

<b>REPORT TO:</b>	<b>Environmental &amp; Development Services Committee</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>1<sup>st</sup> March 2012</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>Director of Operations</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>Mark Alflat (ext 5712)</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Consultation on the Fire &amp; Rescue National Framework for England</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE: EDS 17</b>

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## **1. Recommendation**

### 1.1 That Members:

- a. Note the draft '*Fire and Rescue National Framework for England.*'
- b. Consider and agree a response to the four consultation questions as detailed in this report for submission to the Department for Communities and Local Government (DCLG) by 19 March 2012.

## **2. Purpose of Report**

- 2.1 To consider the overall principles of the draft '*Fire and Rescue National Framework for England.*' In particular, how the Government will work in partnership with fire and rescue authorities and the wider community to make our communities safer.
- 2.2 To agree a response to the four consultation questions as detailed in this report to DCLG 19<sup>th</sup> March 2012.

## **3. Consultation**

- 3.1 The DCLG has produced a consultation document that provides the Council an opportunity to shape this draft Fire and Rescue National Framework. Copies of the full consultation document is available at:  
<http://www.communities.gov.uk/documents/fire/pdf/2039159.pdf>

- 3.2 Consultees are invited to respond in particular to the following questions:

Question 1 – Is the content of each chapter, clear, specific and proportionate?

Suggested response - Yes, each area of responsibility and duty is laid out clearly and proportionate to the responsibility and risks identified.

Question 2 – Does the draft National Framework set clear and appropriate expectations for fire and rescue authorities? If not, how could it be improved?

Suggested response - Yes, the draft National Framework follows the Government's agenda of devolving duties and responsibilities locally, where appropriate.

Question 3 – Are the respective roles of fire and rescue authorities and the Government set out clearly? If not, could they be improved or made clearer?

Suggested response - Yes, the roles of fire & rescue authorities in dealing with local incidents, prevention and mutual aid with neighbouring Authorities is clear in that it retains responsibility for major incidents of national importance. Closely working with Category 1 and 2 responders ensures that there will be joined up best practice with other bodies, e.g. County Councils, Local Authorities and Utilities.

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?

Suggested response - Yes, the requirements bring fire and rescue authorities in line with Local Authorities' responsibilities and should not prove too onerous.

3.3 Responses are required by DCLG by the 19<sup>th</sup> March 2012.

#### 4. **Executive Summary**

4.1 The Framework sets out the Government's priorities and objectives for fire and rescue authorities in England. It does not prescribe operational matters, as these are best determined locally by fire and rescue authorities in consultation with their communities,

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

- Identify and assess the full range of fire and rescue related risks their areas face, make provision for prevention and protection activities and to respond to incidents appropriately;
- Work in partnership with their communities and wide range of partners locally and nationally to deliver their service; and,
- Be accountable to their communities for the service they provide.

4.3 Fire and rescue authorities need to assess all fire and rescue related risks that could affect their communities (from local fires to terrorist attacks) and put in place arrangements to mitigate these risks, either through adjusting existing provision, more effective collaboration and partnership working or building new capacity.

4.4 The Government retains strategic responsibility for national resilience.

4.5 Fire and rescue authorities need to have strong partnership arrangements in place so that they are able to deliver a service that meets their statutory duties and the requirements set out in the Framework.

- 4.6 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, and to provide the opportunity for communities to help to plan their local service through effective consultation and involvement;
  - Have scrutiny arrangements in place that reflect high standard communities expect for an important public safety service; and,
  - Provide assurance to their communities and government on financial, governance and operational matters on national resilience capability.
- 4.7 The main points covered in the draft Fire and Rescue National Framework for England can be found at Appendix A

## **5. Financial Implications**

- 5.1 None arising directly from this report. .

## **6. Community Implications**

- 6.1 The draft Framework sets out high level expectations. It does not prescribe operational matters. These are best determined locally by fire and rescue authorities, in consultation with their communities.
- 6.2 Fire and rescue authorities need to have strong partnership arrangements in place, so that they are able to deliver a service that meets their statutory duties and the requirements of the Framework
- 6.3 In demonstrating accountability to communities for the service they provide, fire and rescue authorities will need to be transparent and accountable to their communities; have scrutiny arrangements in place and provide assurance to their communities and Government on financial, governance and operational matters and on national resilience capability.
- 6.4 The Framework contributes to the Council's Corporate Plan objective of '*Safe and Secure*' and South Derbyshire Partnership's objective of '*Safe Communities*'.

