FIRE Magazine Article – March

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Why not take the time to get the fire framework right?

The public have the right to expect the emergency services to be the best they can be, and government assessment must help deliver that.

In last month's edition of *Fire,* we outlined our concerns about the new draft national framework for fire and rescue services and the proposals for the new inspection programme published in parallel by HMICFRS.

We have since expanded on our concerns in three working papers produced for the Fire Sector Federation and in our formal responses to both the Home Office and HMICFRS.

Taking such a position, of course, challenges us to set out our view of what a good framework should actually contain.

We were struck by the need to do this when listening to the excellent presentations and debates at the International Forum on Fire Safety Building Codes and Regulations at the House of Lords at the end of January, following the publication of Dame Judith Hackitt's Grenfell interim report.

One of the key questions prompted by the presentations was how do improved building regulations and Dame Judith's recommendations fit into the bigger picture of policy development and regulatory control?

Our view is that the strategic positioning of the building regulations and those parts relating to fire rescue should be clearly 'nested' within the organisational and functional landscape emerging from the new national fire and rescue framework. Unfortunately, as readers of our earlier article will be aware, we have serious reservations about the proposed framework.

Solid foundations

In our view, an exemplary framework must enshrine and promote the 'principles of public life'. Anyone involved in political leadership, policy development, or service delivery must adhere to the seven principles of public life known as the 'Nolan principles' – the basis of the ethical standards expected of everyone involved in public service.

Established in 1995, these principles are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Leadership here means holders of public roles should exhibit the Nolan principles in their own behaviour, actively support and promote the principles, and be willing to challenge poor behaviour wherever it occurs. The principles are also enshrined in the UK's ministerial code of conduct and apply to ministers as well as to their civil servants.

In developing a framework for fire and rescue services, the authors and ministerial legislators therefore need to adhere to and promote these principles.

Essential components of a national framework for public services.

We believe that any framework for public services must address three interconnected domains:

a) **Policy development**. Or the why, what, and who. What are the objectives of a policy and what are the parameters of its development and subsequent implementation?

b) **Service delivery**. How is the service to be delivered? How is its delivery to be optimised, improved, and sustained?

c) **Public assurance**. How is the public reassured that money they pay for services, e.g. through taxation, is justified and provides value for money? Does the system '*say what it does and do what it says*'? How do we tell the public this?

[INSERT DIAGRAM HERE IF USING IT]

These domains are clearly interconnected and interdependent. However, turning specifically to Fire and Rescue Services in England, what should these domains contain?

Firstly, we suggest any effective national (or local) framework must establish its legitimacy through three critical features that underpin its development:

Firstly, the **legislative basis** that provides the authority for the changes proposed. This is usually the most prominent parameter as well as one of the first issues addressed by most public sector frameworks.

Secondly, any framework should set out the current **strategic and operational organisational landscape**, and the roles and responsibilities of the most significant individuals and organisations within it. Current relationships between these existing 'actors' must be explicit. Any proposed framework should also make clear how any new individuals, organisations or institutions will fit into this landscape, and how any changes to existing relationships will present themselves. This is vital if new institutions are introduced or the roles of existing institutions are significantly changed.

Thirdly, it is axiomatic that public services are publicly funded. Thus, the financial and fiduciary duties on those controlling and having responsibility for collecting and expending **the resource envelope** for public services is critically important. For fire and rescue services in England this is theoretically shared by central and local government, with police and crime commissioners expected to play an increasing role owing to the Policing and Crime Act 2017.

Yet despite multiple protestations to the contrary, it is predominantly central government that allocates public money to fire and rescue services. National limits on public expenditure and revenue raising and centrally imposed caps on local revenue raising are the practical boundaries to the resources available to fire and rescue services. Any framework must spell out the relationship between service and funding mechanisms.

Finally, the lifecycle of the framework, including regular or significant reviews should be clearly set out. England currently operates with five-year fixed parliaments and the government's own planning and performance framework is tied to the Treasury's spending review, the latest of which was published in November 2015 and similarly covers a five year period. Annual reviews are regular features of both spending reviews and many national frameworks.

Policy development

Policy development is driven by the legislation in which political and strategic objectives have been enshrined. Legislation thus directs and bounds the scope of public policy, but policy is also a deliberate and often a limited interpretation of the possibilities generated by primary legislation.

The proposed national framework and the HMICFRS programme both have multiple examples of contradictions and limitations.

HMICFRS, for instance, 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*", while the Home Office makes no mention of additional resources being made available for such thematic inspections.

The Home Office clearly states that every fire and rescue authority has 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*". HMICFRS is equally clear that its inspections will not cover anything like that range of responsibilities.

It is clear to most people that the policy implementation should be considered at the same time as policy development; one cannot survive without the other. This appears be self-evidently desirable, but unfortunately is seldom adhered to and is not a strength of the Home Office.

