

1. INTRODUCTION

- 1.1 The purpose of this report is to brief Members on the draft Fire and Rescue National Framework for England, published in December 2011, and its potential implications for TWFA.

2. BACKGROUND

- 2.1 The National Fire Framework has been a key statutory driver of FRS activity in recent years, linked to the implementation of the 2004 Fire and Rescue Services Act, the removal of national standards of fire cover and moves towards local determination of the most effective response to life risk.
- 2.2 The key requirements (“musts”) of the current Framework (2008-11) are:
- Production of an (Integrated Risk Management Plan) IRMP, including the development process and content
 - Collaboration with the Regional Control Centre (RCC) project
 - The requirement to comply with the FRS Equality and Diversity Strategy
 - Application of Integrated Personal Development System (IPDS) in recruitment, training and progression
 - Work towards regional collaboration on specific functions, through Regional Management Boards
 - Submit a business case to CLG for any procurement outside Firebuy
 - Consider the views of local communities in making service changes
- 2.3 Clearly the Framework is a vehicle for ensuring compliance by FRAs with the general policy direction of the Government of the day. Thus all but the first and last of the ‘musts’ set out above have fallen by the wayside as the Coalition has moved away from regionalisation; halted RCC and removed Firebuy in the “bonfire of the quangos”; and reduced its specific requirements on FRAs in terms of equality and diversity.

3. THE NEW FRAMEWORK

- 3.1 The new draft Framework is out for consultation until 19th March 2012. It has three themes:
- Community safety
 - Accountability to communities
 - Assurance
- 3.2 The key duties under these are summarised in the attached appendix. The key changes are set out below.

- 3.3 The Framework document makes clear that the Framework sits within the existing legislative requirements on FRAs, in particular the Fire and Rescue Services Act 2004 (which contains provision for a Fire framework) and the Civil Contingencies Act 2004.

COMMUNITY SAFETY

IRMP

- 3.4 In terms of the **production of the IRMP**, the content of the new Framework is broadly the same but there is a slight change of emphasis from an IRMP which *reflects* up to date risk information, to an IRMP which “*identifies and assesses* all fire and rescue related risks that could affect communities including those of a cross border, multi authority or national nature” (and has regard to community risk registers, as in the previous version).
- 3.5 Comment has been made elsewhere that the requirement to identify all risks (including potentially those associated with terrorism) may go beyond the current legal remit of FRAs.
- 3.6 **Cost effectiveness** in risk reduction (through prevention, protection and response) remains a feature of the framework, as does the requirement for the IRMP to set out approaches to **enforcement** under the Regulatory Reform Order.

COLLABORATION

- 3.7 Whilst regional collaboration is de-emphasised, the requirement to respond collaboratively remains. **Inter-operability and mutual aid arrangements** are given more force in the new Framework. Collaboration is expected between FRAs, and with other responders through LRFs (repeating the duties under the Civil Contingencies Act). Specific elements of interoperability are listed and include compatible communications, command and control, intelligence sharing and exercising.

RESILIENCE

- 3.8 There is a greater emphasis on Resilience in the new Framework, focusing on ability to support **national resilience**, defined as the capability of FRAs to work together with other category 1 and 2 responders on risks “that need to be planned for on a strategic national basis because their impacts and consequences would be of such a scale and complexity that local resources would be overwhelmed, even when taking into account mutual aid and collective action”. Government, it notes, “continues to fund” specialist capability in this regard.
- 3.9 There is a new requirement to “engage with agreed strategic governance arrangements” for national resilience; CLG will ensure that these are in place.
- 3.10 FRAs are also required to **analyse any gaps** between their capability and that needed to ensure national resilience. This should form part of the IRMP process; any gaps identified should be discussed with CLG through the “agreed strategic governance arrangements” to determine whether, and how, the gap could be filled.
- 3.11 There remains a requirement for FRAs to have effective **business continuity plans** which do not rely on the availability of the armed services.

ACCOUNTABILITY

- 3.12 In line with Government's increased desire for public sector transparency, there is a whole section dedicated to this theme.

IRMPs

- 3.13 There is a continued requirement to consult the public in the development of IRMPs, and to use these as the opportunity to provide transparent, up to date data on risk.

SCRUTINY

- 3.14 There is a requirement to put in place scrutiny arrangements, reflecting provisions made for local authorities under the Local Government Act which led to the separation of executive (Cabinet) and Scrutiny activities. Such arrangements will already be in place for County FRAs, but we will need to consider our own governance to ensure compliance with this requirement.

DATA TRANSPARENCY

- 3.15 The new Framework requires FRAs to inform the public where it can obtain data including that required under the local authority Transparency Code (spend over £500, senior salaries; financial performance; decision making processes); comparative data including that published by Chartered Institute of Public Finance and Accountancy (CIPFA); and performance data.

ASSURANCE

- 3.16 This third section of the Framework is interesting given the removal of much of the architecture of assurance by the Coalition (national indicators, annual audit and inspection etc). FRAs will be required to prepare **annual Statements of Assurance** covering:

- Financial matters
- Operational matters
- Governance matters
- Due regard for the IRMP and National Fire Framework

- 3.17 FRAs should make provision for independent scrutiny of these statements.