## **7. Background Papers**

- 7.1 DCLG 'Fire and Rescue National Framework for England.' Consultation which can be downloaded from <http://www.communities.gov.uk/documents/fire/pdf/2039159.pdf>

## **Extract from ‘*Fire and Rescue National Framework for England: Consultation*’**

### **Consultation Questions**

Question 1 – Is the content of each chapter, clear, specific and proportionate?

Question 2 – Does the draft National Framework set clear and appropriate expectations for fire and rescue authorities? If not, how could it be improved?

Question 3 – Are the respective roles of fire and rescue authorities and the Government set out clearly? If not, could they be improved or made clearer?

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?

### **Chapter 1: Safer Communities**

Fire and rescue authorities need to identify and assess all fire and rescue related risks their communities may face. To keep their communities safe, authorities need to deliver effective prevention and protection activities and to plan for and respond to incidents within their areas and in other areas as reflected in their integrated risk management plans.

#### **Identify and assess**

**Each fire and rescue authority must produce an integrated risk management plan that identifies and assesses all fire and rescue related risks that could affect their communities, including those of a cross-border, multi-authority and/or national nature. The Plan must have regard to the Community Risk Registers produced by Local Resilience Forums and any other local risk analyses as appropriate.**

The Government will monitor the risks that the United Kingdom could face through the National Risk Assessment process, led by the Cabinet Office, and through other relevant risk assessment and horizon-scanning processes. The Government will also define the consequences of those risks and set a benchmark of generic capability needed to ensure the United Kingdom can both respond to and recover from a range of potential emergencies

## Prevent and protect

Fire and rescue authorities must work with communities to identify and protect them from risk and to prevent incidents from occurring.

Fire and rescue authorities' integrated risk management plan must:

- demonstrate how prevention, protection and response activities will best be used to mitigate the impact of risk on communities, through authorities working either individually or collectively, in a cost effective way; and
- set out their management strategy and risk based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005 in accordance with the current Statutory Code of Compliance for Regulators and Enforcement Concordat.

## Respond

Fire and rescue authorities must make provision to respond to incidents such as fires, road traffic accidents and emergencies within their area and in other areas in line with their mutual aid agreements and reflect this in their integrated risk management plans

**It is for fire and rescue authorities to consider and identify areas where collaborative working could improve service delivery, achieve efficiencies and ensure an effective response to incidents.**

Fire and rescue authorities must have effective business continuity arrangements in place to meet the full range of service delivery risks.

**Fire and rescue authorities must collaborate with other fire and rescue authorities, other emergency services, wider Category 1 and 2 responders and Local Resilience Forums to ensure interoperability**

The Government has committed to work at a national level and with the devolved administrations to improve the ability of the emergency services to work together during emergencies.

## Resilience

**In delivering the requirements set out above, fire and rescue authorities need to have the necessary capability in place to manage the majority of risks that may face their area, either individually or collectively through collaborative arrangements with other fire and rescue authorities and responders.**

**For the purposes of this document, national resilience in the context of fire and rescue authorities is defined as the capacity and capability of fire and rescue authorities to work together and with other Category 1 and 2 responders to deliver a sustained, effective response to major incidents, emergencies and disruptive challenges, such as (but not limited to) those identified in the National Risk Assessment.**

### Collective engagement

Fire and rescue authorities must engage with agreed strategic governance arrangements in order to support discussions and decision making in relation to national resilience.

### Gap analysis

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).

As part of their analysis, fire and rescue authorities must highlight to the Department for Communities and Local Government, through agreed strategic governance arrangements, 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.

### Capability building

Fire and rescue authorities must work collectively, through agreed strategic governance arrangements, with the Department for Communities and Local Government to agree whether and/or how to address any capability gap, identified through the gap analysis.

### Working in partnership

In order to meet the requirements of this Framework, fire and rescue authorities must work in partnership with their communities and a wide range of partners locally and nationally.

## **Chapter 2: Accountable to communities**

Fire and rescue authorities are accountable to their communities for their actions and decision making. They need to have transparent processes in place to deliver this and engage with their communities to provide them with the opportunity to influence their local service. Local accountability is a vital check on the services provided by fire and rescue authorities.

### **Communities planning their local fire and rescue service**

Fire and rescue authorities' integrated risk management plans must:

- be easily accessible and publicly available
- reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies, and partners
- cover at least a three-year time span and be reviewed and revised as often as it is necessary to ensure that fire and rescue authorities are able to deliver the requirements set out in this Framework; and
- reflect up to date risk analyses and the evaluation of service delivery outcomes.

### **Scrutiny arrangements transparent to communities**

The fire and rescue authority must hold their Chief Fire Officer/Chief Executive to account for the delivery of the fire and rescue service.

