness standards to regain the necessary levels of fitness;
- refer an individual to occupational health where underlying medical reasons are identified that restrict/prevent someone from achieving the necessary fitness; and ensure that individual receives the necessary support to facilitate a return to operational duties; and
- fully explore opportunities to enable the individual to remain in employment including through reasonable adjustment and redeployment in role where it appears the medical condition does not allow a return to operational duties.

In those circumstances where there are no such opportunities and suitable alternative employment is either unavailable or, where available, is not agreed by the individual, then the fire and rescue authority will commence an assessment for ill-health retirement through the Independent Qualified Medical Practitioner process.

If no underlying medical issues are identified, and following a programme of development and support it becomes apparent that an individual will be unable to regain the necessary levels of fitness, then a fire and rescue authority will fully explore opportunities for reasonable adjustments and/or suitable alternative employment. In those circumstances where there are no opportunities for reasonable adjustments or suitable alternative employment, the fire and rescue authority will in the case of an employee aged at least 55, consider commencement of the authority initiated early retirement process for it to determine whether the individual should be retired with an authority initiated early retirement pension.

Questionnaire

We would welcome comments on the following sections in the draft National Framework, or any general comments.

Delivery of Core Functions

Inspection, Accountability and Assurance

Governance

Achieving Value for Money

Workforce

National Resilience

Intervention Protocol (Annex A)

Other comments

Thank you for participating in this consultation.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

Please send your response by 14 February 2018 to:

Harinder Sahota

Home Office

6th Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF

Tel: 0207 035 3478

Email: FRSComms@homeoffice.gsi.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at [web address]

Alternative format versions of this publication can be requested from [email/telephone number of sponsoring policy division].

Publication of response

A paper summarising the responses to this consultation will be published in [insert publication date, which as far as possible should be within three months of the closing date of the consultation] months' time. The response paper will be available online at [web address]

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In

view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



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