

## report

Meeting	NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AUTHORITY		
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## REPORT OF THE CHIEF FIRE OFFICER

### FIRE & RESCUE SERVICES ACT AND NATIONAL FRAMEWORK

#### 1. PURPOSE OF THE REPORT

To inform Members of the broad implications following the publication of the *Fire & Rescue Services Act 2004* (The Act) and the *Fire & Rescue Service National Framework* (The Framework).

#### 2. BACKGROUND

2.1 The Fire & Rescue Services Bill received Royal Assent on 22 July 2004. It then became the Fire & Rescue Services Act 2004. This Act is significant in that it repeals all previous legislation relating to the Fire Service. It is therefore the *primary* piece of legislation that affects the Fire Service. The Act is designed to support and give power to the Framework and the two must be considered together in order to understand the implications for the Combined Fire Authority (CFA) and Nottinghamshire Fire & Rescue Service (NFRS).

2.2 The Draft Framework Document was published by the Office of the Deputy Prime Minister (ODPM) on 11 December 2003 for consultation. The Consultation process was completed on the 12<sup>th</sup> March 2004 resulting in the completed 2004/5 Fire & Rescue Service National Framework which was published in July 2004.

#### 3. REPORT

##### The Fire & Rescue Services Act 2004

3.1 This report is not intended to deal with the entire piece of legislation paragraph by paragraph. As stated, the 2004 Act repeals all other Fire Service legislation but much of these previous Acts are re-affirmed with little or no significant change. As such, this report highlights significant changes that have an immediate and direct impact on the Authority and Service.

3.2 The Act clearly lists the core functions of Fire & Rescue Authorities. Some functions such as dealing with road traffic accidents have been carried out by the Service although there was no legislative imperative to do so. Many of these "traditional" fire service functions are now required by the Act. Also, there are additional obligations to deal with other emergencies. The core functions are as follows :

1. Fire Safety.
  2. Fire-fighting.
  3. Road traffic accidents.
  4. Emergencies – Other than fires or road traffic accidents.
  5. Dealing with “particular” fires and emergencies under direction from the Secretary of State.
  6. Other Eventualities.
  7. Other Services.
- 3.3 Items 4 – 7 have the effect of broadening the role of the Authority significantly. These clauses are aimed at increasing the versatility of fire and rescue services by placing an obligation on them to make arrangements to respond to any emergency or event that the Authority deem appropriate where there is likelihood of :
- Death, injury or illness of one or more individuals, or
  - Harm to the environment including the life and health of plants and animals.
- 3.4 In addition, the Secretary of State may direct the authority to take action or not to take action in relation to a particular fire or emergency. Any of the obligations mentioned in 5 to 7 above can also apply outside the Authority’s area.
- 3.5 It is clear that these roles are designed to improve the fire service’s ability to deal with major natural or man made disasters or terrorist incidents. It is also clear that these functions will only be effectively discharged by the development of closer ties with surrounding fire authorities.

### **The Act in Relation to the Framework**

- 3.6 The Secretary of State is required by Clause 21 of the Act to produce a National Framework and to keep the terms of the framework under review and make necessary changes. He is obliged to discharge his functions in relation to the Framework to the extent he deems necessary in order to promote :
- Public safety.
  - Economy, efficiency and effectiveness of fire and rescue authorities.
  - Economy, efficiency and effectiveness matters related to the functions of the fire and rescue authorities.
- 3.7 It is also significant to note that Fire and Rescue Authorities *must* have regard to the framework when carrying out their functions. Clause 22 of the Act gives the Secretary of State the right to intervene if he feels that an authority is failing or likely to fail to act in accordance with the Framework. This section of the act gives the Secretary of State the power to order the authority :
- To do something
  - To stop from doing something, or
  - Not to do something.
- 3.8 In effect, the Act gives the Secretary of State significant power to enforce the application of the Framework and to make direct intervention if a Fire and Rescue Authority fails to meet its obligations under the Framework. The Act empowers the Framework, making it an extremely significant document and not simply a list of suggestions.

## **The Fire & Rescue Service National Framework 2004/5**

3.9 The Framework builds on the proposals of the White Paper “Our Fire and Rescue Service”. Focusing on delivery at local and regional levels, it has three main objectives :

- To clarify the outcomes and objectives required by the Government.
- To set out what the Government expects from Fire & Rescue Authorities and Regional Management Boards (RMBs) in order to meet these objectives.
- Explain what support the Government will provide in order to meet these objectives.

3.10 The Framework sets out clear objectives for the Fire & Rescue Service is does this by making clear :

- The Government’s expectations for the Fire and Rescue Service
- What Fire and Rescue Authorities are expected to do, and,
- What support the Government will provide.

3.11 It should be noted that the Framework is not intended to be a national blue print. Despite the powers of the Secretary of State to intervene if Fire and Rescue Authorities are not meeting their obligations, the Framework seeks to give them the flexibility they need to meet the specific needs of their local communities. The Audit Commission has developed an Comprehensive Performance Assessment (CPA) process and the expectations set out in the Framework will be central to assessing the performance of Fire and Rescue Authorities.

3.12 The Government’s Aim , as set out in the new Fire Public Service Agreement target, is to reduce deaths and injuries from fire by :

- Preventing fires from occurring and mitigating their effects.
- Making sure individuals, employers and others understand and plan appropriately for what to do in the event of fire.
- Improving intervention in fire and other emergencies, for example by ensuring that appropriate resources are in the right place at the right time.