Fire and rescue authorities must have arrangements in place to ensure that their decisions are open to scrutiny.

### **Transparent data enables communities to hold service providers to account**

Fire and rescue authorities must make their communities aware of how they can access comparable data and information on their performance.

Meeting this requirement includes, but is not limited to:

- meeting the current code of recommended practice for local authorities on data transparency
- publishing pay policy statements (a duty in the Localism Act)
- raising awareness of sources of comparable data and how to access these e.g. linking to government websites and data returns to the Chartered Institute of Public Finance and Accountancy
- linking to: tools provided by organisations such as the Local Government Group and the Chief Fire Officers' Association; and, best practice guidance
- acting in accordance with the Freedom Of Information Act and publication schemes set by the Information Commissioner
- publishing any peer reviews, self assessments; and
- publishing any other locally held data that fire and rescue authorities feel will aid transparency to their communities.

The Government is committed to publishing all the data it holds within the bounds of data protection and security, for example by publishing statistics on the internet and by making large data files available.

## **Chapter 3: Assurance**

Given the public safety functions provided by fire and rescue authorities and the nature of the risks, robust mechanisms should be in place to provide independent assurance to communities and to the Government.

### **Assurance**

Fire and rescue authorities must provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their integrated risk management plan and the requirements included in this Framework. To provide assurance, fire and rescue authorities must publish an annual statement of assurance.

### **National resilience assurance**

In addition to the assurance arrangements detailed above, fire and rescue authorities must work collectively to provide assurance to government, through agreed strategic governance arrangements, that:

- risks are assessed, plans are in place and any gaps between existing capability and that needed to ensure national resilience are identified
- existing specialist national resilience capabilities are fit-for-purpose and resilient; and
- any new capabilities that fire and rescue authorities are commissioned to deliver by government are procured, maintained and managed in the most cost-effective manner that delivers value for money whilst ensuring capabilities are fit-for-purpose and resilient.

The Government will work with fire and rescue authorities to ensure that appropriate assurance mechanisms are in place, which are transparent and robust, with an appropriate degree of independence.

## **Chapter 4: Legislative context, timescale, scope**

### **Legislation**

Section 21 of the Fire and Rescue Services Act 2004 provides the statutory authority for the National Framework

The expectation of the Government is that fire and rescue authorities and the political and professional leadership will put in place processes to provide support and lead improvement in the event of potential service failure, or potential failure to act in accordance with the Framework. In this context, improvement is delivered through peer led responses and effective partnership working.

The Government intends to use its intervention powers only as a last resort, for example where the risk of failure is deemed so serious as to require immediate and directive government action to resolve. Any use of intervention powers will be in accordance with the Local Government Intervention Protocol

Ministers may also ask the Chief Fire and Rescue Adviser as a designated Her Majesty's Inspector under the Fire and Rescue Services Act 2004, to lead an investigation into instances of serious concerns regarding operational performance. Ministers may also seek additional and separate assurance from the Chief Fire and Rescue Adviser, or other advisers, in respect of specific issues.

The Secretary of State has the power by order to confer on a fire and rescue authority functions relating to emergencies. Also, in the event of a particular fire or emergency, the Secretary of State has the power to direct a fire and rescue authority to act. These may include actions outside of the authority's area.

The Fire and Rescue Services Act 2004 and the Fire and Rescue Service (Emergencies)(England) Order 2007 provide fire and rescue authorities with mandatory functions for fire and road traffic accidents and in connection with key types of emergencies (specifically chemical, biological, radiological or nuclear emergencies and urban search and rescue emergencies).

In addition, as Category 1 responders under the Civil Contingencies Act 2004, fire and rescue authorities are subject to the full set of civil protection duties, including assessing the risk of emergencies occurring (ranging from widespread flooding to



terrorist attacks) and using this to inform contingency planning, and ensuring that emergency plans and business continuity management arrangements are in place.

Also, the Civil Contingencies Act requires fire and rescue authorities to co-operate with other Category 1 and 2 responders and other organisations engaged in response activities in the same local resilience area. Category 1 responders are also encouraged to co-operate outside the Local Resilience Forum framework.

Fire and rescue authorities have a duty to exercise their functions in a way that prevents crime and disorder in their area.

### **Timescales**

This National Framework has an open ended duration. From time to time, we will discuss with partners whether changes need to be made to the document.

### **Scope**

The National Framework covers England only.

## **Background Information**

Copies of the full consultation document are accessible at:

<http://www.communities.gov.uk/documents/fire/pdf/2039159.pdf>