

to improving equality and diversity. He writes: “There is much re-building to be done around culture and trust, including addressing the concerns around bullying and harassment. This also has an obvious relationship with equality and diversity.”

Aside from the Thomas Review, the trail had been laid back in May 2016 by Theresa May in her much quoted ‘96 per cent white and 95 per cent male’ reference to the demographics of the firefighter workforce. It led the one o’clock news that day. In May 2017, Brandon Lewis got his headline by saying that “there’s more diversity in the range of fire hoses than firefighters”.

“A culture shift is needed”, he said, echoing the Thomas Review. Well if that is the case, then the National Framework has to do more to help that happen. Saying it is part of workforce or people planning is all very well, but the lack of emphasis is disappointing and not in line with the rhetoric.

While Adrian Thomas did not explicitly include the re-engagement of principal officers in his report, it could well have fitted in to his review of conditions of service. The government has had a bee in its bonnet about this for some time, with Theresa May criticising the practice in her May 2016 speech. “It looks wrong; it erodes public confidence; it undermines the respect of firefighters and staff in their leadership. It must stop.”

The consultation during 2017 made it clear that retiring and returning to the same place of work doing

pretty much the same job for a better deal was not acceptable. Taking the opportunity to firm this up, the Framework now tells fire and rescue authorities that they must not re-appoint principal fire officers after retirement. But, just in case, the Framework does allow a little wriggle room for exceptions.

This draft Framework leaves a gaping hole where fire protection is concerned and while it refers to the Fire Safety Order, it really should do more to set out expectations in a post-Grenfell world once the Hackitt report is published in the spring.

This omission is acknowledged in the Foreword, but the timing may not quite work out, so the version of the Framework that emerges post consultation is likely to be temporary or very delayed. On balance, it would be better to have the temporary version and a fully considered post Hackitt addendum to complete it later in the year.

This Framework is timely and needed; although it is not perfect and in places, the emphasis is not quite right. It does reflect how much has been going on in the fire sector and the breadth of fire reform in England. The building blocks that came out of the Policing and Crime Act 2017 provide the basis for much of that reform: inspection, governance changes and collaboration all need time to bed in and some stability will be needed to ensure it will be a success.



**Pete Murphy and Russ Glennon, members of the Joint Universities' Emergency Services Research Team, respond to the new National Framework having failed to be impressed by the document, highlighting a “surprising number of inconsistencies”**

surprising number of inconsistencies between them adds to the impression that their release owes more to a communication strategy or timetable for ‘bad news’ than a desire to create a new, more efficient and effective policy and delivery regime.

By the time you read this article, we hope to have published our detailed response to both consultations through the Fire Sector Federation. Our response to the Framework is informed by our response to the HMICFRS consultation, although in view of the inconsistencies, differences in content, level of detail and even dissonant tone of the two documents, we intend to provide parallel responses to the two documents for members of the FSF to consider.

# Governance reforms go off the boil

**D**ecember 2017 finally saw proposals for operationalising key parts of the 2017 Crime and Policing Act that affect the Fire and Rescue Service.

The Act made a new National Framework inevitable. The previous Framework from 2012, lamentably unfit for purpose from day one, has effectively become obsolete. The Home Office have finally issued a consultation on a new Fire and Rescue Framework, and the rebranded HMICFRS issued more detailed proposals for the inspection framework and programme for 2018/19.

And yet, these two documents fail to impress. The

## A Reinterpretation of the Current Context

The new draft Framework, like its predecessor, is a model of brevity. So far, so good. Unfortunately, the Minister's Foreword and the subsequent introduction raise immediate concerns. The consultation feels ‘stage managed’ through a series of omissions, implicit assumptions, and questionable interpretations. These primarily concern funding, inspection, core responsibilities and the workforce.

The first paragraph of the Minister's foreword refers to the long-term significant decrease in the number of fires, and later suggests this may be partially due to successful fire protection and prevention.

Yet it fails to acknowledge that while the numbers of fires are reducing, the losses from fires are up over fourfold per incident, reflecting increasing complexity in modern construction and occupation. It ignores widespread evidence that, while funding for public services is being universally reduced, this has been disproportionately

felt in preventative services, most notably the NHS, but increasingly evident across all services; cutting higher profile frontline services generates greater negative publicity.

There is, of course, no mention of the blistering reports from the National Audit Office<sup>1</sup> or the Public Accounts Committee<sup>2</sup> that savaged the DCLG for its poor sponsorship, leadership, financial control and infrastructural support for the Fire Service.

