

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

13TH FEBRUARY 2012

1. **FIRE AND RESCUE SERVICE NATIONAL FRAMEWORK FOR ENGLAND CONSULTATION 2012**

Report of the Chief Fire Officer.

RECOMMENDED

THAT the Authority approve the consultation response of the West Midlands Fire and Rescue Authority to the Fire and Rescue Service (FRS) National Framework for England Consultation 2012.

2. **PURPOSE OF REPORT**

This report is submitted for Members approval of the response to the FRS National Framework for England Consultation 2012.

3. **BACKGROUND**

- 3.1 The National Framework (Framework) sets out the Government's expectations for the Service and what is required of Fire and Rescue Authorities (FRAs) to meet those expectations. The Government has a duty under the FRS Act 2004, to produce the Framework and keep it current. FRAs must have regard to the Framework in carrying out their duties.
- 3.2 The draft Framework document detailed in Appendix 1, proposes moving away from prescription, enabling FRAs to deliver services in a way which suits local areas, whilst continuing to meet the wider needs of national resilience at a strategic level, responsibility for which remains with Government.

- 3.3 The draft Framework promotes accountability to communities, partnership working, and transparency of data. It reinforces the importance of effective integrated risk management planning processes, which reflect active consultation with communities and partners.
- 3.4 The priorities set out in the draft Framework are for FRAs 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 a wide range of partners locally and nationally to deliver their service; and
 - be accountable to communities for the service they provide.
- 3.5 The consultation document invited consultees to respond to four questions which are detailed in Appendix 2.
- 3.6 Appendix 3 details the response to these questions formulated following engagement of Members.
- 3.7 The existing Framework remains in force until the new one is brought into effect. Public consultation closes on 19th March 2012.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required. The matters contained within this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

This paper outlines proposed revisions to the Fire and Rescue Service National Framework.

6. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

BACKGROUND PAPERS

Fire and Rescue Service National Framework Consultation for England
Member Feedback – Policy, Planning Forum, 09.01.12
Member presentation – Policy Planning Forum, 09.01.12
SAG Forum and Responses

VIJ RANDENIYA
CHIEF FIRE OFFICER

APPENDIX 1

**FIRE AND RESCUE SERVICE NATIONAL FRAMEWORK FOR
ENGLAND - CONSULTATION DOCUMENT****Consultation**

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Contents

Ministerial foreword.....	2
Consultation questions.....	4
Introduction.....	5
 Chapter 1	
Safer communities.....	7
 Chapter 2	
Accountable to communities.....	13
 Chapter 3	
Assurance.....	15
 Chapter 4	
Legislative context, timescale, scope.....	17
Endnotes.....	19
Annex Complete integrated risk management plan	
requirement.....	22
About this consultation.....	24

Ministerial foreword

Local fire and rescue authorities play a central role in keeping our communities safe and the public rightly holds our firefighters in high esteem.

The coroner's report into the 7 July 2005 bombings in London, published earlier this year, praised the 'extraordinary courage, composure and compassion' of the fire and rescue service crews and all responders who had to deal with the terrible events unfolding that day.

But firefighters are not only there to come to our rescue when fires or other emergencies occur, they also work to stop fires starting in the first place. The prevention activities developed by fire and rescue authorities have helped halve the number of deaths from accidental fires in our homes since the late 1980s.

Across the country, fire and rescue authorities have become involved in a range of community activities, from home fire safety visits to the elderly and vulnerable to running schemes that provide important role models for young people, offering them the inspiration and respect to fulfil their potential and contribute to a stronger society: all based on local assessments of risk and the most effective action that can be taken to mitigate them. Also, through their work with businesses fire and rescue authorities can minimise the impact of fire on the economy and on jobs.

More recently, we have again seen the dedication of our firefighters who, in the face of shameful criminal behaviour by rioters, battled to put out fires, whilst at times finding themselves under attack. The professionalism of fire crews during the riots was outstanding and inspirational.

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. Through provisions in the Localism Act, fire and rescue authorities will have even more freedom and flexibility to take responsibility and deliver innovative services specific to the communities they serve.

