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Item 4

Future of National Operational Guidance

Purpose of report

To agree an approach which will secure funding for the production of National Operational Guidance up to 2018.

Summary

In the past, the production of NOG has been resourced entirely by central Government, albeit with indirect resourcing from the sector. In 2012, the LGA, the Chief Fire Officers' Association, the Department for Communities and Local Government and the London Fire Brigade established a programme to develop a new catalogue of national operational guidance, with funding of £2 million per year for three years provided by the London Fire Brigade. This new system is already considered a massive improvement on previous arrangements, and through close engagement with FRAs across the country, has developed a clear, deliverable, programme of priorities. However, discussions now need to focus on ensuring this programme continues beyond 2015.

Recommendation

Members are asked to:

1. note progress to date; and
2. endorse the proposal set out in **paragraph 12** to submit a bid to the Government's blue light services Fund, match funded by contributions from FRAs for the continuation of a sector-owned, sector-led system for the production of National Operational Guidance.

Action

Officers to progress as directed.

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Future of National Operational Guidance

Background

1. National Operational Guidance (NOG) records how fire and rescue service operational activities should be carried out. It describes the actions performed at incidents and is a key component of the safe systems of work that protect firefighters. National operational guidance is the foundation for intraoperability between fire and rescue services and interoperability between the fire and rescue service and other emergency services. It is written for principal officers and authors of operational procedures, and provides standards of operations and a framework against which to measure response services.
2. NOG is written at high level, describing the general considerations in undertaking defined activities. It does not prescribe detailed working practices and procedures. These detailed operating procedures are for each fire and rescue service to determine. NOG, however, will describe the issues to be addressed within any detailed procedures.

The legislative context of national operational guidance

3. The National Framework establishes that fire and rescue services are responsible for operational matters; services must collaborate to produce policies, procedures and guidance; and that services must collaborate to deliver intraoperability and interoperability. An absence, or indeed the existence of out-of-date or inadequate operational guidance regarding risks and methods of response is a significant operational issue.

Current guidance

4. The existing catalogue of national operational guidance is in poor condition. DCLG commissioned a risk and liability review of operational guidance, performed by law firm Field Fisher Waterhouse, which established that much of the existing catalogue should be considered high-risk. Although DCLG set about a replacement programme in 2006, there are still important documents (such as guidance on breathing apparatus) that need to be replaced. There have been highly critical statements by leading QCs about the quality of this library of documents and clearly a more updated, relevant and user-friendly system is long overdue. (See **Appendix A**).
5. In order to develop this programme, much work has gone into sorting the legacy guidance that amounted to over 8000 pieces of guidance, much of which was duplicated and confusing.
6. Until the publication of the 2012 National Framework for the fire and rescue service, national operational guidance was the responsibility of the Chief Fire and Rescue Adviser. In his recent review, Sir Ken Knight discussed weaknesses with that regime, saying:
"The production of easily understandable and updateable guidance is key: previous guidance has been too long, too onerous to produce, and the consultation and validation procedures too complex and drawn out. My hope is that by being driven by the sector, this work can focus on core needs. One of the work streams developed during the FireControl

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project was to develop common operating procedures and practices to improve mobilising response procedures and enhance interoperability and firefighter safety.

“Both of these areas of work are now being coordinated by sector led groups and there is an opportunity for sector leaders to take a strong role in coordinating this work, both to achieve a clear, single set of procedures and guidance, but also to ensure take up of these documents across all authorities to avoid potential duplication or worse, contradicting each others’ work.”

Governance arrangements

7. Two Programme Boards oversee the production of guidance: the Operational Guidance Strategy Board which provides strategic oversight of the efficient production, authorisation and publication of operational guidance and as such provides the final sign off for all products. Below this Board there is an Operational Guidance Group made up of representatives from the Fire Service College, industry, commercial bodies, trade union representatives and other relevant stakeholders such as the Health and Safety Executive. This Board reviews the current set of guidance, and recommends priorities for final sign off by the Strategy Board.

Progress to date

8. The programme has had a productive first year achieving—
 - 8.1 The development of a programme and project management team with operational and technical writing expertise and access to procurement, legal and ICT advice. By having one team of technical writers working across a number of guidance projects, the programme will eradicate the duplication and conflict identified by Justice MacDuff (see **Appendix A**).
 - 8.2 The establishment of two programme boards with consistent, senior representation from organisations across the fire and rescue service and fire sector. This excellent representation will help ensure a wide adoption of new guidance—improving interoperability and intraoperability on the incident ground.
 - 8.3 A definitive library of national operational guidance emerging from the ‘Legacy Guidance’ project—the first of its kind. This review has declared thousands of documents as obsolete. The final catalogue will be published online as a free resource for fire and rescue services.
 - 8.4 A new framework for operational doctrine (policy, procedure and hazard and risk information). This provides definition, scope and structure to doctrine to ensure that future guidance is concise and targeted.
 - 8.5 The closure of the Generic Risk Assessment programme and the development of a new concept for hazard and risk management for the fire and rescue service.
 - 8.6 Links to the restricted national police policy database.

