

National Framework Consultation Response

Purpose of report

For discussion and direction.

Summary

This paper sets out background information and a draft response to the consultation on the new National Framework and strategic governance arrangements for national resilience.

Recommendation

Members are asked to comment on the draft response to the consultation on the new National Framework and strategic governance arrangements for national resilience set out in paragraph 10.

Action

Officers to take forward Members' recommendations.

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National Framework Consultation Response

Background

1. The Department for Communities and Local Government (DCLG) published its consultation on the Fire and Rescue Service National Framework for England in December 2011 (see **Appendix A**). The Framework sets out the Government's priorities and objectives for fire and rescue authorities in England. The Framework is produced under section 21 of the Fire and Rescue Services Act 2004.
2. FSMC considered the proposed new National Framework at its meeting on 23 January 2012. The issues raised by FSMC form the draft response set out in paragraph 10 below.
3. The Framework is set out under three broad headings: Safer communities; Accountable to communities; and Assurance.
4. The Government's priorities for fire authorities, as set out in the Framework, are to:
 - 4.1 identify and assess the full range of fire and rescue related risks their areas face, make provision for prevention and protection activities and respond to incidents appropriately;
 - 4.2 work in partnership with their communities and a wide range of partners locally and nationally to deliver their service; and
 - 4.3 be accountable to communities for the service they provide.
5. DCLG require consultation responses by 19 March 2012.
6. Separately, the Department for Communities and Local Government and the Chief Fire Officers Association have also written to all fire authorities seeking comments on proposals for strategic governance arrangements for fire and rescue national resilience (see **Appendix B**). These proposals need to be considered in conjunction with the proposed National Framework. DCLG have

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asked for comments on the proposals for national resilience strategic governance arrangements by 16 March 2012.

7. In the foreword to the National Framework, Bob Neill MP makes clear that the Framework is intended to reflect the localist agenda. He states that “the best thing central government can do to improve the services provided by fire and rescue authorities and the professionals they employ is not to micro manage from the centre, but to provide an overall strategic direction and support, to empower and encourage them but not to interfere in the way in which they serve their communities”. The Fire Minister is also clear that “ultimately, it is to local communities, not central government, that fire and rescue authorities are accountable”. In addition Bob Neil MP reiterates government’s overarching responsibility for resilience.
8. These principles broadly reflect the views of fire authorities and local government more widely, and much of the now revised text reflects comments from Members made at the Fire Commission meeting on 14 October. The test of the framework is the extent to which it delivers these principles.
9. The consultation document asks four questions:
 - 9.1 **Question 1:** Is the content of each chapter clear, specific and proportionate?
 - 9.2 **Question 2:** Does the draft National Framework set clear and appropriate expectations of fire and rescue authorities? If not, how could it be improved?
 - 9.3 **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?
 - 9.4 **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?

Draft consultation response

10. The following paragraphs set out the key points proposed for inclusion in the consultation response. Rather than answering the four consultation questions directly the proposed response focuses in on the key issues raised by FSMC.

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- 10.1 The approach to the development of the new Framework by DCLG is welcomed and the LGA's FSMC is pleased with the opportunity it has had to contribute to and influence the current draft.
- 10.2 We support the comments made by Bob Neill MP in the foreword to the draft and we are pleased that in general the Framework reflects the new terms of the relationship between local and central government.
- 10.3 The Government's strong statement on its own responsibility for national resilience is also welcome.
- 10.4 However, we think that there are a number of issues which need clarification and or amendment.

Resilience and risk

- 10.5 Fire authorities are very comfortable with the requirements of collaboration and intra and inter operability. However there is a concern in the sector that the basis for the risk analysis is drawn very broadly, particularly as it relates to risks outside an authority's geographic borders (paragraph 1.3 in the consultation document). Greater clarity is required on the expected scope of the risk assessment. The assessment of risk should be based on all *reasonable* fire authority risks.

Strategic governance arrangements

- 10.6 The supplementary letter from DCLG and CFOA sets out a proposal for the new strategic governance arrangements for national resilience. The governance arrangements are a very significant issue and should be incorporated into the National Framework document, and consultation, rather than being the subject of a separate process. On that basis we are commenting on the strategic governance arrangements as part of this consultation response.
- 10.7 We recognise the need for a strategic body to oversee national resilience issues. The current National Resilience Forum does excellent work, but it does not perform a strategic role. However, in establishing a strategic body it is essential that it has formal membership (rather than visitation rights) from across Whitehall, so that resilience can be considered at a strategic level across all category 1 and 2 responders.

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- 10.8 It is very important that the strategic governance body has elected member involvement and we would like to see greater representation from FSMC.

Scrutiny

- 10.9 Fire authorities, and more generally local government, has been and is open to scrutiny. There is no single model of scrutiny and so it is to be welcomed that the proposed National Framework is not prescriptive on this matter. Each fire authority comes to its own arrangement on scrutiny and, as the new National Framework implies, it for local communities to judge the appropriateness of those arrangements. However, local government is not complacent on this matter and the LGA is preparing a series of case studies for publication at this year's fire conference that will aid fire authorities in examining their own scrutiny practices.

Improvement support

- 10.10 There appears to be a fundamental misunderstanding of the concept of improvement support within the proposed new National Framework. Peer supported improvement programmes, such as the LGA's well respected peer review and challenge programmes, are primarily forward looking. They are an aid to unlocking future potential rather than an audit process or a form of intervention (see paragraph 4.3 of the proposed new National Framework). The peer review process has always been voluntary and will remain so. The LGA has always encouraged councils and fire authorities to publish the peer reports, but this has been a decision for individual authorities. Paragraph 2.9 of the proposed new National Framework should be amended so that the requirement to publish peer reviews and self-assessments is removed.

Annual statement of assurance

- 10.11 The requirement for an annual statement of assurance (see paragraph 3.2 of the proposed new National Framework) needs further clarification. There could be merit in this proposal if it means a consolidation of existing reporting requirements and a reduction in the burden of reporting. However, if the requirement is for an additional publication over and above existing reports such as annual financial reports then this must be seen as duplicative and unnecessary. We

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ask that DCLG clarify its expectation about the annual assurance statement in advance of any decisions on this proposed requirement.