Fire and rescue authorities are free to configure their services in a way that makes sense to them locally. This includes working collectively with other fire and rescue authorities and collaboratively with a wide range of other organisations to improve public safety and cost effectiveness.

Ultimately, it is to local communities, not central government, that fire and rescue authorities are accountable.

Occasionally, however, we may be faced with incidents of such scale or complexity that all available resources could be overwhelmed, even if pooled or reconfigured. Government will retain over-arching responsibility for ensuring we are resilient as a nation to such risks but this must be based on and drawn from local capability, expertise, knowledge and leadership.

This draft Framework sets out how the Government will work in partnership with fire and rescue authorities and the wider community to make our communities safer. I look forward to receiving comments on it and to working with fire and rescue authorities and other organisations to make our communities even safer.

Bob Neill MP

Minister for the Fire and Rescue Service

Consultation questions

This consultation gives fire and rescue authorities, members of the fire and rescue services, professional and representative bodies, industry, charities, and the general public an opportunity to help shape this draft Fire and Rescue National Framework.

Consultees are invited to respond in particular to the following 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 of 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, how 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?

Responses are required by 19 March 2012 and should be sent to:
firenationalframework@communities.gsi.gov.uk

Introduction

1. The Government has a responsibility to ensure that the public is adequately protected. For fires and other emergencies it does this by providing significant financial resources, giving authorities the power to raise additional local funding, and maintaining a statutory framework within which local fire and rescue authorities operate.
2. This document – the draft Fire and Rescue National Framework - sets out the Government's priorities and objectives for fire and rescue authorities in England¹. The 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. The Framework builds on existing notable practice shown by fire and rescue authorities across the full range of their functions.
3. **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 respond to incidents appropriately;**
 - **work in partnership with their communities and a wide range of partners locally and nationally to deliver their service; and**
 - **be accountable to communities for the service they provide.**
4. 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 capability. They need to deliver prevention and protection activities and be ready to respond to incidents within their areas and across the country to keep communities safe.
5. Fire and rescue authorities need to plan for and occasionally respond to incidents of such scale and/or complexity that local resources may be overwhelmed even when taking into account mutual aid agreements, pooling and reconfiguration of resources and collective action. This Framework sets clear roles and responsibilities to manage such risks.
6. The Government retains strategic responsibility for national resilience. In meeting this responsibility, it relies on the leadership role of fire and rescue authorities and recognises that national resilience is best built on the basis of local professional expertise and understanding of risk.

7. 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 this Framework.
8. 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 the high standard communities expect for an important public safety service; and
 - provide assurance to their communities and to government, on financial, governance and operational matters and on national resilience capability.

6

Chapter 1

Safer communities

- 1.1 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 plans². Resilience is secured through a combination of the activities of fire and rescue authorities, other emergency services and government.
- 1.2 Each fire and rescue authority's integrated risk management plan provides an opportunity to demonstrate how they will discharge their responsibilities, in a way that is open and transparent to its community and others with an interest.

Identify and assess

- 1.3 **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 appropriate³.**
- 1.4 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 processes⁴. The Government provides guidance to Local Resilience Forums on how to interpret the likelihood and impact of these risks for their local area. This ensures there is a fully integrated risk assessment process between the Government and Local Resilience Forums; fire and rescue authorities are key members of such forums.
- 1.5 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. The Government does this through the National Resilience Planning Assumptions, led by the Cabinet Offices⁵.

7

Prevent and protect

- 1.6 **Fire and rescue authorities must work with communities to identify and protect them from risk and to prevent incidents from occurring.**
- 1.7 **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

- 1.8 **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 plans⁶.**
- 1.9 Fire and rescue authorities are required to enter into reinforcement schemes, or mutual aid agreements, with other fire and rescue authorities for securing mutual assistance, so far as practicable. These are important tools for fire and rescue authorities to be prepared to respond to incidents.
- 1.10 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.
- 1.11 **Fire and rescue authorities must have effective business continuity arrangements in place to meet the full range of service delivery risks.** Business continuity plans should not be developed on the basis of Armed Forces assistance being available. Fire and rescue authorities should ensure that arrangements are in place for heightening public awareness of safety issues during periods of emergency cover⁷.
- 1.12 **Fire and rescue authorities must collaborate with other fire and rescue authorities to deliver intraoperability.**

