Working Paper No 3

Proposed fire and rescue service inspection programme and framework 2018/19

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services consultation

Draft Response

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Introduction and Purpose of Working Paper 3

This is a draft response to the HMICFRS consultation on the new, **Proposed fire and rescue service inspection programme and framework 2018/19** which began on the 19 December 2017, and ends on 19 February 2018.

It has been produced with the intention of publishing a draft of our anticipated final response and making this draft available to Fire Sector Federation members via the Intranet, in sufficient time for Federation members to comment or to use the draft to inform their own response(s) prior to the consultation closing on 19th February 2018.

It has been produced following our presentation and an undertaking to produce this Working Paper at the Public Policy Exchange Symposium entitled 'The Role of Fire and Rescue Authorities Ensuring Public Safety' held at the Grange Wellington Hotel in London on 9th January 2018.

It was our stated intention at the symposium that the working paper will be followed/accompanied by two further Working papers addressing some of the related issues within this consultation. These will be:

- **Working Paper 2:** Draft of a potential response to the Home Office consultation: **'Fire and Rescue National Framework for England: Government Consultation'**[1] and;

- **Working Paper 4**: Draft of a potential response to Annex A of the above consultation which deals with the **'Protocol on Central Government Intervention Action for Fire and Rescue Authorities'**[2] which is part of the Home Office Consultation.

For ease of use, the Working Paper responds to the consultation questions 1-7 on Page 14 of the consultation. They are preceded by more general comments.

Our response to this HMICFRS consultation document is informed by our response to section 3 of the Home Office consultation (see working paper 2) on the proposed new national framework for fire and rescue authorities relating to 'Inspection, Accountability and Assurance' but in view of the inconsistencies; differences in content, and level of detail between the two documents we have provided parallel responses to the issues within the two documents.

We have been conducting a further research project on Intervention and/or engagement by central government in FRS/FRA since the Office of the Deputy Prime Minister formed a Fire and Rescue Improvement Support Team in 2005. A separate working paper (working paper 4[2]) addresses the proposed 'Protocol on Central Government Intervention Action for Fire and Rescue Authorities' which is part of the Home Office Consultation. We believe this also has relevance to the HMICFRS inspection programme and framework.

General and introductory comments.

We welcome the assurance on page 5 that the HMICFRS will be adopting the principles of inspecting for improvement laid out by the Cabinet Office Reports in 2003[3], rather than inspecting for compliance or the meeting of standards. We believe this should be aligned and consistent with the statutory duty on both Fire and Rescue Authorities and on Fire and Rescue Services to facilitate 'continuous improvement' as required by the Local Government Act 1999 that introduced the duty of Best Value, and used in previous fire service inspections.

We welcome the assurance that the inspections will be carried out by recruiting experts from the sector, although we would be concerned if inspection teams were wholly drawn from within the sector. Previous experience indicates there is valuable knowledge, skills and experience from persons outside of the sector (such as in central and local government, health, criminal justice, academia and private consultancy) that can be useful additional contributors to these inspection teams undertaking 'service and/or organisational performance' types of inspection.

Finally, we welcome the assurance that graded judgements will be provided to the public to allow the public to see how well they are being served and whether the service is improving or deteriorating. We would suggest HMICFRS provides assurance on the rapid and timely publication of these inspection reports. One valid criticism of previous fire service reporting, as opposed to the local authority reporting, under Fire Service Assessments and Comprehensive Performance Assessments, was the delay in public reporting when compared to the former local authority inspections[4].

There are two minor issues in the first paragraph on page 5, HMICFRS should inspect and report in the public interest but it should also do so to provide public assurance.

Secondly, this is the first of many instances where there is inconsistency in the use of the three interrelated concepts of economy, efficiency and effectiveness. These related, but distinct concepts, where identified and used as part of the way the Audit Commission (and other Auditors, such as the NAO) assessed value for money from 1983. They are commonly characteristic of subsequent performance regimes in many countries including other parts of the UK.

Where these concepts are appropriate and used (both in HMICFRS and in the new Home Office FRS framework) all three should be used and should be used consistently.

