

Response

to

Fire and Rescue National Framework for England

Government consultation

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1. Introductory and ‘contextual’ comments

- 1.1. There are a number of concerns about the minister’s foreword, and the subsequent introduction to the document, as they contain significant omissions, implicit assumptions and questionable interpretations that, individually and collectively, will influence the interpretation of the document by the consultation’s target audience. This in turn, will adversely influence the responses from key stakeholders, interested parties and the public to both the document’s content and the broader reform agenda for the emergency services, which the consultation forms part of.
- 1.2. The second sentence of the minister’s foreword refers to the long-term, significant decrease in the number of fire incidents attended by FRS. This (yet again) gives the false impression that the work of the Fire and Rescue Services is falling and continues to fall in the long term. It fails to acknowledge evidence submitted to the Grenfell Inquiry from the Fire Sector Federation and elsewhere, that while the numbers of fire incidents are reducing, the losses from them are up over fourfold per incident, reflecting increasing complexity in modern construction and occupation. In addition, although paragraph 3 notes that the past decade has also seen an ever growing number of non-fire incidents, it fails to make the point that the latter now significantly outnumber the former and are increasing faster than the former are decreasing.
- 1.3. Paragraph 1 suggests that this ‘must be a testament to the successful fire protection and prevention that FRS deliver’ which could give the impression that such prevention and protection work is increasing. In fact, there is widespread and increasing evidence, that while financial support for public services is being universally reduced, there has been a disproportionate reduction in preventative services, most notably in the NHS, but increasingly evident across all public services as reductions in higher profile reactive or frontline services generates greater adverse publicity.
- 1.4. There is no mention in the foreword or the introduction of the recent reports from the National Audit Office¹ or the Public Accounts Committee², that *inter alia* refer to inadequacies in the sponsorship, leadership, financial control and infrastructural support for the service from central government. These have significantly influenced both the context of the consultation exercise and the content of the consultation document
- 1.5. There is, for example, no explicit mention of the long-term reductions, and more importantly, planned future reductions, in financial support from central government, which will adversely affect the service, the delivery of the national frameworks ambitions and the safety of the public.

- 1.6. The new Minister refers to evidence from Grenfell and Dame Judith's interim report³ saying we need a new intelligent system of regulation and enforcement, which encourages everyone to do the right thing and holds those that cut corners to account. We welcome the commitment to the government working with Dame Judith and other partners to identifying changes that need to be made to the system during the next phase of the review and that the learning and recommendations from Dame Judith's review and the Grenfell Inquiry are captured and reflected in the new framework and the wider strategic and operational regime for Fire and Rescue services.
- 1.7. In our view, successive governments have been significantly reducing investment in the fire safety of the public and have been reducing the scope and weakening the regulatory and enforcement powers of public authorities. These have clearly contributed to the circumstances that led to the Grenfell tragedy. We are disappointed that the new framework adopts and assumes the continuation of this long term financial context, while not being explicit about this position.
- 1.8. We would have preferred to see a clear commitment to comprehensive improvement of the strategic and operational regime for all emergency services and a clear commitment to improving the fire safety to the public. If these ambitions are to be realistically addressed then the statement that 'the proposals are unlikely to lead to additional costs or savings for businesses, charities or the voluntary sector or on the public sector', should be removed as such a statement is clearly misleading, contradictory and untenable in the current and foreseeable circumstances.

2. Delivery of Core Functions

a) Identify and assess (paragraphs 2.1 – 2.2)

- 2.1. 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'.
- 2.2. This clearly embraces FRS contributions to wider issues such as public health and social outcomes such as health and wellbeing and their statutory obligations to the public in Fire and Rescue legislation, financial legislation and broader public service legislation such as Health and Safety legislation or the Public Services (Social Value) Act 2012. Although we comment below on the proposals for Inspection,

Accountability and Assurance contained in Section 3 of the new national framework, we would also wish to note the inconsistency between the scope of this conceptualisation of the core functions, as opposed to the much narrower scope suggested for the Inspection programme and framework 2018/19 as outlined in the HMICFRS consultation document. It would appear that HMICFRS are not proposing to inspect the full range of FRS responsibilities, which will in our view, compromise the 'crucial assurance function' the inspectorate is to provide (referred to in paragraph 3.2) nor will it provide a fair and comprehensive view of the services performance.