- 3.18 There has been much debate about how operational assurance is to be provided given the lack of an independent Inspectorate our Audit Commission to fulfil this role; this debate is also happening in local government and relates to the potential impact of less coordinated, independent assessment of service quality.

- 3.19 The onus of providing Assurance to both local communities and Government is seen as a new local responsibility. For Fire, there has been national discussion of whether an Operational Assessment under the new Chief Fire Officers' Association/Local Government Association (CFOA/LGA) model provides a sufficient level of assurance. In the CFOA work on this we have been at pains to point out that OpA is not a substitute for formal audit or inspection; however coupled with an independent peer review it does allow an individual FRA to assure itself to some degree that the practices and policies it uses are sound.

3.20 FRAs collectively are also required to assure Government about national resilience.

4. IMPLICATIONS

- 4.1 In general terms, the framework reiterates the commitment to locally based decisions about how services are designed to take account of local risk through IRMPs. This approach has served the Authority well over a number of years, coupled with our improved understanding and targeting of risk. The continuation of such an approach is to be welcomed.
- 4.2 There may be a need for further debate at the national level as to what is meant in terms of identifying “all risks” in this process.
- 4.3 There remains some lack of clarity on the national governance arrangements which will be in place for national resilience, and TWFRAs staff will engage in discussion on these through CFOA.
- 4.4 The requirement to demonstrate our approaches to a number of matters, from our interoperability and resilience arrangements, to our business continuity, financial and operational approaches, is in line with our current policy of regular self analysis and independent review, and publication of results. Some of this has been done through formal audit and inspection by the Audit Commission; in future only financial elements will be tested in this way and the onus will be upon us to publish such results through Assurance Statements.
- 4.5 In terms of accountability, TWFRAs is compliant with existing guidance but may wish to consider its approach to scrutiny should the Framework be agreed.

5. CONSULTATION

- 5.1 The consultation document asks the following questions about the framework.
- a. *Is the content of each chapter clear, specific and proportionate?***
 - b. *Does the draft Framework set clear and appropriate expectations of FRAs? If not, how could it be improved?***
 - c. *Are the respective roles of FRAs and Government set out clearly? If not how could they be improved/made clearer?***
 - d. *Do the requirements on FRAs on scrutiny, access to comparable performance data and assurance go too far or not far enough?***
- 5.2 Members’ views are sought on the draft Framework to inform further debate and any potential response, based on the implications outlined in section 4.

6. RECOMMENDATIONS

6.1 Members are recommended to:

- 1) note the content of this report and offer comments on the implications for TWFRAs
- 2) authorise the Chief Fire Officer to provide feedback to the consultation.

PREVENTING PROTECTING RESPONDING

Appendix A: Duties under the National Fire Framework

| Theme | Specifics | Duties |
|----------------------------|---------------------------|---|
| Community safety | Risk assessment | <ul style="list-style-type: none"> Produce an IRMP assessing all risks including cross border, multi authority and national, paying attention to Community Risk Register |
| | Prevention and protection | <ul style="list-style-type: none"> Work with communities to identify risks and prevent incidents Include in IRMP how prevention, protection and response will mitigate risk in a cost effective way Include in the IRMP the management strategy and risk based programme for enforcing the Regulatory Reform Fire Safety Order 2005 |
| | Response | <ul style="list-style-type: none"> Make provision to respond to incidents in their area and in others in line with mutual aid arrangements, and reflect this in IRMPs Have effective business continuity arrangements to meet service delivery risks, which do not involve Armed Forces assistance Collaborate with other FRS, and other Category 1 and 2 responders and LRFs, to deliver interoperability including comms, command and control, intelligence, understanding of procedures, national resilience plans, training and exercising |
| | Resilience | <ul style="list-style-type: none"> Engage with agreed strategic governance arrangements to support decisions about national resilience Include in risk assessments gaps between existing capability and national resilience requirements, and notify CLG of these Work collectively through strategic governance and CLG, to agree whether/how to fill any capability gap Work with partners on this and all the above |
| Accountable to communities | IRMP | <ul style="list-style-type: none"> IRMPs must be accessible and publicly available, reflect public consultation and cover three years, but be reviewed as required and reflect up to date risk analyses |
| | Scrutiny | <ul style="list-style-type: none"> FRA must hold the Chief Officer to account for delivery FRAs must have scrutiny arrangements in place |
| | Data | <ul style="list-style-type: none"> FRA must tell communities how they can access data about the service |
| Assurance | Good management | <ul style="list-style-type: none"> FRA must prepare an Annual Statement of Assurance covering financial, governance and operational matters and how these have regard to the IRMP |
| | Resilience | <ul style="list-style-type: none"> FRAs must collectively assure Government, through strategic governance arrangements, about national resilience (risk assessment, gap analysis, fitness for purpose of existing capabilities and value for money of any new capabilities the sector is commissioned to deliver). |