3.13 The key to dealing with these targets lies with the production of Integrated Risk Management Plans by the fire authorities. Nottinghamshire’s Local Risk Management Plan (LRMP) is an assessment of local risks to life and a plan of how it will deploy its resources to tackle these risks. It is important that the Authority maintains the LRMP to ensure it reflects local needs and sets out plans to tackle effectively both existing and potential risks to the community.

3.14 The Act and Framework have made the provision of Fire Safety Enforcement and Community Fire Safety a statutory obligation. NFRS plans to meet this section of the Framework through the implementation of its fire safety enforcement and Community Safety strategies.

## **The Regional Approach**

3.15 Regional Management Boards (RMBs) are required under the Framework. The RMB is tasked with six key areas :

- Integration of common and specialist services e.g. Fire Investigation and Finance.
- Development of effective “Resilience” plans for large scale emergencies.
- Establishment of regional personnel and human resource functions.
- A regional approach to training.
- Establishment of regional control rooms.
- The introduction of regional procurement within a national procurement strategy.

3.16 In addition, the RMBs must provide clear aims and objectives and delegated powers that are appropriate those aims and objectives. The East Midlands RMB has produced business cases for these key areas.

## **Effective Response**

3.17 The Authority has a responsibility to improve the utilisation of Fire and Rescue Service resources. It suggests a number of routes to achieve this :

- Reduction of unwanted fire signals. This would include reduction in false alarms from automatic fire alarm systems as well as a reduction in hoax calls.
- Consideration of the benefits of implementing co-responder schemes.
- Designing the IRMP to incorporate schemes to share resources between Fire & Rescue Authorities. This may include specialist appliances, personnel such as senior officer and specialist teams such as rope rescue.

3.18 The Regional Management Boards should provide the appropriate forum for improving collaboration and the Authority should support these initiatives where appropriate in order to improve service delivery.

## **Resilience and New Dimension**

3.19 As Members will be aware, Fire and Rescue Services across the country are involved in training to deal with large scale decontamination emergencies. Also, in the longer term, they will also be working to create urban search and rescue and large scale pumping capabilities.

3.20 With the introduction of the Fire & Rescue Services Act, Authorities have a duty to co-operate with other authorities, emergency services and other front line responders to:-

- Assess the risk of an emergency occurring.
- Put in place contingency plans and exercises to ensure that they can both prevent and respond to emergencies.
- Establish business continuity arrangements so that the authority can still function in an emergency.
- Share information with other local emergency responders, and
- Inform the public about civil protection in order to reduce, control or mitigate the effects of emergencies.

## **Fire and Rescue Staff**

3.21 The Authority is also directed by the Framework to develop the retained or on-call part of the service as it is considered that it will have an increasing role to play within a modern fire and rescue service. In particular, the CFA should :

- Take practical steps to implement the recommendations of the Retained Review Team report.
- Make full use of staff on the retained duty system in line with the Local Risk Management Plan.
- Give staff on the retained duty system access to the same development opportunities as whole time and other staff, and,
- Break down artificial barriers between retained and other staff, including where appropriate options such as mixed crewing.

3.22 The Authority should also, through the RMB, draw up a regional Human resources strategy that will incorporate all aspects of staff training, development, safety, welfare and discipline.

3.23 The Framework document re-emphasises the Authority's responsibility to ensure the implementation of the Integrated Personal Development System (IPDS) and that it should communicate all changes to staff effectively. RMBs should consider the relative merits of providing training at local, regional or national level (through the Fire Service College) in order to achieve greatest effectiveness.

## **Performance Management**

3.24 The Government has recently published new Public Service Agreement targets for the Fire & Rescue Service that come into effect on 1 April 2005. They are :

- *Main target – Accidental fire related deaths in the home.*

To reduce the number of accidental fire related deaths in the home by 20%, averaged over the eleven year period to 31 March 2010, equivalent to 280 fire related deaths per annum nationally.

- *Sub-target 1 : Floor target*

No local Fire and Rescue Authority having a fatality rate, from accidental fires in the home, more than 1.25 times the national average by 2010.

- *Sub-target 2 : Deliberate fires*

To achieve a 10% reduction in deliberate fires by 31 March 2010 to 94,000 from the 2001/02 baseline of 104,500.

## **4. FINANCIAL IMPLICATIONS**

There are many financial implications arising from the Framework. These have been discussed, where necessary, in the relevant sections above. Further financial implications will be dealt with in detailed reports covering individual aspects of implementation.

## **5. PERSONNEL IMPLICATIONS**

There are many personnel implications arising from the Framework. These have been discussed, where necessary, in the relevant sections above. Further personnel implications will be dealt with in detailed reports covering individual aspects of implementation.

## **6. EQUAL OPPORTUNITIES IMPLICATIONS**

There are many equal opportunities implications arising from the Framework. These have been discussed, where necessary, in the relevant sections above. Further equal opportunities implications will be dealt with in detailed reports covering individual aspects of implementation.

## **7. RISK MANAGEMENT IMPLICATIONS**

The risk management implications have been discussed, where necessary, in the relevant sections above. Failure to comply with requirements within both the Act and the Framework document will expose the Authority to potential litigation and sanction.

## **8. RECOMMENDATIONS**

That Members note the contents of this report and approve a Members' seminar on Governance and Community Engagement to be held following the December meeting of the Authority.

## **9. BACKGROUND PAPERS FOR INSPECTION**

- Report of the Chief Fire Officer on the Draft Fire & Rescue Service National Framework dated 16 January 2004.
- The Fire & Rescue Service National Framework 2004/5.
- The Fire & Rescue Services Act 2004.
- Nottinghamshire and City of Nottingham Fire Authority – Local Risk Management Plan 2004/05.

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