8

- 1.13 Intraoperability between fire and rescue authorities includes, but is not limited to:
- common communications systems, control rooms and equipment;
 - common command, control and co-ordination arrangements;
 - effective information, intelligence and data sharing;
 - common operational procedures, guidance and terminology ;
 - compatible training and exercising (both individually and collectively); and
 - cross border working with other English fire and rescue authorities and those in the devolved administrations.
- 1.14 **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 interoperability⁸.**
- 1.15 Interoperability between fire and rescue authorities and other responders includes, but is not limited to:
- compatible communications systems, control rooms and equipment, as appropriate;
 - compatible command, control and co-ordination arrangements;
 - effective inter-agency working and liaison and, where appropriate, information, intelligence and data sharing;
 - shared understanding of respective operational procedures, guidance and terminology;
 - robust multi-agency plans for managing risks identified in the National Risk Assessment and Community Risk Registers;
 - multi-agency training and exercising; and
 - cross border working with other responders in England and the devolved administrations.
- 1.16 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 emergencies⁹.
- 1.17 In addition, during emergencies, the Department for Communities and Local Government will work with other government departments, fire partner organisations and the devolved administrations to co-ordinate the deployment arrangements for specialist fire and rescue assets as set out in the National Co-ordination and Advisory Framework¹⁰.

Resilience

- 1.18 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.
- 1.19 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. It refers to risks that need to be planned for on a strategic, national basis because their impacts and consequences would be of such scale and/or complexity that local resources would be overwhelmed, even when taking into account mutual aid arrangements, pooling and reconfiguration of resources and collective action.
- 1.20 To enhance resilience to such risks, the Government has already committed significant financial resources to build specialist capability, for example: additional, specialist urban search and rescue capability; high volume pumps; mass decontamination equipment; detection, identification and monitoring equipment for chemical, biological and nuclear incidents; and, additional command and control capability. The Government continues to fund these existing national resilience capabilities.
- 1.21 In order to ensure continued resilience, fire and rescue authorities and the Government need to work in partnership to agree whether and/or how potential gaps in capability may be met.

Collective engagement

- 1.22 **Fire and rescue authorities must engage with agreed strategic governance arrangements in order to support discussions and decision making in relation to national resilience.**
- 1.23 The Department for Communities and Local Government will ensure that appropriate, agreed strategic governance arrangements are in place to enable fire and rescue authorities to collectively engage with the Government on national resilience issues¹¹.

Gap analysis

- 1.24 **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).**
- 1.25 Fire and rescue authorities are required to assess the risk of emergencies occurring and use this to inform contingency planning. To do this effectively, fire and rescue authorities are expected to assess their existing capability and identify any gaps as part of the integrated 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.
- 1.26 **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.**
- 1.27 The Department for Communities and Local Government, in liaison with other government departments and the devolved administrations, will support fire and rescue authorities in considering and defining the gap between existing capability and the capability required to ensure national resilience.

Capability building

- 1.28 **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.**
- 1.29 Where it is agreed that there is a gap, capability building will take into account the full range of options available and will be subject to the principles of proportionality. If necessary, this will involve careful consideration of the case for funding new national resilience capabilities, in line with the new burdens doctrine¹².
- 1.30 Where the Government commissions provision from fire and rescue authorities to deliver the agreed capability, fire and rescue authorities will need to work together collectively to procure, maintain and manage the new capability.

- 1.31 Final decisions on whether new capability is required will be for Ministers to take, informed by recommendations made in accordance with agreed strategic governance arrangements.

Working in partnership

- 1.32 **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.**
- 1.33 Strong partnership arrangements by fire and rescue authorities with communities and local groups will deliver better prevention and protection activities, while close collaboration with other Category 1 and 2 responders is essential to enable an effective response to incidents.

