

11 March 2013

**Item 3**

**National Framework Consideration**

**Purpose of report**

For discussion and direction.

**Summary**

This paper sets out an issue to do with the scope of the National Framework that arises because of the use of the term “foreseeable risk”.

**Recommendation**

Members are asked to consider and debate the issues raised in the report.

**Action**

Officers will take action as directed.

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## **National Framework Consideration**

1. The fire National Framework was published in July 2012. The National Framework is a document aimed at Fire and Rescue Authorities and seeks to guide the approach to risk management and the development of IRMPs which are the basis by which Fire Authorities assess priorities and assign resources.

### **“Foreseeable” risk or “reasonable” risk**

2. A debate which took place in the development of the Framework related to the scope of risk management.
3. In the final version of the national Framework Fire and Rescue Authorities are required to “identify and assess the full range of foreseeable fire and rescue related risks their areas face, make provision for prevention and protection activities and respond to incidents appropriately”
4. Subsequent to the publication of the National Framework, Fire and Rescue Authorities have considered its implementation and the implications of having to consider a full range of foreseeable risks.
5. There are concerns that managing for foreseeable risks potentially places heavy burdens on fire authorities which are unfunded.
6. Legal advice, obtained by CFOA indicates that failure to have regard to the National Framework could result in any affected individuals pursuing a judicial review. The legal advice also indicates that if the word “reasonable” had been used in the National Framework it would have placed a reduced burden on Fire and Rescue Authorities.
7. CFOA is pursuing this issue with DCLG.