

## FIRE Magazine

### Independent inspectorate in danger of becoming Home Office handmaiden.

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"I intend to bring forward proposals to establish a rigorous and independent inspection regime for fire and rescue services in England"
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Rt Hon Theresa May MP 24 <sup>th</sup> May 2016
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In her speech to the REFORM thinktank, the future Prime Minister promised to put in place the right framework of institutions and processes to ensure operational integrity, as well as greater accountability and transparency.

*"There is no independent inspectorate; no regular audit of performance; and only limited available data on performance over time or between areas"*.

As regular readers of *FIRE*, will know, I have long argued<sup>1</sup> all three are necessary for effective scrutiny of the service by its stakeholders such as taxpayers, local communities and the other emergency services.

On hearing or reading Mrs May's speech it was possible for us to believe the ambition of the service to re-establish a fit for purpose, rigorous and independent inspection regime was about to be realised.

An ambition that ensured "the distinction between operational policing and firefighting will be maintained". One that enshrined the primary objectives of fighting fires; protecting the public and avoiding or minimising threats to public safety as central to its purpose. One that promised continual improvement of the service, rather than mere compliance to government as key pillars of its very foundation.

Less than a year later, with Mrs May in No10; the Policing and Crime Act 2017 in place and the Right Honourable Brandon Lewis MP in the Home Office, I fear we are about to be disappointed.

There is a considerable amount of discretion within the Act as to exactly what, how and when some of the proposals are translated into policy, practice and most importantly institutions on the ground. What has happened since 2016 and what the new Minister for Policing and the Fire Service has recently

claimed in his 'vision' for the service<sup>2</sup> and more particularly for the new inspectorate has however raised alarm bells, at least in my hearing.

### **Establishing the new Inspectorate in England**

There is provision in the Act for the Home Secretary to appoint a chief fire and rescue inspector for England, to approve a framework of inspection and to require inspectors to publish the reports of their inspections as well as an annual report to Parliament.

There is no assurance of an open recruitment process, or for the chief inspector to be the senior responsible and/or accountable officer for the inspectorate or for the annual report to be submitted *directly* to Parliament.

In relation to the form, function, organisational culture and operationalization of the new inspectorate, government preparations began earlier.

In the summer of 2016, HMIC were invited to scope the commissioning of the new inspectorate. To assist them they appointed a consultant who was both an ex-superintendent of police and a former HMIC Inspector.

I need to declare a personal interest and digress at this point.

When I contacted the Civil Servant team responsible and asked if I could contribute to this exercise, they suggested I contact HMIC who would provide a contact for the consultant. When I contacted the consultant via HMIC, I was told HMIC were only contracted to advise on the commissioning of the new inspectorate and declined my offer. I was told my input would be considered in due course if HMIC were commissioned to do the future design. Needless-to-say, there has been no contact since, although I suspect my name might have cropped up if they had undertaken a simple word search.

As part of the brief an analysis of the HM Inspectorates for Police, Prisons and Probation was included, although not the arrangements for inspectorates outside of the criminal justice system, nor Fire and Rescue Inspectorates elsewhere. Not even in Scotland, where Martyn Emberton previously at Northamptonshire FRS has recently taken over from Steve Torrie who successfully guided the Scottish Inspectorate throughout the creation of the new single service in Scotland.

The Fire Service Inspectorate in Scotland is statutorily defined as being independent of both the Scottish Fire and Rescue Service and the Scottish Government. As its website explains, it exists to provide independent, risk

based and proportionate professional inspection of the SFRS and reports directly to Parliament.

In England, the initial 'scoping' report from HMIC has not been published. It is understood however that on receipt, two potential models for the inspectorate were commissioned from HMIC and from Blue Light Works, a collaborative partnership best known for its work on digital technology with the Police and the Home Office.

Although these reports have also not been published, work in the Home Office reached a stage such that Brandon Lewis in a speech shortly after the 2017 Act received Royal Assent included in his 'vision' for the sector further details about the new Inspectorate.

To no one's great surprise, the minister announced that a new 'suitable' inspectorate would be modelled on HMIC, and that like the HMIC, it would have a focus on efficiency and effectiveness.

It will have the power to undertake joint inspections with HMIC, and thematic inspections as well as organisation inspections and service inspections. The first inspections will be undertaken this year and the minister announced that he wanted the first thematic issue to be 'diversity, collaboration and flexible deployment'.