12

Chapter 2

Accountable to communities

- 2.1 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

- 2.2 The integrated risk management planning process is an opportunity for fire and rescue authorities to have an ongoing conversation with communities and to inform them through the provision of up-to-date, accessible data on risk. Through this transparent approach communities can better influence local plans and how their authority meets risks both within their area and as part of mutual aid agreements.
- 2.3 **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 timespan 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

- 2.4 **The fire and rescue authority must hold their Chief Fire Officer/Chief Executive to account for the delivery of the fire and rescue service.**
- 2.5 **Fire and rescue authorities must have arrangements in place to ensure that their decisions are open to scrutiny.**

- 2.6 Opening up decision making to challenge enhances local governance and accountability. Fire and rescue authorities need to satisfy themselves that the arrangements they put in place provide the level of scrutiny their communities expect. Many authorities already have a number of processes in place for scrutiny. Some allow for the separation of powers within the authority to allow members to have independent oversight. Processes used in the delivery of some local services include inviting members of the upper tier authorities in the areas in which they operate to sit on a scrutiny panel; or, by inviting other locally elected members to sit on a scrutiny panel.

Transparent data enables communities to hold service providers to account

- 2.7 To hold fire and rescue authorities to account, communities need to be able to compare the performance of their fire and rescue authority with others. Both the Government and fire and rescue authorities need to have an open approach towards data and information to provide transparency for communities.
- 2.8 **Fire and rescue authorities must make their communities aware of how they can access comparable data and information on their performance.**
- 2.9 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.
- 2.10 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.

14

Chapter 3

Assurance

- 3.1 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. Chapter 2 details important measures that will ensure that fire and rescue authorities provide local scrutiny arrangements and access to a range of information to help communities influence and be assured of the robustness of local delivery arrangements. This chapter details mechanisms that are in addition to these accountability, scrutiny and transparency requirements: they are designed to supplement, not duplicate, the wider accountability regimes that cover the whole of local government.

Assurance

- 3.2 **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.**
- 3.3 The Government will work with fire and rescue authorities to determine the nature of the assurance statements, but would expect the political and professional leadership to lead on ensuring an element of independent scrutiny of the statement. The contents of the statement will be defined with communities and the Government in mind. It is likely that the contents of these assurance statements already exist in the information held or published by fire and rescue authorities, for example as part of their annual report or service plan.

National resilience assurance

- 3.4 **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.**

3.5 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

- 4.1 Section 21 of the Fire and Rescue Services Act 2004 provides the statutory authority for the National Framework and requires:
- the Secretary of State to prepare a National Framework for fire and rescue authorities;
 - the Secretary of State to consult with representatives of fire and rescue authorities and their employees before making significant changes to the Framework;
 - the Secretary of State to bring the Framework and any significant revisions to it, into effect by a statutory instrument subject to annulment in either of the Houses of Parliament; and
 - fire and rescue authorities to have regard to the Framework in carrying out their functions.
- 4.2 The role of the National Framework is not to repeat all the duties placed on fire and rescue authorities in connection with the discharge of their functions or more generally as a public service provider and employer. These are day to day functions of which authorities are aware e.g. fire and rescue authorities need to be aware of the importance of complying with the requirements of the general and specific duties set out in the Equality Act 2010 and the Equality Act 2010 (Specific Duties) Regulations 2011 in all of their functions, both as employer and service provider, and the various health and safety legislation and regulations.
- 4.3 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.

- 4.4 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 resolve¹³. Any use of intervention powers will be in accordance with the Local Government Intervention Protocol¹⁴.
- 4.5 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.
- 4.6 The Secretary of State has the power by order to confer on a fire and rescue authority functions relating to emergencies¹⁵. 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 act¹⁶. These may include actions outside of the authority's area.
- 4.7 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 place¹⁷. 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 framework¹⁸.
- 4.8 Fire and rescue authorities have a duty to exercise their functions in a way that prevents crime and disorder in their area¹⁹.

