

Support and intervention arrangements

In the final instalment of a three-part exclusive on the development of the national framework, **Pete Murphy** and **Kirsten Greenhalgh** report on the government's new support and intervention arrangements for fire and rescue services

Nottingham Trent University's Emergency Services Research Unit have been carrying out research into the new National Framework for Fire and Rescue Services since the former Fire Minister Bob Neill announced a strategic review of the framework shortly after taking office in June 2010.

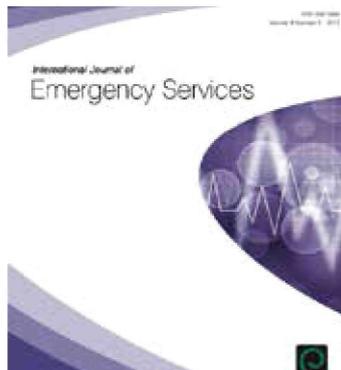
In this paper we look at the government's proposals for supporting the continuous improvement of local fire and rescue services as well as specific proposals for intervention in the event of a failure or a significantly underperforming authority or service.

Introduction

At Nottingham we have been looking at the general proposals for support and improvement to local fire and rescue authorities contained in the new national framework published last July. We have also been specifically examining the government's 'Intervention Protocol' for dealing with significantly underperforming services. This latter was the subject of a formal consultation exercise from the Department for Communities and Local Government (DCLG) in October/November 2012, although the current protocol was endorsed or reaffirmed earlier in the July framework.

As readers will know, the framework covers England only and does not apply to Northern Ireland, Scotland or Wales where responsibility for fire and rescue services is devolved. In its introduction it states that the framework, 'sets out high level expectations... it does not prescribe operational matters' and what follows within the framework certainly contains little detailed advice about operational matters. A number of chief fire officers have also commented that it certainly contains high expectations but mostly about what the government expects from them, with very little reciprocity in what the government will be bringing to the partnership and a worrying lack of quality assurance in the whole system.

The 2004 FRS Act, the Civil Contingencies Act and the Equalities Act 2010 remain the substantive legislative basis for the framework together with associated directive powers for use in emergencies. At the local level, the guidance talks exclusively to fire and rescue authorities and what it expects the authorities



Above: the new *International Journal of Emergency Services*
Right: Authors Kirsten Greenhalgh and Pete Murphy



"The framework proposes a 'hands-off', light touch and self-governing model for local FRAs and for the support and intervention regime"

to deliver with the brigades and services hardly mentioned. The guidance itself has an introduction and four substantive chapters with the 'support and intervention' arrangements covered in the fourth chapter.

The framework proposes a 'hands-off', light touch and self-governing model for local FRAs and for the support and intervention regime. The government expects FRAs to have proactive processes in place to provide support and lead improvement through peer-led responses and effective collaboration. It tasks the LGA with the obligation to identify underperformance and/or potential risks of failure and to implement mitigations. It commits itself to using formal intervention powers only as a last resort.

The new framework is consistent with the Open Public Services White Paper description and proposed treatment of 'commissioned services' (ie local and national services that cannot be devolved to communities and individuals) and the light touch self-governing model was strongly suggested in the DCLG's evidence to the 2011 select committee report on the preferred arrangements for future performance management of locally delivered services.

Just as the national framework articulates the key questions that FRAs need to ask themselves when assessing the adequacy of their services (or that an inquiry or judicial review might wish to address in the light of a serious emergency incident). It also suggests some questions to ask of the support and intervention arrangements.

The expectation of government is that fire and rescue authorities, the LGA and CFOA will have proactive processes in place to provide



The Nottingham Trent University campus

support and lead improvement through peer-led responses and effective partnership working. The Local Government Association will be expected to work collaboratively with fire and rescue authorities and other government departments to identify, at an early stage, where serious risks to performance are developing, to mitigate the escalation of any risks which would have a negative impact on the reputation of the sector or could lead to serious service failure.

Research Lines of Enquiry

This prompts us to ask the following four questions, which in another era might have formed the basis for Key Lines of Enquiry (KLOEs) as developed and used by the Audit Commission. At the inaugural conference of the *International Journal for Emergency Services* in November we set out the emerging responses to these questions from our research.

1. Are the anticipated processes in place and is the proposed regime fit for purpose, in terms of economy, efficiency and effectiveness?
2. Does the regime facilitate continuous improvement and demonstrably optimise risk reduction and mitigation?
3. Are reporting and scrutiny arrangements adequate to reassure the public and the government?
4. Are individual and collective roles and responsibilities clear, mechanisms and techniques up to date, and reporting and scrutiny arrangements acknowledged as best practice?

In effect the emerging view was that while processes may be in place it is doubtful if they are yet 'fit for purpose'. In its evidence to the select committee, it was noticeable that the fire and rescue community were far more supportive of the previous arrangements coordinated by the former Audit Commission than the government and the LGA.

In interviews for our research they also highlighted the loss of the external independent Fire Inspectorate, the loss of regular national reports on service performance and the dissemination of good practice, and the potential loss of quality assurance and central coordination within and across the system as being of major concerns. As a result they tend

to believe that while the new regime may still facilitate continuous improvement overall, it is clearly not demonstrably optimising risk reduction and mitigation. A common rhetorical response is, how could we know?

Fit For Purpose?

In our opinion it is also doubtful if existing reporting and scrutiny arrangements are sufficient to reassure an informed public. Whilst an uninformed or disinterested public may be comfortable with the current arrangements; when more informed sections of the public are asked their views (such as current or previous members of local resilience forums, interested academics or retired firefighters), the attitudes and views change significantly. Similarly, when asked whether individual and collective roles and responsibilities are clear, techniques up to date, and reporting and scrutiny acknowledged as best practice, the response from those within the services is generally very sceptical.

This has led us, in our research, to ask two further fundamental questions of the regime as a whole, one of which was anticipated by the DCLG consultation.

1. Is the new regime an improvement on the previous regime and does it represent good practice (in terms of economy efficiency and effectiveness) when compared to similar regimes in other public services?
2. Is the intervention protocol as set out in section 23 adequate or fit for its future purpose?

In order to answer these questions we are currently assessing and comparing current and previous regimes across locally delivered services such as health, local government, and criminal justice. We hope to feed our findings into the emerging debate, but at the time of writing, we would have to say, "not in our view".

Our initial findings suggest that previous local government intervention and engagement regimes under CPA, and the current intervention regime operated by Monitor for Foundation Trusts in the NHS, appear to offer at least some lessons and practices that our respondents believe could usefully improve the current proposals. Both have proven track records, are based on clear and transparent processes and have been open to public scrutiny and review over the last eight years. In our view they have clear policies and procedures fashioned in practice that can help improve the 2004 protocol. This evidence should not be ignored.

About the Authors:

Pete Murphy and Kirsten Greenhalgh are the Joint Practice Editors of the International Journal of Emergency Services. Pete Murphy is at Nottingham Trent University. Kirsten Greenhalgh is at the University of Nottingham.

*For further details of the Fire and Rescue Services Research Programme contact:
Peter.murphy@ntu.ac.uk*

“Are the anticipated processes in place and is the proposed regime fit for purpose, in terms of economy, efficiency and effectiveness?”