



**NOTTINGHAMSHIRE**  
**Fire & Rescue Service**  
*Creating Safer Communities*

Nottinghamshire and City of Nottingham  
Fire and Rescue Authority  
Policy and Strategy Committee

# **FIRE AND RESCUE NATIONAL FRAMEWORK FOR ENGLAND - CONSULTATION**

Report of the Chief Fire Officer

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**Agenda No:**

**Date:** 12 March 2012

**Purpose of Report:**

To present a draft response to the consultation on the National Framework.

## **CONTACT OFFICER**

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## **1. BACKGROUND**

- 1.1 Section 1 of the Fire and Rescue Services Act 2004 provides the following with regard to the National Framework:
- The Secretary of State should prepare a National Framework for Fire and Rescue Authorities (FRAs);
  - The Secretary of State is to consult with FRAs 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;
  - Fire and Rescue Authorities to have regard to the Framework in carrying out their functions.
- 1.2 The previous National Framework commenced in June 2008, and ran until 2011. The current consultation process is with regard to a Framework to replace the previous iteration, although with this document there is no specific timeframe and it is proposed to have an open-ended duration.
- 1.3 The consultation on the proposals within the Framework commenced on 13 December 2011 and is due to conclude on 19 March 2012.

## **2. REPORT**

- 2.1 Under the provisions of the Fire and Rescue Services Act 2004, the National Framework for England allows for the Government to set out its priorities for Fire and Rescue Authorities. Its intention is to set out high level expectations, but not to prescribe operational matters, which are best left determined locally by FRAs through the integrated risk management planning process.
- 2.2 The priorities proposed in this draft Framework are primarily for FRAs to:
- Identify and assess the full range of fire and rescue related risks their area faces, 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.
- 2.3 In seeking opinion on these proposals, CLG asks consultees to provide a response to four key questions. These are:

**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?

- 2.4 In responding to the consultation the Fire Authority clearly has an opportunity to seek clarity and give opinion on the draft document. The draft response which is presented for Fire Authority approval before submission seeks to do this.
- 2.5 The Fire Authority is asked to consider and discuss the draft response and if required, advise of any amendments. The deadline for submission is 19 March 2012.

### **3. FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report, although Section 3.2 of the Framework draws attention to the requirement for FRAs to provide assurance on financial governance, and the publication of an “annual statement of assurance”. Government is still to determine the nature of assurance statements.

### **4. HUMAN RESOURCES & LEARNING AND DEVELOPMENT**

Unlike previous National Frameworks, this document places no specific human resources or learning and development directives on fire and rescue services. Existing legislation will form the basis of how the Authority will meet its statutory obligations as well as the provisions within the Fire and Rescue Services Act 2004 which places an obligation on the Fire Authority to “secure the provision of training for personnel” (Part 2, Section 7, Paragraph 4b).

### **5. EQUALITIES IMPLICATIONS**

An equality impact assessment has not been undertaken because the consultation document does not impact directly on any section of the community. The reinforcement of IRMP ensures that the Fire Authority will focus their resources on those most at risk.

## **6. CRIME AND DISORDER IMPLICATIONS**

Section 4.8 of the Framework reinforces Section 17 of the Crime and Disorder Act 1998 which places a duty on FRAs to exercise their functions in a way which prevents crime and disorder in their area.

## **7. LEGAL IMPLICATIONS**

The legal implications arising from this report are contained within the body of the report. Further clarification on some of the proposals will be required by the sector as part of the consultation process.

## **8. RISK MANAGEMENT IMPLICATIONS**

- 8.1 The Framework reinforces the requirements for a FRA to produce and maintain an integrated risk management plan which will form the basis of how the Service mitigates its risks to its organisation and the community.
- 8.2 In terms of the consultation process itself, a full and comprehensive response mitigates the risk that FRAs will be tasked with duties outside of their expectations or capabilities.

## **9. RECOMMENDATIONS**

It is recommended that Policy and Strategy Committee:

- 9.1 Consider the draft response to the National Framework consultation.
- 9.2 Advise of any amendments to the response.
- 9.3 Task the Chief Fire Officer with submitting the response by 19 March 2012.

## **10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)**

None.

Frank Swann  
**CHIEF FIRE OFFICER**



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## **FIRE AND RESCUE NATIONAL FRAMEWORK**

**Consultation Response**  
on behalf of  
**Nottinghamshire and City of Nottingham  
Fire and Rescue Authority**

### **INTRODUCTION**

Nottinghamshire and City of Nottingham Fire and Rescue Authority welcome the opportunity to respond to, and influence, the current direction for the Fire and Rescue Service through the consultation on the new National Framework.

The Fire and Rescue Service is an integral part of the local community and since the introduction of integrated risk management planning, has embraced the true aspect of localism and local accountability.

Whilst we take the opportunity to comment against the specific questions contained within the consultation document itself, we note that outside of the recognition for national resilience, there appears to be an absence of an overall vision for the Fire and Rescue Service.

The Fire and Rescue Service has emerged through a great deal of change to become leaner, fitter and more proactive in the reduction of risks to its communities. The broad range of skills employed by Services over recent years has been well documented within recent reports and we are concerned that the new Framework fails to build on such good work.

Does government expect the Fire and Rescue Service to become an operationally responsive Service again or continue its philosophy of utilising its resources to the greater good whether it be relating to health, social inclusion or general community well being.

The introduction of the Localism Act 2011 extends the powers of the Fire and Rescue Service to utilise its skills for the greater good. Yet this flexibility is notably absent from the Framework. We would ask the Minister to consider this wider vision within the Big Society agenda.