There are circumstances, and these are often characteristic of emergency services and services concerned with prevention and protection on the public, when a Value for Money assessment needs to incorporate public or collective costs and benefits as well as those measurable via economy, efficiency and effectiveness.

The current document, like the draft framework from the Home Office, needs to use the appropriate conceptualisation for particular circumstances and should be inherently consistent in their use.

Finally, the framework document interchanges the word assessments and inspections, when it should be consistent.

Consultation Questions

1. What do you think of the proposed approach to FRS inspection that HMICFRS proposes to conduct 2018/19? How could this improved?

1.1. We believe that as currently proposed, the approach is inadequate, sub-optimal, too narrow in its scope and fails to take into account good practice and lessons learnt from existing and previous inspection regimes in the public services both in the UK and elsewhere.

1.2. We question whether a 'rounded' (let alone a fair and comprehensive) judgement of fire and rescue services can be formed without *inter alia* a 'corporate' inspection being conducted alongside the 'service' inspection, whether for fire and rescue authorities or for Police and Fire Commissioners.

1.3. The latter are the bodies that are responsible for assessing the strategic risks; determining strategic priorities; establishing the budget and ultimately holding statutory responsibility for the safety of the public. The current proposals suggest they are not going to be regularly and routinely inspected with the results reported to the public. This, in our view, is not acceptable and would be a dereliction of the inspectorates stated duty to act in the public interest, as well as to be open and transparent.

1.4. The leadership and governing body will also determine which parts of the service may, for example, be provided through outsourcing (to public, private or voluntary providers), or by joint delivery partnerships or by collaborations (with public private or third sector organisations). The public expects to be provided with robust and comprehensive reassurance on all services under the remit of the PFCC/FRA not just directly provided services by the FRS.

1.5. In our view, corporate and collaborative arrangements of fire services should also be regularly and routinely inspected with the results reported to the public.

1.6. It is not clear from the document whether statutory collaborative arrangements such as local and national resilience/emergency planning, crime and disorder/community safety and/or safeguarding arrangements will be inspected.

We are aware that some of these services are already inspected which may suggest a role for joint inspections as well as the proposed thematic inspections.

1.7. Even if a corporate inspection is undertaken, there is no assurance in the current proposals that the appropriate scrutiny arrangements – whether for FRA or for PFCC – will be inspected and assessed. This needs to be within the scope of the inspections – and explicitly recorded in both the framework and in the methodology for the corporate inspections.

1.8. In our view, the programme of inspection (which should be subject to formal consultation in advance) and the framework, should provide for service, corporate and joint inspections, (such as with appropriate health and local government services) as well as both cross-cutting and thematic inspections. While we accept that they are not, realistically all going to be available from the start of inspections, a commitment to develop and deploy them in the near future should have been included.

1.9. The collaborative remit should therefore be expanded from just police and ambulance (blue light services) to include collaborations with other fire, local authorities and third sector.

1.10. The remit of the service inspection should also be expanded to assess the FRS's contribution to wider issues such as public health and social outcomes rather than just fire related responsibilities and activities.

1.11. The Home Office framework acknowledges these realities and contributions - (although it actually discourages them – whether as an unintended consequence of the way the framework is a written or as a perverse outcome when attempting to ensure value for money to the public.

2. Do you agree that an integrated inspection of fire and rescue services' effectiveness and efficiency, and how they look after their people, is better than separate thematic inspections?

2.1. It should be clear from our comment above that any proposal to look at PFCC/FRA/FRS provision as a whole is a better approach than to approach it in a partial manner whether these are service inspections or thematic inspections.

2.2. The idea of an inspectorate regime based solely upon a combination of external service inspections and corporate inspections as strong resonance with the Audit Commissions' original proposals for developing CPA in 2001. Their proposals,

presented to government by Paul Kirby, were based entirely on external inspections.

