

**Item 1**

**National Framework Consultation**

**Purpose of report**

For discussion and direction.

**Summary**

DCLG are consulting on a new National Framework for fire and rescue services in England. This paper sets out some of the issues raised by the consultation document. The consultation ends on 19 March 2012.

**Recommendations**

Members are asked to consider the proposals with regard to the questions set out in paragraph 8 below as a basis for a consultation response.

**Action**

Officers to draft consultation response subject to Members' comments.

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**Item 1**

## **National Framework Consultation**

### **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. The Framework is set out under three broad headings: Safer Communities; Accountable to communities; and Assurance.
3. The Government's priorities for fire authorities, as set out in the Framework, are to:
  - 3.1 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;
  - 3.2 Work in partnership with their communities and a wide range of partners locally and nationally to deliver their service; and
  - 3.3 Be accountable to communities for the service they provide.
4. DCLG require consultation responses by 19 March 2012.
5. 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 asked for comments on the proposals for national resilience strategic governance arrangements by 16 March 2012.
6. 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

**Item 1**

local communities, not central government, that fire and rescue authorities are accountable". In addition Bob Neil MP reiterates government's overarching responsibility for resilience.

7. 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.
8. The consultation document asks four questions:
  - 8.1 **Question 1:** Is the content of each chapter clear, specific and proportionate?
  - 8.2 **Question 2:** Does the draft National Framework set clear and appropriate expectations of fire and rescue authorities? If not, how could it be improved?
  - 8.3 **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?
  - 8.4 **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?

**Key issues**

9. We are pleased that the content of the Framework builds on the good practice and existing activities of fire authorities. The Integrated Risk Management Plan remains the means by which fire authorities identify and assess all fire related risks and demonstrates how prevention, protection and response activities will best be used to mitigate the impact of risk.
10. The Framework also reflects the discussions that have taken place between DCLG and the sector on 'national functions' and encompasses a greater level of devolution to fire authorities for operational issues. The Framework also includes some additional and potentially significant changes particularly around governance of national resilience arrangements.

**Safer communities**

11. In relation to national resilience, fire and rescue authorities will be expected to assess their existing capability and identify any gaps as part of the integrated

**Item 1**

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.

12. Fire and rescue authorities must work collectively, through agreed strategic governance arrangements, with DCLG to agree whether and/or how to address any capability gap, identified through the gap analysis.
13. The proposed national resilience strategic governance arrangements have been set out in a discussion paper issued on 15 December and circulated by the LGA to all fire authorities. The discussion paper proposes that the purpose of the strategic governance arrangements are to provide a forum for fire and rescue authorities and fire professionals to engage with central Government to reach a joint understanding of national resilience risks and priorities, and current fire and rescue capability and how any identified gaps can be addressed.
14. DCLG considers that there is currently no existing governance arrangement or board that can deliver the purpose set out in the discussion document. It proposes the establishment of a new fire and rescue resilience board, chaired by the Director of Fire, Resilience and Emergencies in DCLG. Further, it is proposed that the existing National Resilience Board would become the delivery arm of the Strategic Resilience Board.
15. It is envisaged that the new Strategic Resilience Board will include representatives of other government departments as necessary and by invitation.
16. Although CFOA have already endorsed the new model, a number of questions are prompted by the proposals not least the case for further governance arrangements, which is not clearly articulated. We believe that it would be more robust and productive if broader arrangements across government, involving politicians, rather than just within the ambit of fire and rescue should be developed. The CLG Programme Board model run by officers has not delivered well for FRAs, as previous experience shows that these have focused more on process rather than outcomes. Understanding how the National Resilience Board – where there is Member development - feeds in to these arrangements is also key. Members views are sought on this proposal.
17. The National Framework highlights that fire and rescue authorities must have effective business continuity arrangements in place to meet the full range of service delivery risks. It also makes clear that business continuity plans should not be developed on the basis of Armed Forces assistance being available.

**Item 1**

**Accountable to communities**

18. This section of the framework reiterates the need to make the IRMP accessible to communities. In addition it states that “fire and rescue authorities must have arrangements in place to ensure that their decisions are open to scrutiny”. The Framework goes on to say that in practice this means “fire and rescue authorities need to satisfy themselves that the arrangements they put in place provide the level of scrutiny their communities expect”. The Framework provides some examples of scrutiny arrangements, but as a result of our intervention, does not stipulate or impose a particular arrangement.
19. Scrutiny is a statutory duty in fire authorities attached to local authorities, but not for stand alone fire authorities. Local authorities and many fire authorities have recognised that scrutiny by elected members acting as critical friends to the service can drive service improvement, it can help to engage the public thus helping to make services match communities’ needs and priorities and, by fostering open and transparent governance, it can help to build trust between providers and users. The LGA has commissioned the Centre for Public Scrutiny to produce good practice guidance which will be launched at the Fire Conference in March 2012. We believe this is a better way to promote ideas and challenge rather than setting out requirements in a National Framework document.

**Assurance**

20. The Framework sets out the requirement that fire authorities must publish an annual statement of assurance which will need to cover financial, governance and operational matters. The Framework states that it will work with the sector to determine the nature of the statements. At this stage it is not clear if the requirement for assurance statements simply complements existing processes or whether this represents a significant new burden. We are exploring this issue with officials.

**Next steps**

21. Following the discussion at FSMC, Members could seek further views on a draft consultation response through the Fire Commission at its meeting on 17 February 2012.