Timescales

- 4.9 This National Framework has an open ended duration. The Secretary of State continues to be responsible for keeping the terms of the Framework under review under section 21(3) of the Fire and Rescue Services Act 2004 and is required to prepare a biennial report to Parliament on the

extent to which fire and rescue authorities are acting in accordance with the Framework, under section 25. From time to time, we will discuss with partners whether changes need to be made to the document.

Scope

- 4.10 The National Framework covers England only. It does not apply to Northern Ireland, Scotland or Wales where responsibility for their fire and rescue services is fully devolved.

Endnotes

Introduction

1. Chapter 4 sets out the legislative context for the National Framework along with timescales and scope.

Chapter 1- Safer communities

2. The requirement for fire and rescue authorities to produce an integrated risk management plan is included throughout this document, reflecting its role in making communities safer in a way which is transparent and accountable to communities. See the annex for the complete requirement.
3. The Civil Contingencies Act 2004 requires emergency responders in England and Wales to co-operate in maintaining a public Community Risk Register. These are approved and published by Local Resilience Forums which include representatives from local emergency responders as well as public, private and voluntary organisations. Further information is available at: <http://www.cabinetoffice.gov.uk/content/risk-assessment> .
4. The National Risk Assessment is agreed by Ministers on an annual basis and sets out the collectively agreed assessment of the types of malicious and non-malicious disruptive events that would cause significant harm and disruption to the United Kingdom. The public facing version of the National Risk Assessment is the National Risk Register, available at: <http://www.cabinetoffice.gov.uk/resource-library/national-risk-register>.
5. The National Resilience Planning Assumptions distil the information in the National Risk Assessment into twenty common consequences that should be planned for in order to be prepared for the risks in the National Risk Assessment. For each of these consequences, the National Resilience Planning Assumptions set an upper limit of the level of capability required in each instance. The National Resilience Planning Assumptions do not define the capability requirements of individual responders, for example, fire and rescue authorities.

6. Section 13 of the Fire and Rescue Services Act 2004 requires fire and rescue authorities to enter into reinforcement schemes with other fire and rescue authorities for securing mutual assistance. Section 16 of the Fire and Rescue Services Act 2004 enables fire and rescue authorities to enter into arrangements for the discharge of their functions by others. The National Mutual Aid Protocol for Serious Incidents sets out the terms under which fire and rescue authorities may expect to request or provide assistance to each other in the event of a serious incident. The Protocol is available at:
<http://www.communities.gov.uk/documents/fire/pdf/151879.pdf>.
7. The Civil Contingencies Act requires fire and rescue authorities to put in place business continuity management arrangements to ensure that they can continue to perform their functions in the event of an emergency, so far as is reasonably practicable. Further information is available at:
<http://www.cabinetoffice.gov.uk/content/civil-contingencies-act>.
8. The Civil Contingencies Act divides responders into two categories, imposing a different set of duties on each. Category 1 responders are those organisations at the core of the response to most emergencies, and they are subject to the full set of civil protection duties. Category 2 responders are co-operating bodies that will primarily be involved in incidents that affect their sector, and they have a lesser set of duties. Fire and rescue authorities are Category 1 responders. Further information is available at: <http://www.cabinetoffice.gov.uk/content/civil-contingencies-act>.
9. This commitment has been made in both the Strategic Defence and Security Review and the counter-terrorism strategy - CONTEST. These documents are available at: <http://www.cabinetoffice.gov.uk/resource-library/strategic-defence-and-security-review-securing-britain-age-uncertainty>; and <http://www.homeoffice.gov.uk/counter-terrorism/uk-counter-terrorism-strat/>.
10. The National Co-ordination and Advisory Framework is a structure which offers assistance during incidents which have national significance or require national co-ordination. Further information is available at:
<http://www.communities.gov.uk/publications/fire/opguidancencaf>.
11. The detailed structure, terms of reference and membership of the strategic governance arrangements will be developed through consultation with key fire partner organisations. These arrangements will not be detailed in the new National Framework, but will be supplementary to it.
12. A new burden is defined as any policy or initiative which increases the cost of providing local authority services. The doctrine seeks to keep the

pressure on council tax down. It covers all types of local authority that either raise council tax or set a precept. This includes parishes, police and fire and rescue authorities. The new burdens doctrine only applies where central government requires or exhorts authorities to do something new or

20

additional. Action to ensure that they adequately fulfil a role for which they are already funded is not a new burden. Available at:

<http://www.communities.gov.uk/publications/localgovernment/newburdens2011>.