The Secretary of State now has the power to commission inspections and that in addition to inspections, the inspectors must carry out such duties as the Secretary of State may from time to time direct. The annual report will be presented to Parliament via the Home Office.

It is somewhat ironic that in 2003, when the Cabinet Office published its 'Inspecting for Improvement' report<sup>3</sup>, and its plans for rationalising the (then) proliferating public service inspectorates, it was the Home Office and the Police, Prisons and Court Inspectorates that resolutely opposed rationalisation and including *improvement* rather than *compliance* as a key purpose.

It wasn't until Tom Winsor and HMIC, having narrowly escaped the 'bonfire of the QUANGOs' set about modernising HMIC and included improvement in its mission.

### **They do things differently in Scotland**

In Scotland, the Chief Inspector (HMFSI) is appointed by Order in Council and operates independently of Ministers and the SFRS. *Its purpose is to give*

*assurance to the Scottish people and to Scottish ministers that the SFRS is working in an efficient and effective way and to promote improvement in the SFRS.*

The Scottish Inspectorate has to have regard to 'the principles of public focus, independence, proportionality, transparency and accountability'. It is also made clear in statute that the Chief Inspector has a duty to make 'independent' determinations.

The Fire and Rescue Framework for Scotland sets out how Ministers expect the SFRS to operate and how, in part, its effectiveness and efficiency are to be measured. Currently the SFRS and the government are considering how to measure and capture the indirect benefits of collaborative working, and in particular, the outcomes from prevention services, rather than just measuring direct and financial benefits.

The framework is the starting point for structuring and prioritising the inspection programme and any review of the framework is subject to public consultation.

The strategic position of HMFSI is more complex than its English equivalent. HMFSI has to collaborate and align its work with Audit Scotland, the Ombudsman and requests from the Health and Safety Executive, the Crown Office and the Procurator Fiscal Service. It has therefore established bilateral Memorandums of Understanding.

The Scottish framework relates to both the organisational landscape of the regulatory sector, as well as the operating mandate of the inspectorate. The ministers vision in England appears to relate only to the former – although there is no impediment on the Secretary of State to act on a broader vision.

### **Transparency and Evidence**

The limited available data that the Prime Minister decried in her speech will henceforth be supplemented by a new website based on [www.policing.uk](http://www.policing.uk); data from the new Incident Recording System and more regular basket of goods procurement exercises pioneered by CFA.

The minister, apparently oblivious to the limitations to the police website, considers it 'has the ability to unleash armchair auditors to do their work on how the service is operating'.

In earlier articles, supporters of a new inspectorate have consistently called for a single website with public access, quality assurance and real time information as the most appropriate information database.

However, the police site is far from adequate. It has no access or links to the HMIC site and its performance information, or to the relevant parts of other key stakeholders' websites such as the National Audit Office.

The level of support for interrogation and analysis is, at best, rudimentary particularly when compared with sites such as the 'LGA Inform', 'Cipfa statistics' the NHS observatories, and 'Rightcare'. It is lamentably behind best practice in Canada and the USA where coincidentally the ministers' much trumpeted armchair auditors have also failed to materialise, as they have done in England<sup>4</sup>.

### **A rigorous and independent inspectorate based on better evidence?**

It is well established that the more independent an inspectorate is, the more robust and effective the scrutiny it provides. The most established and effective external inspectorates or scrutineers, such as the National Audit Office, are conceptualised and established as part of scrutiny arrangements rather than part of government arrangements. They report formally and directly to parliament (through select committee) rather than to a government department.

The regime currently envisaged by the minister is clearly not going to be truly robust or independent of the Home Office. The fact that HMIC has embraced improvement, in addition to compliance, makes it only a little less inappropriate to be running a fire inspectorate.

The new inspectorate needs to be a free-standing independent operation. Scotland demonstrates how it needs to be better configured in terms of its scope and in relation to other regulators and key collaborators. Any number of examples demonstrate the limitations of the proposed [www.fireandrescue.uk](http://www.fireandrescue.uk)

What we need and want is an inspectorate that is both suitable and independent what we appear to be getting is one that is neither.

### **References**

1. 'Peer challenge needs an independent inspectorate' FIRE 2014

2. Speech to REFORM thinktank 7<sup>th</sup> February 2017
3. Inspecting for Improvement. Cabinet Office 2003 TSO
4. Written evidence to Public Accounts Committee by Professor Laurence Ferry Durham University 30<sup>th</sup> October 2016.

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