2.3. This was not considered acceptable by the assessment panel at that time (of which one of the authors was a member) nor by the government. The government wanted to see the use of other techniques, (as suggested in alternative proposals), such as self-assessment, peer-reviews, plan evaluations, and quality assured performance indicators (we acknowledge that page 11 refers to analysis of data and document; reviews of incidents; public and staff surveys; interviews; focus groups and observations of FRS practice, and agree that these are some of the appropriate tools and techniques for performance inspections).

2.4. The current Home Office consultation at least acknowledges the existence of some these techniques (page 11 paragraph 3.5 refers to peer review and self-assessments). It is well established that the key foundation for organisational and service improvement is a robust, quality assured and validated self-assessment, particularly for failing or significantly underperforming public services[5]. We note that techniques such as self-assessment are not included in the proposed current methodology attached as Annex A to the consultation document.

2.5. Most inspectorate regimes, in the UK and elsewhere, use a variety of techniques so as to triangulate and validate their evidence and ultimately their judgements[6]. We believe HMICFRS should learn from the experience of other public inspectorates and improve the current proposals.

3. Are there any other areas of fire and rescue services' activity that should be included in the integrated inspections?

3.1. As stated in response to question 1 we believe the framework, should provide for service, corporate, joint, cross-cutting and thematic inspections. We note that paragraph 2.1 of the Home Office consultation requires every FRA to 'assess all foreseeable fire and rescue related risks that could affect their communities, whether they are local, cross-border, multi-authority and/or national in nature from fires to terrorist attacks'. The current proposals do not embrace this breadth of scope.

3.2. The broader role that FRSs provide their communities is also not appropriately represented by the current proposals. FRSs have other statutory functions that are non-fire related, for example, freedom of information requests, commitment to green technology and reducing carbon emissions and the social return on other activities such as safety zones, domestic violence, and places of sanctuary. In our

view, a more rounded and comprehensive assessment of their activities should be sought than is provided for in these proposals.

3.3. We note on page 5 that there is only an indicative start date for the inspection programme and no indication of length of inspections or end date for a tranche of inspections.

3.4. Similarly, on page 5, there is a commitment to provide a graded judgement for each service as a whole, but no commitment to provide the graded judgements that go to make up the overall score/judgement (the document later states on page 11 that HMICFRS will make a decision on this after the pilots). In the interests of full transparency both to the service and to the public, all formal judgements should be made publicly available.

3.5. At the top of page 6 under inspection focus there is a reference to 'national risks' – when, in our view, this should refer to 'local, sub-regional, regional and national risks and emergencies'.

3.6. In the second paragraph, the concept of 'affordability' is introduced, when it does not appear anywhere else, and in the light of emerging lessons from Grenfell, seems most inappropriate.

3.7. The obligations referred to at the top of page 9 (particularly in relation to staff) are a joint statutory responsibility with the FRA and not solely the responsibility of the FRS.

3.8. We note that the description of the FRS principle functions on page 9 is different from the definition on page 8 of the Home Office consultation document, and neither refers to the carrying out of fire investigations, which clearly are an important part of all FRS.

3.9. The consultation proposals have an over-emphasis on individual organisational assessment.

3.10. Safety of the public relies not only on individual organisations discharging their responsibilities economically, efficiently and effectively, but collectively how well they collaborate and optimise their collective safety arrangements.

3.11. In the final paragraph of page 9, we would have liked a commitment to expedite publication of reports in the interests of transparency.

3.12. We note that the document states that HMICFRS is not funded to carry out thematic inspections, yet the Act clearly indicates there will be such inspections and the

former Minister Brandon Lewis announced that diversity[7] as the subject of the first thematic inspection.

3.13. We question therefore how the regime can be economic, efficient and effective, at assuring and improving the safety of the public in these circumstances. The government have promised a risk-based proportionate inspection regime but the consultation document clearly implies that HMICFRS are not going to carry out such inspections without further revenue. That effectively means thematic inspections are revenue and cost sensitive rather than risk-based. We do not find these positions tenable from either the Home Office or HMICFRS.

4. Does the draft inspection methodology include the right questions to gather evidence for a rounded assessment of fire and rescue services? How could this be improved?