Chapter 4 – Legislative context, timescale, scope

13. Section 22 of the Fire and Rescue Services Act 2004.
14. Protocol on Engagement and Intervention in Poorly Performing Local Authorities and jointly signed by the Local Government Association and Government in 2003.
15. Section 9 of the Fire and Rescue Services Act 2004.
16. Section 10 of the Fire and Rescue Services Act 2004.
17. The full set of civil protection duties are to:
 - assess the risk of emergencies occurring and use this to inform contingency planning;
 - put in place emergency plans;
 - put in place business continuity management arrangements;
 - put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency;
 - share information with other local responders to enhance co-ordination; and
 - co-operate with other local responders to enhance co-ordination and efficiency.

Further information on the Civil Contingencies Act is available at:
<http://www.cabinetoffice.gov.uk/content/civil-contingencies-act>
18. Each local resilience area is based on a police area. The principal mechanism for multi-agency co-operation between Category 1 responders is the Local Resilience Forum. The Local Resilience Forum is not a statutory body, but it is a statutory process.
19. Section 17 of the Crime and Disorder Act 1998.

Annex

Complete integrated risk management plan requirement

For completeness, each integrated risk management plan requirement is repeated below.

Integrated risk management planning plays a key role in identifying, assessing and mitigating fire and rescue related risks.

Paragraph 1.3

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.

Fire and rescue authorities' integrated risk management plan must:

Paragraph 1.7

- **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.**

Paragraph 2.3

- **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**

22

- cover at least a three-year timespan 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.

Paragraph 1.8

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.

Paragraph 3.2

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.

The Government does not plan to issue additional integrated risk management plan-related guidance. The Department for Communities and Local Government values the multi-partner Integrated Risk Management Plan Steering Group, put in place to take this work forward.

About this consultation

This consultation document and consultation process have been planned to adhere to the Code of Practice on Consultation issued by the Department for Business, Innovation and Skills and are in line with the consultation criteria except that the consultation period is longer (14 weeks). The consultation criteria are:

- formal consultation should take place at a stage when there is scope to influence the policy outcome;
- consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible;
- consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals;
- consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach;
- keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained
- consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation; and
- officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed these criteria? If not or you have any other observations about how we can improve the process please contact the Department.

Consultation Co-ordinator
Zone 6/H10
Eland House
London SW1E 5DU

or by e-mail to: consultationcoordinator@communities.gsi.gov.uk

Consultation Questions

- 1) Is the content of each chapter clear, specific and proportionate?
- 2) Does the draft National Framework set clear & appropriate expectations of FRA? If not, how could it be improved?
- 3) Are the respective roles of FRA and the Gov't set out clearly? If not, how could they be improved or made clearer?
- 4) Do the requirements for FRA on scrutiny, access to performance data and assurance go too far or not far enough?

APPENDIX 3

Feedback

- 1) Is the content of each chapter clear, specific and proportionate?
 - It is noted that discretion has now been removed from the Framework and that mandatory 'must' are used as opposed to 'should'. In terms of being proportionate is there a need to emphasise the wider discretion given to FRA through the Localism Act 2011 (Power of Competence) or for stand alone FRS additional discretions to charge and do things that are 'incidental' to our functions.
 - The section on 'Collective Engagement' is not clear and lacks details.
 - The section on 'Gap Analysis' seems a new provision and requires further guidance on how this will happen.
 - There are several references to mutual aid – there seems to be no mention of mutual aid arrangements with **other** providers of FRS services.
 - At the section Accountability to Communities, just like the previous Framework there is a requirement to produce a 3 yearly IRMP. Some specific guidance would be of benefit about the format of this IRMP, e.g. does it need to be stand alone or part of a wider community safety plan
 - Little mention of the Intervention powers under sect 22 FRS Act 2004 which go hand in hand with the Framework. What does this look like?
 - Chapter 4 Legislation. No mention of the Localism Act 2001 and new powers under sec 5(a) added to the FRS Act 2004 which gives a much wider discretion (to do anything the FRA considers appropriate for carrying out of any of its functions; anything appropriate for purposes incidental to its functions; or anything connected with those matters). There is no mention of Health and Safety and things like the Corporate Manslaughter and Corporate Homicide Act 2007.
 - IPDS is no longer included in the Framework but should at least be referred to in the document
 - Section on Endnotes – not sure of the relevance and usefulness of this. It seems a cherry pick of legislation but omits some as opposed to including others.