b) Prevent and protect (paragraphs 2.3 – 2.8)

- 2.3. We agree and commend the statement that 'prevention is (always?) better than cure' but are disappointed that there is no commitment nor proposals in the framework to reverse the disproportionate decrease in preventative action and strategies referred to above that has been experienced in recent years.
- 2.4. As the Fire Sector Federation and National Fire Chiefs Council evidence to the Grenfell Inquiry and Dame Judith's interim report on the review of the Building Regulation demonstrates, the number of fire inspection and fire investigations carried out by FRS personnel has been consistently falling and their scope consistently narrowing. This limits the ability of FRS to put in place an appropriate risk-based inspection program as required by paragraph 2.3.
- 2.5. We strongly support the expectations and contents of paragraphs 2.4 to 2.6 regarding multi-agency collaboration; targeting those at greatest risk and the sharing of information. However, the comment that this should not be at the expense of core fire functions should be deleted or replaced. This is likely to skew the objective assessment of risks and the evaluation of alternative options.
- 2.6. We agree with paragraph 2.7 but note that safeguarding arrangements have their own scrutiny and inspection arrangements. Statutory safeguarding arrangements are primarily part of the preventative strategies as opposed to response strategies. Provision for incorporating the results of such scrutiny is not clearly included in the HMICFRS proposals for FRS service inspections, which refers on page 8 to "fire safety, firefighting, road traffic accidents and other emergencies".
- 2.7. We are concerned about potential interpretations of paragraph 2.8 which states that FRA should only pursue prevention and protection activities 'which can be demonstrated to impact effectively and cost-efficiently on risk reduction within their communities'. We suspect or consider this to be an unnecessarily restrictive and inefficient over reaction to some ad hoc incidents of unjustified expenditure in the past.

- 2.8. There are three issues with this position, one relating to ‘evidence’, one relating to the form of evaluation and one relating to consistency within the document. Although there are no proposals in the framework to improve the data and evidence available to FRS, the NAO and PAC reports make it clear that the evidence base, particularly for evaluating protective or preventative services needs improving.
- 2.9. The likely results of this proposal is clearly inconsistent with the minister’s earlier statement that ‘prevention is always better than cure’. Finally, there is no appreciation of efficiency or effectiveness as opposed to cost. The current proposal also appears to reflect a lack appreciation that short, medium and long-term evaluations may yield differing results and that there are a variety of evaluation techniques available. In our view the most appropriate evaluative technique available should be used for the activity being evaluated (See also comments on Value for Money proposals below).

We strongly support the second half of paragraph 2.8.

c) Respond (paragraphs 2.9 – 2.11)

- 2.10. Paragraph 2.11 states that FRA business continuity arrangements must be able to meet the full range of service delivery and national resilience duties and commitments and should not be on the basis of armed forces assistance being available. With the increased responsibilities highlighted in the framework, planned reductions in central resources, and more restrictions on assumed resources, this means demand and challenges will go up, while resources become increasingly restricted. We believe this combination of circumstances will increase risk to the public.

d) Integrated Risk Management Plan (paragraph 2.12).

- 2.11. In the second bullet point the term ‘in a cost effective way’ should be replaced by ‘taking account of economy, efficiency and effectiveness’.
- 2.12. In the fifth bullet point, the three-year time span stipulated is inconsistent with the 2 year timespan used for reserves in paragraph 5.7. IRMPs should align with financial plans and we believe 3 years should be adopted or both.
- 2.13. In general terms we would like to have seen a commitment and proposals to improve the risk assessments in the IRMP process, to embrace both the risks to individuals and communities and the risks to buildings premises and operations.