4.1. The methodology proposes to use the equivalent or a variation of the 'Key Lines of Enquiry' approach pioneered by the Audit Commission. We commend this approach in principle and your consultation upon it.

4.2. It should, however, be apparent from the above that we believe that the currently proposed approach, content and hence questions, are too narrow to provide a rounded still less fair rounded and comprehensive comparable judgements. They will not capture the full extent of FRS responsibilities and activities.

4.3. The 'KLOE's' are not accompanied by indicative matrixes for judgments, which they should be.

4.4. At this stage, it is difficult to know how HMICFRS are going to measure these questions. How for instance are they going to be benchmarked against others to determine a score or judgement, especially in the first round of inspections?

4.5. The vast majority of these questions are subjective - previous inspection and assessment regimes have tended to pilot, test or 'path find' these types of questions, before rolling them out across every FRS. Accepted good practice is to use existing, robust, commonly accepted standards and, wherever possible, objective measures where they exist, rather than over-rely on un-tested subjective assessments. We note that the work of the professional standards body is in its infancy.

4.6. Previous regimes have also tested these sort of methodologies against a group of organisations within which are assumed to be good, average and poorly performing

organisations, having used pre-exiting national comparative benchmarks to choose the organisations.

4.7. At this stage, we believe the methodology is both underdeveloped and insufficiently tested.

4.8. The proposed timetable and state of development appears to be driven by political considerations and agendas – which inevitably questions the independence of HMICFRS from the Home Office and the government, and potentially undermines public and sector confidence as well as that of key stakeholders and partners, in its objectives.

4.9. The methodology can be improved in innumerable ways, but the most important thing is to test every part of it before it goes live and be prepared to change as the inspectorate learns from the experience. We note that there are pilot inspections on-going but urge that these are as comprehensive (across the pilot programme) as possible.

5. How else could HMICFRS adapt the way in which it acquires information to take full account of the circumstances of fire and rescue services and of risks to public safety?

5.1. As the National Audit Office, the Public Accounts Committee inquiry and independent academic assessments[8] have consistently shown (and as reflected in speeches by the Prime Minister[9], when she was Home Secretary), the data, information and evidence base, upon which to assess FRS, is notoriously poor, partial and inconsistent. We note there are no commitments in either this consultation or in the Home Office consultation to significantly improve them.

5.2. Current proposals refer to ways in which existing information can be acquired or made available. The sector lost a huge amount of performance and other information when the previous government abolished the Audit Commission. The overwhelming need is to create and capture much needed information, sadly some of which existed in the past but has now been destroyed as a result of the previous government policy and actions.

5.3. There are no proposals or commitment to a significant research and development function as part of this consultation, or as part of the current Home Office proposals. Without a robust and comprehensive evidence base, it is impossible for HMICFRS to 'take full account of the circumstances of fire and rescue services and of risks to public safety'.

5.4. Notwithstanding the above, we were surprised to find no reference to 'Joint Strategic Needs Assessments' (that FRS contribute to and are a universal statutory obligation); or reference to Crime and Disorder Audits. These are local multi-agency databases, which could be built upon and enhanced.

5.5. The inspectorate and its inspections should be prepared to take information from a wider range of sources and should commit to triangulating whatever evidence it used to base judgments upon.

6. What, if any, new or emerging problems for fire and rescue services should HMICFRS take into account in its inspections?

6.1. Evidence from the Fire Sector Federation and the NFCC to the Grenfell Inquiry and the Dame Judith Hackett Review, clearly illuminates some of the new and emerging problems for fire and rescue services. New materials and the increasing complexity of materials and their use in diverse combinations together with less available knowledge of building occupations allied to increasing restrictions on inspection and enforcement are making it more difficult for FRS to meet their statutory obligations. There is currently no acknowledgement in this consultation document or its proposals.

6.2. The continuing long-term reductions of resources, together with future panned reductions in resources and government 'caps' on raising revenue locally are clearly key issues that FRS/FRA/PFCC face but they are not acknowledged.