#### **Question 1**

**Is the content of each chapter clear, specific and proportionate?**

Having considered the structure of the document and the way in which the Framework is organised, there is clear confusion of what the expectations of local Fire and Rescue Authorities may be and where priorities currently lie. For example, the Framework quite rightly places the responsibility for assessing risks within communities with Fire and Rescue Authorities through the integrated risk management planning process. It is therefore confusing to count 18 “musts” within

the Framework document. With the exception of those areas which are of national importance and part of national resilience, should the other areas be for local determination?

The structure of the section on prevention and protection needs to be considered in respect of what the wider expectations are. Referring to the introduction within this response the wider vision of how Fire and Rescue Services will engage with the prevention agenda and any outcomes and expectations, should be considered.

## **Question 2**

### **Does the draft National Framework set clear and appropriate expectations for Fire Authorities? If not, how could it be improved?**

As per the response to Question 1, we believe that the current draft sets confusing expectations on Fire Authorities. On one hand it advises local flexibility and accountability, but on the other hand it sets specific expectations with 18 “must do”.

We are also concerned that some of the “must” expectations factor in a responsibility on partner organisations who may not be aware of CLG’s expectations. For example, Section 1.14 places a responsibility to collaborate with other emergency services and Category 1 and 2 responders. Are these expectations now exceeding the requirements of the CC Act 2004 and are all Category 1 and 2 responders receiving specific instruction to co-operate with Fire and Rescue Services?

The requirement to collaborate with neighbouring Fire and Rescue Services already exists within the Fire and Rescue Services Act 2004 (Section 13/16). This is around mutual aid and support. We would ask for greater clarity around what ‘interoperability’ means in this context.

Clarity is required regarding what the agreed strategic governance arrangements are going to be before this can be agreed. Is this a wider governmental inter-department arrangement supported by professional officers, or a CLG-based function? If the latter, then it will be difficult to assess how this impacts on national resilience as it will only be Fire Service centric.

The Framework document needs to be clearer on how certain aspects such as business continuity management will be measured (1.11). How will this be applied and what areas will it cover? Who will it be reported to and what will be DCLG’s role in this? As yet the Framework is unclear. Previously this role was undertaken by the Audit Commission, so will a similar process be applied?

Can DCLG confirm within the Framework how capability gaps and capability gap analysis will be explored. Who will agree that there is a gap and what will that process be? Is this to be locally considered as part of a wider process or driven centrally? Again this is broader than Fire and Rescue Services and how will it fit within the wider government expectation? Are specific instructions being issued to other Services?

Nottinghamshire Fire and Rescue Service has also noted that the Framework does not contain any equality impact assessment or a financial impact assessment. A document of such importance as the Minister’s expectations of Fire and Rescue Authorities should contain such detail.

### **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?**

Building on some of the comments detailed in response to Question 2 above, we would seek clarity within the Framework of the role of the Chief Fire and Rescue Advisory team on behalf of DCLG and its relationship with Fire and Rescue Authorities locally.

The expectations of local Fire and Rescue Authorities are clearly laid out within the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004. Fire and Rescue Authorities know their duties and comply with statutory legislation.

In parts the new Framework confuses those expectations by increasing the requirements of the Act and placing additional duties on Services locally.

Nottinghamshire Fire and Rescue Service clearly wishes to meet the expectations placed upon it by the Secretary of State.

### **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?**

In determining whether the requirements are adequate it would be useful to understand where DCLG feel the gaps are. Under present governance arrangements, Fire Authorities are subject to internal audit, external audit, financial audit, various compliance aspects of financial regulations and other audit processes. These are the systems by which the Fire Authority and the Chief Fire Officer are accountable to the public and the tax payer.

They also provide information for government on the state of the Fire and Rescue Service.

Integrated risk management plans are published and consulted upon on a three yearly basis and if these are not robust and appropriate, then the Fire Authority could be subject to legal challenge.

Given this degree of activity it would be important to recognise where DCLG feel that the gaps are in respect of decisions being open to scrutiny. Fire Authority meetings are public events and all decisions are subject to public scrutiny.

DCLG refer to comparable data being made available to communities, however as there is no requirement at present to hold and maintain comparable data, how will this be administered?

We would also make comment that there is no requirement for any Fire and Rescue Authority to publish a peer review. A peer review is not an audit process, but a learning arrangement where the Service utilises skills within the sector to get an independent view of where its priorities and performance may be. In the past, Nottinghamshire Fire and Rescue Service has chosen to publish some peer reviews

but not others, dependant on subject matter. Will Fire and Rescue Authorities retain that flexibility?

Building on this aspect we would also seek clarity on what an “Annual Statement of Assurance” will be. Is this a collective assurance from the sector on national resilience or is this a local assurance on resources? What will be the content, when will this be done and what are to be the agreed strategic governance arrangements? It is important that these are clear to Fire and Rescue Authorities so that the Minister’s expectations can be met.

## **CONCLUSIONS**

Nottinghamshire and City of Nottingham Fire and Rescue Authority welcome the autonomy for the delivery of local services that the spirit of the new Framework implies. We recognise the implications for national resilience and welcome DCLG’s recognition of the role that we all play in the country’s resilience.

However, the draft Framework contains some confusing and unclear aspects which we hope we have highlighted in our response.

If we are to meet government expectations then this clarity will be required.

Councillor Darrell Pulk  
**Chair of Nottinghamshire and City of Nottingham  
Fire and Rescue Authority**

Frank Swann  
**Chief Fire Officer**

12 March 2012