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8.7 The development of an online platform that will make the production of guidance less expensive than in the past and:

- 8.7.1 allows project members from different fire and rescue services to collaborate on documents simultaneously from remote locations;
- 8.7.2 provides security-rated online document libraries for projects involving restricted materials,;
- 8.7.3 provides teleconferencing and instant messaging facilities; and
- 8.7.4 hosts discussion forums for project teams seeking views during the development of best operational practice.

8.8 The establishment of operational guidance projects for foundation areas of work such as 'Incident command', 'Fires and firefighting' and 'Performing rescues' as well as targeted areas of work including 'Fires in the built environment', 'Working in, on or near water' and operating within the context of a 'Marauding terrorist firearms attack'.

Relationship between National Operational Guidance and Standard Operating Procedures

- 9. Alongside the development of national guidance, there is a substantial amount of work being done on the development of standard operating procedures.
- 10. The relationship between the two is very important. The National Operational Guidance Programme is establishing a framework to provide structure and scope for standard operating procedures. The National Operational Guidance Programme describes what actions are required. Standard Operational Procedures set out how those actions are performed.
- 11. There are currently two programmes of work underway to develop standard operating procedures. One in the North West, under the auspices of the North West Operational Response and Resilience Committee and a second, which was originally centered on the South East Region, but which now encompasses 22 Fire and Rescue Authorities, with a further four expressing an interest to be involved.

Future of national operational guidance

- 12. The new arrangements are working extremely well and have wide support in the sector. However, moving forward fire and rescue services will require that the guidance catalogue is under constant review ensuring that operational doctrine is continually learning from incident ground performance feedback and it is therefore timely to consider the future funding of this programme of work.
- 13. There are a number of options we, and the Strategy Board, have considered as to the future funding arrangements, such as another FRA hosting this or the College taking this on. However, the guidance clearly benefits from being led by the service and it would make sense to build on the existing infrastructure and momentum. Given the financial pressures

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FRA's are experiencing, there is a limited amount of local resource that can come from FRA budgets and LFB cannot fund this programme indefinitely. The programme budget until 2015 is £2 million per year, in-line with the DCLG budget for operational guidance. The programme has developed different and efficient development processes and is spending approximately one-third less than Government. By 2015, it is expected that this function should cost less than half of Government's annual spend.

14. Since DCLG have a retained liability for legacy guidance until it is entirely replaced, we can legitimately ask for a financial contribution from the Government if we are to continue this work.
15. The Strategy Board therefore agreed that the strongest proposal would be to bid for a £2m grant from the £30 million resource fund announced in the Chancellor's spending round for the purposes of improvement and interoperability. This bid would need to be match funded by the sector but would keep contributions from FRA's to a minimum. Our projections show that these payments would start at a flat rate of £10k for all FRA's in 2015 if we secure the DCLG grant, growing to £20k by 2018. It is also proposed that the existing governance arrangements are retained.
16. Members will wish to note the following points:
 - 16.1 The work programme for the next two years is laying foundations by establishing the larger and longer projects. After that, there will be plenty of opportunity to commission projects and reviews;
 - 16.2 The benefits to FRA's include the online library, but also the ability to have national coordinated policy responses to judgments, rule 43 letters and is clear evidence of FRA's fulfilling their duty under the National Framework regarding interoperable policies.
17. Members' views are sought on this proposal.

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Appendix A

The findings of that review are supported by the recent ruling against Warwickshire County Council regarding the Atherstone-on-Stour fire that saw the tragic death of four firefighters. In that ruling, The Honourable Mr Justice MacDuff said—

- 4.1 "...It seems to me that one of the real difficulties here has been the proliferation of paper which has been generated in recent years both before and after the passing of the Fire and Rescue Services Act 2004. It has taken a lot of explanation from Mr Matthews QC, who has made himself an expert in the field of Health and Safety law, to educate me upon the statutory and regulatory framework which lies behind the huge volume of directives, advisory notices, operational procedures, and the many thousands of pages of other documents which we have had to consider in the course of this case. Little wonder that one of the witnesses in the case commented that he would like the fire fighters' manual to be reduced to the size which it was a few years ago and to be made simpler. Can a fire fighter, attending a fire in an emergency situation, remember what the picture on page 138 of the manual was intending to convey, how and when he should conduct his dynamic risk assessment, and which of the elements of the flowchart he should move between before forming his decisions? There are many obvious deficiencies in the paper work. Many of the ever increasing numbers of directives and other papers are couched in language which borders on the impenetrable. We have found internal contradictions and entirely different flow charts purporting to show the same thing. In the course of the trial earlier this year, we spent much time debating what a particular directive or advisory note was intended to mean. There is no time for debate at the fire ground.
- 4.2 "I suspect that one of the difficulties in bringing this case to court expeditiously arose from the needs of the prosecution authorities to satisfy themselves of this underlying regulatory framework. It is not surprising that there is confusion as to what the duties are (for example about training) where the obligations lie and whether or not there were breaches. Even in the course of the hearing this week I have had submissions and counter submissions upon a host of issues where counsel have disagreed as to what the regulations (for example) were purporting to say.
- 4.3 "The short point is this. It just seems to me that the confetti of regulatory and other advisory papers intended to improve safe systems of working, is capable of being obfuscatory and counter productive. It has also contributed, I suspect, to the delay. It has certainly contributed to the length of court hearings.