3. Inspection, Accountability and Assurance

a) Inspection (paragraphs 3.1 – 3.5)

- 3.1. Paragraph 3.2 states that HMICFRS will provide a crucial assurance function and provides a definition of responsibilities. However, the HMICFRS consultation document is not consistent with the proposed framework and appears to address a narrower range of responsibilities.
- 3.2. According to their document, HMICFRS are going to 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 fire and rescue authorities or Police and Fire Commissioners.
- 3.3. The latter are the bodies that 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 HMICFRS suggest they are not going to be routinely inspected with the results regularly and expeditiously reported to the public.
- 3.4. If, during an inspection of services, HMICFRS find evidence that they 'inhibit' the efficiency and effectiveness of the Chief Fire Officer they 'may' carry out a separate corporate governance inspection.
- 3.5. There is considerable historical evidence available from tackling failing public services and authorities; from peer reviews; from improvement regimes; from performance assessments; from government interventions and from sector-led improvements. This consistently shows that to be efficient and effective, and provide the solid foundations for sustained recovery or improvement, the regulators or the government need to assess and address, the adequacy of the leadership and governance arrangements; the adequacy of the operational delivery and advice from professional officers; and the collaborative partnership arrangements as well as the relationship between the three.
- 3.6. To inspect them partially and/or separately or not at all, cannot optimise the efficiency or effectiveness of the Inspectorate, the inspection process or the assurance to government or to the public. It is somewhat ironic that the current (and previous) Intervention Protocols are addressed to Fire and Rescue Authorities (Annex A refers exclusively and repeatedly to Authorities) when these are not routinely to be inspected under this framework.
- 3.7. The current proposals from HMICFRS make no mention of cross-border, multi-authority and/or national issues mentioned by the framework. They merely advise

that they intend to commence inspections of the 45 fire and rescue services in summer 2018 on the principal functions of a fire and rescue authority, i.e. fire safety, firefighting, road traffic accidents and other emergencies.

- 3.8. There is no clarity or assurance on the inspection of services or parts of services that have been outsourced to private or third sector providers; jointly provided with other FRS or blue-light services, or other organisations whether public, private or third sector. There is no mention of statutory collaborative arrangements such as the Crime and Disorder arrangements, safeguarding or resilience responsibilities.
- 3.9. 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'.
- 3.10. There is no commitment to making additional resources available for thematic inspections from 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.
- 3.11. In our view, the two documents are inconsistent and their proposals, if implemented, will not provide the level of public assurance that the public and key stakeholders have the right to expect.
- 3.12. In terms of the inspection framework, we maintain that the inspection and accountability arrangements should form part of the scrutiny arrangements with direct reporting to parliament and the public rather than the government (through the Secretary of State). We acknowledge that the Secretary of State now has powers to initiate inspections, require data and information to be provided and to receive an annual report from the Chief Fire and Rescue Inspector.
- 3.13. We would have preferred to have these powers vested in the Chief Inspector so as to increase independence and provide greater reassurance to the public. However, while accepting current arrangements we would wish to see further safeguards identified and implemented for increased reassurance as to the independence of the inspectorate and its reports. This could include additional requirements for timely publication of reports or expected referrals to the Home Affairs Select Committee.

b) Intervention (paragraphs 3.6 – 3.9)

- 3.14. As stated in our introduction, we have been conducting a separate 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. This was originally intended as a means for the government to engage with those FRAs assessed as 'poor' or 'weak' in the Comprehensive Performance Assessment Reports that were due to be published by August 2005.

3.15. We have provided our response to Annex A, 'Protocol on Central Government Intervention Action for Fire and Rescue Authorities' in the appropriate section later in this questionnaire.

c) Accountability, assurance, scrutiny and transparency (paragraphs 3.10 – 3.18)

3.16. The objectives included in this section are laudable. Although the concepts of accountability assurance, scrutiny and transparency are all different, they clearly overlap and are generally complementary in this purpose. It is the combination of their deployment in an efficient and effective regime that collectively provides the necessary public assurance. As currently proposed, in our view, there are some inadequacies or 'gaps' in the proposed arrangements as follows:

- There is no mention of inspection of the efficiency and effectiveness of the scrutiny functions or the PFCPs (here or in the governance section or in HMICFRS consultation).
- There is no obligation to have any fire and rescue expertise on the Police Fire and Crime Panel (either here or in the governance section).
- There is no acknowledgement of the inadequacy of the current form, scope and content of the Statement of Assurance (paragraph 3.14) despite both the Home Office and the Joint Emergency Services Research Team carrying out reviews in 2016.
- There is no acknowledgement of the inadequacy of the current evidence base nor any commitment or express intention to improve it. Paragraph 3.18 only refers to local and national data being made available not extended, improved or quality assured.