6.3. Widescale man-made and natural disasters and emergencies are increasing and becoming more complex, yet these are not acknowledged.

6.4. There are common problems across services such as the ageing workforce, and society demographics affecting the recruitment and retention of RDS personnel, and these are likely to get worse.

7. What else should HMICFRS consider doing to make its fire and rescue service assessments as fair as they can be?

7.1. The inspections should be balanced and consider the local context and local issues as well as their national, regional and cross-border sub-regional equivalents. The inspections should focus on measuring what is important and makes a difference to

communities and not just what is available and easy to obtain. It should focus on outcomes and not outputs, it should be judged on the impact it has on the risks identified by individual services.

7.2. HMICFRS should provide time for FRSs to align data gathering to ensure that judgements are made fairly and that they are comparing like with like. It is not clear whether individual services (whether county, combined or metropolitan) will be compared to similar services in terms of size and risk profiles, such as defined in CIPFA family group's or just be subject to national comparisons?

Advisory and reference groups

7.3. In terms of the advisory and reference group that HMICFRS has established, we are advised that**,** unlike similar advisory groups, including other criminal justice reference groups, there is little or no representation from outside the fire and police sectors. There are no data specialists, finance specialists, ambulance professionals or independent academics nor members from other inspectorates.

7.4. The inspectorate should welcome more diverse (but relevant) perspectives, including in our view those of politicians.

8. Concluding Comment - Reporting Regime

8.1. One issue that is not clear from this consultation is the nature, scope and content of the Chief Inspectors regular reports. We are advised they are to be submitted to the Home Secretary, rather than to the public and/or parliament (which compromises their real and perceived independence of the reports), but we have no real idea of their scope of their contents.

8.2. We would wish to see the Chief Inspector enabled and encouraged to report on anything that influences the improvement of fire safety or continuous improvement in the delivery of fire services or the policy and operational context in which they operate.

8.3. We would wish to see an inspectorate, capable and encouraged to speak robustly unto power. We are aware of previous inspectorates (most famously the former Benefits Fraud Inspectorate) who had no remit or opportunity to make recommendations to government or to parliament.

8.4. We have no indication whether the chief inspectors report will be able to comment on, for example, the adequacy of Building Regulations, the Health and Safety regime or other non-Home Office responsibilities or the control and recording of the occupation of buildings, all of which are clearly relevant to both the fire safety of

the public, and the economic, efficient and effective delivery of fire and rescue services.

8.5. A truly independent regime would enable and encourage such reporting, and ensure such independence was protected. As a result, such an inspectorate would be better able to command the support, respect and confidence of parliament, the public and the services.

8.6. When the programme moves to a risk based inspection programme, what factors will determine the risk? It is currently not clear whether this will be risk of failure, inspections scores or risk to communities and the public.

References

1. Murphy P., Glennon R. & Lakoma K. (2018) Working Paper 2: Draft of a potential response to the Home Office consultation: 'Fire and Rescue National Framework for England: Government Consultation'.
2. Murphy P., Lakoma K., Glennon R. & Spencer T. (2018) Working Paper 4: Draft of a potential response to Annex A 'Protocol on Central Government Intervention Action for Fire and Rescue Authorities'.
3. Office of Public Service Reform (2003) Inspecting for Improvement. Cabinet Office.
4. Murphy P. & Greenhalgh K. editors (2018) Fire and Rescue Services: Leadership and Management Perspectives. New York: Springer.
5. Murphy P. & Jones M. (2016) Building the next model for intervention and turnaround in poorly performing local authorities in England. *Local Government Studies*.
6. Davis H. & Martin S. (2008) Public services inspection in the UK. London: Jessica Kindersley.
7. Lewis, B. (2017) Fire Minister's speech (at the 'Reform' think tank 7th February 2017.
8. Murphy, P. (2015) Briefing note on 'Financial sustainability of fire and rescue services - value for money report' for the National Audit Office.
9. Home Office (2016) Home Secretary speech on fire reform (at the 'Reform' think tank) London 24th May 2016.