Co-production of national policy and meaningful stakeholder engagement, including the public, seem to have fallen out of favour. Policy is now primarily driven by policymakers and their political masters. Publishing a new national framework between Christmas and the New Year to a silent fanfare of absent publicity does nothing to enhance the Home Office's reputation for open collaborative policy development.

Setting out clear strategic objectives that underpin new policy is always essential. They should be comprehensive, coherent, robust, realistic and internally consistent. Previous governments have used incentive arrangements such as public service agreements to align policy agendas across services and sectors, mutually reinforcing overarching policy intent.

Ad hoc and individual policies or initiatives that do not pay attention to related policy agendas, frequently generate contradictions, perverse outcomes, and unintended consequences that undermine the original intent. If multiple services or sectors have the same objective, such as improving fire safety to the public, then their policy programmes should clearly be aligned and mutually reinforcing.

Service delivery

Evidence-based policy development has been a characteristic of fire and rescue services for some years; properly assured, high-quality data is vital to this process. Effective tools, systems, and processes to capture, interrogate and interpret raw data and make it accessible to policy developers, service deliverers, and intelligible to the public are essential. In fact, this is critical across all three domains.

Yet the current fire evidence base appears insufficient for the task: partial, contradictory, and deteriorating processes are no longer fit for purpose. Even the prime minister has recently accepted this, and Grenfell is proving to be another disastrous example.

Fire risks in any area are a combination of risks to people (individuals and communities), and risks to buildings, properties, and premises. Both are capable of assessment and should be overlaid on an area to inform service reconfiguration. Yet the IRMP process fails to do this and has been accepted without either question or improvement in the last two frameworks. Another example are the 'cost of fire' calculations – universally considered out of date and inadequate, but nobody can agree on how to revise them.

Leadership and governance arrangements, at both national and local levels, have been extensively criticised by the NAO, the Public Accounts Committee, Dame Judith's interim report, and numerous

independent academics and commentators. There is no shortage of advice on what constitutes good leadership and governance. Yet external scrutiny of governance and leadership is significantly under-powered within the proposed inspection regime.

A robust performance management regime would cover strategic, operational, collaborative, organisational and financial performance. It should provide incentives for improvement and dis-incentives for services that dis-engage, resort to a compliance culture, or pay lip-service to service improvement.

Fire and rescue services are universal services, with a relatively consistent nature. Support for improvement is most economically provided nationally. But the national infrastructure for guiding and assisting service improvement has effectively been dismantled in England. Whilst a central body for standards, codes and regulations is one part of proposed infrastructure, as well as a dedicated website, both of these initiatives are, at best, in the early stages of development.

And they hardly scratch the surface of what was provided by the former Audit Commission, the Improvement & Development Agency, the Leadership Centre, the former Fire Inspectorate, or even the Fire Service College. These organisations between them served to continually improve the evidence base, question risk assessments, and provide tools, techniques, and systems for effective data management.

Another strength of the former improvement infrastructure was support for systemic and individual innovation and creativity, through pathfinders, pilots, beacons, improvement networks, and sharing good practice.

Underpinning all this was robust scrutiny, extensive quality assurance and accountability and transparency that any publicly funded services owes the public.

Public assurance

A fundamental aspect of the last 30 or so years of public management has been a reliance on key performance indicators. As fire and rescue services become increasingly subject to direct political control via commissioners, it would seem performance management is likely to become more uneven and more political.

However, this data, together with other key strategic and operational information will need to be subject to robust audit and scrutiny, both internally and externally. Inspection is an essential part of external scrutiny, though is insufficient on its own, and should be designed to be inspection for improvement rather than compliance. Mature systems allow inspection to be proportionate to the level of strategic and operational risks of service deterioration/underperformance or service or organisational failure.

Self-assessment and peer review are also essential elements of the improvement journey and best practice in other sector indicates that these should operate both outside and within the inspection methodology.

Inspection itself, triangulated by other evidence, should provide the basis for outside intervention. A hierarchy of intervention arrangements should be developed to avoid it being an 'all or nothing' solution. Particular aspects of a services, such as their outsourced services, their financial control, or the service's approach to equality and diversity may be addressed, leaving whole organisation intervention for extreme cases.

Finally, there are two aspects of strong public assurance regimes to which we have previously drawn attention, but in the light of the recent debate need re-emphasising. One is the need for a truly independent external inspectorate and chief inspector, focussed on the public interest and the improvement of the fire and rescue service. They should not be beholden to government or report to it, but have independent reporting rights and responsibilities.

Secondly, exemplary public assurance regimes are answerable to parliament, not to the government. In the UK, they are usually embraced by the Select Committee system. A government's fundamental responsibility is to ensure the safety of its citizens. In a modern affluent society, the public have the right to expect all emergency services, including fire and rescue services to benefit from an exemplary assurance regime.

NB to Andrew:

The diagram below describes the relationship between Nolan Principles and the three domains. Please feel free to use or delete as you see fit

Best wishes,

Pete