4. Governance

4.1. We have outlined in the previous two sections, our view of the need for improved governance arrangements in terms of better scrutiny and improved accountability and transparency arrangements with improved assurance through a more sophisticated and comprehensive inspection regime.

4.2. There appears in paragraphs 4.7 and 4.8 to be an anomaly in terms of the Chief Fire Officer i.e. if 'the FRA should give due regard to the professional advice of the CFO when making decisions affecting the operation of the FRS' (paragraph 4.7) why is

this not applicable to the Police Fire and Crime Commissioner (4.8)? It surely should be.

5. Achieving Value for Money

- 5.1. There is no explicit acknowledgement in the framework (or in the HMICFRS consultation) of the long term reductions in central government financial support, or the planned future reductions of central government grant or the continuing cap on generating local revenue through taxation. This reflects the Spending Review 2015 and subsequent central government financial settlements and is clearly a key part of the context of the Value for Money objectives.
- 5.2. 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”.
- 5.3. There are however *inter alia*, three particular generic issues or concerns that we have about the documents approach to assessing and achieving Value for Money.
- 5.4. Neither the Home Office document nor the new inspectorates document, appear to recognise that Value for Money will vary and can be significantly different depending on whether you measure it in the short, medium or long term or that different timescales may be more or less appropriate to different services, activities, tasks or projects.
- 5.5. There are numerous tools and techniques available for measuring value for money, according to the objectives, inputs, outputs and outcomes of these services, activities, tasks or projects. Both documents appear predominantly to focus FRS attention onto short-term impacts or implications (paragraph 5.3 being an honourable exception – which we welcome). Secondly, the framework, appears to be predominantly concerned with costs.
- 5.6. When asked by public service providers to assess value for money, most professionals would want to identify the most appropriate timescale and the most appropriate techniques to use in the prevailing circumstances, so as to facilitate optimal decisions. For example, in terms of evaluation, they might suggest one of the following basic evaluations:
 - Cost-Benefit Analysis,
 - Financial Return on Investment Assessment,
 - Multi-Agency Return on Investments Assessment,
 - Social Return on Investment Assessments.

- 5.7. Neither document appears to have thought through or even acknowledge these issues when articulating their proposals for assessing Value for Money.
- 5.8. Similarly, the definition of Value for Money referred to within the two documents is often inconsistent within and between the documents.
- 5.9. The most commonly used definition of Value for Money since the establishment of the Audit Commission in 1983, relates to the three e's of measuring value for money by reference to economy, efficiency and effectiveness. These clearly related but also clearly different from each other.
- 5.10. Not only are these three concepts used inconsistently and partially throughout the framework, but there is no acknowledgement that this means of definition fails to fully acknowledge and enshrine a true reflection of public and collective costs and benefits alongside and supplementing individual costs and benefits.
- 5.11. Public or collective costs and benefits are particularly important in risk based, rather than demand led services and the three e's are not always the most appropriate concepts or techniques for measuring prevention and protection services.
- 5.12. This part of the framework should also acknowledge FRS's obligations under the Public Services (Social Value) Act 2012.

a) Reserves (paragraphs 5.5 – 5.9)

- 5.13. As mentioned in section 3 above, the reserves strategy should be aligned with the IRMP timescale (one is proposed as 3 year one as 2 years). Neither of these suggestions align with the practice of a 4 year indicative financial settlements from central government.
- 5.14. Paragraph 5.9 is generally supported – with the exception of the final proposed requirement – we believe this is over detailed and over prescriptive. The previous three requirements in our view should be sufficient.

b) Collaborations (paragraphs 5.13 – 5.19)

- 5.15. There are very helpful and useful clarifications particularly in paragraphs 5.14 to 5.19 which should be retained.

c) Trading (paragraphs 5.22 – 5.24)

- 5.16. We particularly welcome the more prudent approach encouraged by these proposals than those that were encouraged in previous government policy such as

localism. There is a relatively limited amount of scope for commercial trading in Fire and Rescue Services and some services in the past have devoted a disproportionate amount of time and resources to attempting to generate trading/commercial activity.