There is no explicit mention of the long-term reductions and, more importantly, the future planned reductions in financial support from the government.

The new Minister refers to evidence from Grenfell and Dame Judith's interim report saying we need a new intelligent system of regulation and enforcement that encourages everyone to do the right thing and holds those that cut corners to account. And yet this makes us ask: has the government actually read the evidence?

It is not only rogue builders at fault; successive governments have been steadily reducing investment in fire safety to the public and cutting corners with the regulatory regimes.

Instead of a clear commitment to comprehensive improvement, we have the bold and somewhat implausible statement that the proposals are unlikely to lead to additional costs for businesses, charities, the voluntary sector or the public sector.

To which the collective response from the sector has to be: of course... and pigs might fly!

### **'Core functions', Governance, Accountability and Inspections**

The new Framework is commendably clear that the overarching statutory responsibility of every fire and rescue authority is to 'assess all foreseeable fire and rescue-related risks that affect their communities, whether they are local, cross-border, multi-authority and/or national in nature from fires to terrorist attacks' and that 'fire and rescue authorities must put in place arrangements to prevent and mitigate these risks, either through adjusting existing provision, effective collaboration and partnership working or building new capacity'.

HMICFRS is equally clear that its inspections will not cover anything like that range of responsibilities. According to their document, HMICFRS will provide service inspections of directly-provided fire and rescue services. They are not going to routinely or regularly provide inspections of the governing bodies – whether they be fire and rescue authorities, or police and fire commissioners.

These bodies are ultimately responsible for assessing the risks, determining strategic priorities, establishing the budget, and ultimately holding statutory responsibility for the safety of the public – but they are not going to be routinely inspected, and hence not publicly reported.

During an inspection of services, if HMICFRS finds evidence that 'inhibits' the efficiency and effectiveness

of the chief fire officer, they 'may' carry out a separate corporate governance inspection.

There is no mention of cross-border, multi-authority or national inspections from HMICFRS – just that they intend to commence inspections in summer 2018 of the 45 fire and rescue services on the principal functions of a fire and rescue authority: ie, fire safety; firefighting; road traffic accidents and other emergencies. We found no clarity or assurance on the inspection of services that have been outsourced to private or third sector providers or jointly provided with other FRS, blue-light services, or any other organisations.

HMICFRS accepts that the Home Office can commission thematic or cross cutting inspections, but clearly states that 'HMICFRS is not funded to carry out thematic inspections'.

There is no mention of making additional resources available for thematic inspections in the Home Office document, and the clear impression from HMICFRS is that to carry them out in the absence of such funding would compromise their fiduciary duty.

Thus, one thing that the Home Office and the HMICFRS appear to have in common is an extreme reluctance to inspect the economy, efficiency, and effectiveness of governance arrangements.

This ignores all historical evidence from tackling failing services and authorities, peer reviews and improvement regimes, performance assessments, government interventions and sector-led improvements.

Any effective regulation needs to assess and address the adequacy of the leadership and of governance arrangements. Beyond this, they must also consider the performance of the operational delivery and advice from professional officers, collaborative partnership arrangements and the relationship between these three components. To inspect them partially or separately surely cannot optimise the efficiency or effectiveness of the inspectorate, nor provide sufficient assurance to either the government or the public.

Governance remains a key potential weakness: there is no mention of examining the efficiency and effectiveness of the scrutiny functions of the police, fire and crime panels in either the framework or the HMICFRS consultation. But then neither is there any obligation to have fire and rescue expertise on the police fire and crime panel in the first place.

Then again, if 'the FRA should give due regard to the professional advice of the CFO when making decisions affecting the operation of the FRS', why is this not applicable to the police fire and crime commissioner?

### **Value for Money, Evaluation and Some New Responsibilities.**

There is of course no acknowledgement from either the Home Office or HMICFRS of the impact of long-term reductions in central government financial support, or

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explicit mention of the planned reductions of central government grant, or the continuing cap on generating local revenue through taxation. There is, however, the clear assertion that fire and rescue authorities must manage their budgets ensuring efficient and effective use of resources, while pursuing all feasible opportunities to keep costs down.

There are, however, three particular generic issues that, *inter alia*, worry us about the government's approach to assessing and achieving value for money.

