

**TYNE AND WEAR FIRE AND RESCUE AUTHORITY**

**Item No**

**MEETING: 21<sup>st</sup> SEPTEMBER 2009**

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**SUBJECT: CONSULTATION ON FIRE AND RESILIENCE PROGRAMME IN-SERVICE MANAGEMENT**

**JOINT REPORT OF THE CHIEF FIRE OFFICER, CLERK TO THE AUTHORITY AND THE FINANCE OFFICER**

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## **1 INTRODUCTION**

- 1.1 This report outlines the content of a consultation document, entitled Fire and Resilience Programme In-Service Management, published by the Department of Communities and Local Government and outlines some responses for Members to consider.

## **2 BACKGROUND**

- 2.1 As Members will be aware the Fire and Resilience Programme being managed by the CLG covers three key areas of work. These are:-

- **New Dimension** - specialist vehicles and equipment designed to enhance emergency response at local, regional and national level.
- **Firelink** – a national digital radio system to enable voice and data messaging with and between fire and rescue services as well as interoperability with other emergency services.
- **FiReControl** – the replacement of local fire and rescue controls with a network of nine interconnected regional control rooms.

- 2.2 In light of the fact that there will be an ongoing regional/national dimension to these areas of work it will be necessary to establish a body which has the responsibility for ensuring that the national functions are properly managed and that they meet the appropriate contractual requirements, such as maintenance of radio coverage, emergency service interoperability and technical functionality. The existence of such a body is deemed to be necessary by all of the interested parties.

- 2.3 In consideration of this the consultation document provides a variety of options in respect of establishing a structure to undertake this important work. These options are variations on what are felt to be the two possible approaches for contracts of this scale and strategic importance placing the responsibility with a Government department, or with a non departmental public body (NDPB).

## **3 THE PROPOSED OPTIONS**

- 3.1 Four options are presented in the consultation paper and these are:-

***Creating the Safest Community***

- Continue with the functions within CLG
  - Establish a new Non-Departmental Public Body (NDPB)
  - Place the functions with the National Policing Improvement Agency (NPIA)
  - Use an existing Non-Departmental Public Body
- 3.2 Continuing with the functions within CLG is not an option that the Department itself is in favour of on the basis that their role is strategic not managerial. Furthermore, Members may also consider that the ongoing involvement of a central government department in the management of some fire and rescue services functions, albeit those with a national remit, would not be the most appropriate solution.
- 3.3 With regard to creating a new NDPB to undertake the work, the view of CLG is that this would be time consuming and would also go against current government policy presumptions against establishing new NDPB's. Using an already existing body would always be preferred.
- 3.4 The option to place the functions with the National Policing Improvement Agency is not favoured by CLG because of the requirement to pass primary legislation to amend the objectives of the NPIA in order to allow it to undertake the work. In addition there is a concern that given that the primary focus of this body on police matters, the management of the fire and rescue sector national functions may not be given the priority that they require. The Chief Fire Officer shares this concern.
- 3.5 Of the four options, it is the last one that is favoured by CLG, namely the incorporation of the national functions into Firebuy Ltd, the existing Non-Departmental Public Body which already manages the service contract for New Dimension.
- 3.6 The rationale behind this proposal is based on the grounds that Firebuy Ltd already manages the service contract for New Dimension and it would be a relatively straightforward administrative exercise to change the terms of reference of this existing NDPB to include the other national functions.
- 3.7 Taking the above into account and, considering the fact that CLG currently intend to continue financial support for a national procurement body, (currently Firebuy Ltd) it appears that the most appropriate option for managing the national functions would be through the use of the existing NDPB. This would be a significant additional workload which would require the restructuring and re-focussing of the NDPB including the introduction of a new Board and new governance arrangements. The next section of the report covers this matter.

#### 4 GOVERNANCE OF THE NDPB

- 4.1 It is proposed that the NDPB should have its chair and the majority of the non-executive directors appointed following open competition, but that stakeholders such as the LGA and CFOA would have the ability to nominate candidates to the board. The consultation paper is silent on the actual numbers of positions that would be appropriate to ensure efficient and effective operation.
- 4.2 It is also heavily inferred that CLG should have a position on the Board together with a member(s) with direct experience of managing service contracts, procurement activities and financial expertise.
- 4.3 There is an issue regarding the inclusiveness of the Board which would need to be worked through, as there are no concrete proposals to include representatives from the FRS regions. CFOA's initial views on the proposal note the need to learn lessons from the way representation on the current Firebuy Board has been managed, so that there is a sense of inclusion by Fire and Rescue Authorities without creating a cumbersome Board.
- 4.4 The Chief Fire Officer is of the view that the proposal currently omits representatives from the fire and rescue service regions and, whilst it may be deemed that another nine personnel on the Board may make it unwieldy, the Chief Fire Officer suggests that the work of this body is of sufficient importance that this is a secondary issue, and the practical and logistical arrangements which, if properly managed, should not be a significant problem.
- 4.5 Alternatively, if this were not accepted as a viable proposal the Chief Fire Officer is of the view that this type of regional representation should sit on a stakeholder group whose role it would be to provide an operational user perspective on the national functions and how effectively they are performing.

## **5 NATIONAL ASSURANCE FUNCTION**

- 5.1 In addition to the above the consultation paper also highlights that there is a requirement for a National Assurance Function relating to FireControl and Firelink, whose role will involve matters such as:-
  - Monitoring of Performance standards
  - Ensuring maintenance of training standards
  - Data Management
  - Changes to system functionality
  - Maintenance of the national fleetmap
- 5.2 In the opinion of the CLG there are a number of options with regard to where such a function should reside, including placing them with a body representing the fire and rescue service sector, such as CFOA. However, whilst CLG suggests that it supports this aspiration it also places a number of pre-conditions on the work of such a body. These would require it to:-

- Ensure the long-term maintenance of the core features of a national interoperable and resilient system, as specified in a memorandum of understanding with the Department
- Do so within an agreed cost
- Cover any shortfall in income from FRAs without recourse to the Department
- Accept responsibility for any liabilities arising from the operation of the national assurance scheme – e.g as a result of guidance issued by the assurance body
- Ensure that operational considerations would drive decision making rather than political considerations

5.3 CLG further proposes that if the fire and rescue service sector is unable to take on this role then it should sit with the NDPB responsible for managing the service contracts.

5.4 Taking into account the conditions that any national assurance body would have to fulfil, particularly in relation to financing and liabilities, it does not seem appropriate to pursue this option further. Accordingly, in responding to the consultation it is proposed by the Chief Fire Officer that the NDPB undertakes the role. This is in keeping with the initial view of CFOA.

## **6 CONCLUSION**

6.1 There is undoubtedly a need for a body to undertake the work of managing the national functions of the three key projects as well as a requirement, in principle, to have a body with responsibility for implementing the fire and rescue service national procurement agenda.

6.2 To this end the proposals within the consultation document are reasonable and it is suggested that the Chief Fire Office, following consideration by Members, submits a response to the consultation document in line with the information contained in this report.

## **7 RECOMMENDATIONS**

7.1 The Authority is recommended to:

- a) Consider the content of this report
- b) Authorise the Chief Fire Officer to respond to the consultation paper in line with the information in the above report, subject to any changes Members may wish to make.
- c) Receive further reports as appropriate.

## **BACKGROUND PAPERS**

The under mentioned Background Papers refer to the subject matter of the above report:

- Fire and Resilience Programme In-Service Management Consultation. CLG July 2009.