2) Does the draft National Framework set clear and appropriate expectations of FRAs? If not, how could it be improved?

- The Framework makes clear the priorities for the FRS but it does not state clearly the objectives and the strategic direction for FRS. It is accepted that objectives have to be measured and we no longer have targets for things like accidental fire deaths and deliberate fires. The Framework should also be about 'providing guidance' but lacks much of this.
- Working in Partnership is a critical area and is one of the 3 main priorities within the Framework but only gets 2 very short paragraphs and relates to Cat1 and 2 responders, e.g. in a response context. What message does this send to our key partners? This would be an opportunity to reinforce governments expectations for FRAs in terms of big society, localism, community safety partnerships and well being to name a few.
- The document doesn't support the prevention agenda, it needs to be clear that this is not an 'add on'. This work is a long term aim and takes commitment as we are working to change behaviours. Considering the importance and influence of this work the framework is still 'heavy' on the response side.
- The section on Assurance – requires guidance on how assurance statements will be produced and delivered and what are the set of measures particularly in the operational preparedness/response environments.
- There is still uncertainty around the funding for years 2013-2015 and it is not clear how the cuts in grant funding will impact upon the ability of the organisation to deliver its outcomes and core services, as well as the expectations set out in the draft national framework. However a reduction in funding will inevitably lead to a reduction in physical resources, which will change the way in which we target our resources, to deliver our core services, to achieve our outcomes. Locally this will be a priority for the Service and for the communities we serve. The framework document does not appear to recognise these constraints or how they will impact on the ability to meet national requirements such as national resilience.

3) Are the respective roles of FRA and the Govt set out clearly? If not, how could they be improved or made clearer?

- There seems to be a few statements where more work is still required (and guidance) between Government and FRA' to develop things like assurance statements, assurance mechanisms and Capability building.
- What is the mechanism for scrutiny of the Framework – how will this be done?

- If there are gaps in resilience due to new burdens on FRAs then the Government must fund them not just consider doing so. The Government must recognise that the FRA does not have enough funding for maintaining existing provision never mind new burdens for national resilience.
- The critical importance of sprinklers is not reflected – is there a need for legislation?
- There does not seem to be a priority or objective set in the Framework for best value; efficiency, effectiveness, economy or VFM.
- How might the cuts affect our ability to deliver the expectations set out in the framework in terms of resilience arrangements

4) Do the requirements for FRA on scrutiny, access to performance data and assurance go too far or not far enough?

- Scrutiny section at p13; might be useful to give examples of how the FRS can and will be scrutinised under new arrangements in the Localism Act, Police Reform Social Responsibility Act, Health and Social Care Bill, joint strategic needs assessments (JSNAs) and joint health and well being strategies.
- There seems to be little detail/guidance on the assurance processes for VFM and Operational and what is expected from Government as opposed to how FRS manage this responsibility locally. There lacks detail on how things like comparison and benchmarking will be conducted around VFM. No mention is provided about Operational Performance Assessment (OpA).
- There are currently assurances on financial as well as on operational issues – to what extent should these be separate?
- If the majority of the assurances are in place then what more do we need to establish? What format will they be presented in, to whom and will FRAs have any control over their publication?
- It is unclear what the proposed assurance statement will add to the significant assurance already in place
- There is still scope for large variations in data as each FRA collects information in a different way which inevitably makes comparison very difficult