Neither the Home Office document nor the new inspectorate appear to recognise that value for money can vary significantly, depending on whether you measure it in the short, medium, or long term or that different timescales may be appropriate to different services, activities, or projects.

Similarly, there are different tools and techniques for measuring value for money according to the objectives, inputs, outputs and outcomes of these services. Both documents appear predominantly to focus FRS attention onto short-term impacts or implications and the framework in particular appears to be predominantly concerned with short-term costs.

When asked by public service providers to assess value for money (VFM), most professionals would want to identify the most appropriate timescale and the most appropriate techniques to use in the prevailing circumstances to facilitate optimal decision-making. For example, in terms of evaluation, you might suggest one of the following basic evaluation tools:

- Cost-benefit analysis
- Financial return on investment assessment
- Multi-agency return on investments assessment
- Social return on investments assessments.

And yet there is little mention in either document of these when articulating their proposals for assessing VFM. Similarly, the definition of value for money is often inconsistent within and between the two documents.

The most common definitions of VFM used in the public sector over the last 30-plus years are the three Es: economy, efficiency and effectiveness. These are closely related but clearly distinct forms.

Not only are these three concepts used inconsistently throughout the Framework, there is also no acknowledgement these definitions also struggle to fully acknowledge and enshrine a true reflection of public and collective costs and benefits of service delivery; this is particularly important in prevention and risk-based services such as fire and rescue, rather than more traditional, demand-led services.

This is particularly apposite when we consider the section on local and national resilience. Despite earlier assertions to the contrary, chapter seven of the framework does impose new responsibilities on local fire and rescue authorities and fire services.

Developing 'marauding terrorist firearms attack' (MTFA) capability is one such example and while the document states the government has 'committed' significant resources, it does not say whether these are additional resources; in fact, the government's commitment will come from the existing resource envelope.

More specifically, paragraph 7.14 states that where they have MTFA capability, FRAs must also put in place

arrangements to 'ensure their teams are fully available at all times,' including periods when 'business continuity arrangements are in place' – such as, for example, strikes? Yet another example that the document insinuates but does not specifically mention.

## Workforce

This naturally leads us to workforce issues. Here prominence is again given, in both the executive summary and in chapter six, to the 're-engagement of senior officers, post-retirement'. The draft national framework includes the wording issued after the earlier specific consultation and advises there will be no changes following this current consultation process. Any re-engagement of former senior officers will only be in exceptional circumstances and will be subject to a public vote, although there is no mention of any views being sought from either FRA or PFCC scrutiny bodies.

In fact, chapter six is mainly a series of reiterations. Each FRA (no mention of PFCC), should have a people strategy designed in 'collaboration' (not consultation) with the workforce, and taking account of the NFCC's people strategy. Each FRA must comply with the fitness principles set out in an annex.

All FRAs must implement the standards approved by the professional standards body, although a note advises that this part of the policy is under development, with an announcement to be made before the final framework is published. Here again, little practical scope for consultation exists.

## Timescales

Chapter eight of the document concerns timescales and scope; this adds even further weight to the impression that the document has been rushed out. It advises that the Framework will have an open-ended duration, as was the case with the 2012 Framework. All earlier frameworks ran for time-limited periods which resulted in timely reviews and improvements. All key stakeholders, parliament and the public could call the government to account. As a recent book<sup>3</sup> clearly argues, those earlier (pre-2012) frameworks were thus much more successful in significantly improving the service and the safety of the public.

A welcome 'biennial report to parliament' will be made on the extent to which FRAs (again no mention of PFCC, mayors or London) are acting in accordance with the framework. However, this makes no mention of whether the framework itself is 'fit for purpose' or whether the government itself has been discharging its responsibilities adequately.

For those of us who contributed to the NAO report mentioned earlier in this article<sup>1</sup>, this has clear resonances and sets off alarm signals.

That investigation started off with a clear focus on the adequacy of the 45 fire and rescue services' performance, before concluding that it was the inadequate sponsorship, leadership, financial control and infrastructural support for the service from DCLG that was the real issue.

In short, fire and rescue authorities and services were not provided with the tools and techniques, let alone the leadership and support that would allow them to do the job... oh, well, plus, ça change.

## References

1. National Audit Office (2015) Financial Sustainability of Fire and Rescue Services.
2. Public Accounts Committee (2016) Financial Sustainability of Fire and Rescue Services Inquiry.
3. Murphy & Greenhalgh (2017) Fire and Rescue Services: Leadership and Management Perspectives