6. Workforce

- 6.1. Chapter 6 is primarily a series of reiterations of previous information. Each FRA (no mention of PFCC), should have a people strategy (paragraph 6.1) designed in 'collaboration' (not consultation) with the workforce, and taking account of the NFCC's people strategy. In our view, both FRA and PFCC should have strategies and 'consultation' is the appropriate process.
- 6.2. All FRAs must implement the standards approved by the Professional Standards body, although we note the draft framework in footnote 2 advises that this part of the policy is under development with an announcement likely to be made before the final framework is published.
- 6.3. There is undue prominence in both the executive summary and in chapter 6, to the 're-engagement of senior officers post retirement'. Any re-engagement of former senior officers will only be made in exceptional circumstances and will be subject of a public vote, although the views of scrutiny body whether for FRA or PFCC should in our view be sought and published.
- 6.4. The draft national framework includes the wording issued after the earlier specific consultation and advises there will be no more changes following this consultation process. References to the issue should now be dropped in the final framework.

7. National Resilience

- 7.1. Despite an earlier assertion to the contrary, section 7 of the draft framework does impose new responsibilities on local fire and rescue authorities and fire and rescue services.
- 7.2. Developing Marauding Terrorist Firearms Attack capability is an example and while the document states the government has 'committed' significant resources, it does not say that these are additional resources. In fact, the government's commitment will come from the existing resource envelope.

7.3. More locally, paragraph 7.14 states that where they have MTFA capability, FRA 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'. One such period may include a period of industrial action. This plus the requirement not to assume the military is available, effectively reduces the resources available, and means that overall these proposals will result in increased demand at the same time as more restricted resources are available to meet demands.

a) Gap analysis (paragraphs 7.6 – 7.9)

7.4. It is noticeable that these paragraphs give a government commitment to help *identify* any gaps but no commitment to reduce or eliminate any gaps – it is closing the gaps that is more important. A commitment to adequately resource and expedite the closure of any gaps is what the public has the right to expect.

b) National Resilience Assurance (paragraphs 7.16 – 7.17)

7.5. Paragraph 7.16 specifically refers to assurance to the government – this should be extended to be an obligation to provide assurance to the public (preferably through the select committee procedures of parliament) as well as the government.

8. Timescales and Scope

8.1. Part 8 of the document adds to the impression that the document has been prepared and published in haste. It advises that the framework will have an open-ended duration, as was the case with the 2012 Framework. All three earlier frameworks ran for time-limited periods, which resulted in timely reviews and improvements. These earlier frameworks were more successful at improving the service and the safety of the public⁵. This clearly also helped key stakeholders, parliament and the public to call the government to account.

8.2. We welcome proposals for a 'biennial report to parliament' on the extent to which FRAs are acting in accordance with the framework, although this should be extended to PFCC, Mayors and London. However, there is no evaluation proposed as to whether the framework remains 'fit for purpose' or whether the government itself has been discharging its responsibilities adequately.

8.3. Noting the experience of the recent NAO report¹ this proposal has clear resonances. That investigation started off with a clear focus on the adequacy of the 45 Fire and Rescue Services performance, before finding that inadequate sponsorship, leadership, financial control and infrastructural support for the service from DCLG that was the real issue. At that time Fire and Rescue Authorities and Services were not being provided with the tools and techniques, let alone the leadership and

support, that would allow them to do the job – the scope of this proposal should be expanded to cover all responsibilities, not just the local services.

Annex A: Intervention Protocol

1. Introduction

1.1. There are three fundamental aspects of the proposed approach to intervention by central government into failing or significantly underperforming public services or organisations that have been a feature of the intervention regimes operated in Local Government and in the Fire Sector since government intervention and engagement was introduced for Comprehensive Performance Assessments in 2002⁶.

1.2. They are:

- That any intervention had to be based on robust evidence of a failure to provide (or serious risk of failing to provide) for continuous improvement, evaluated by reference to the economy, efficiency and effectiveness with which an authority was conducting its activities.
- That formal intervention could potentially include all and any aspects of an authority's activities, (services, financial, corporate or collaborative performance), and
- That formal intervention (at that time available under Section 15 of the Local Government Act 1999) would predominantly be used as a 'last resort'.

1.3. We strongly support these principles, and although they appear to be included, implied and/or assumed in the current document, in something as important as an intervention protocol, that may, if used, come under intense legal and political challenge, it is important to be as clear and as unambiguous as possible. We suggest these be clarified, articulated and set out within the introduction to the protocol, for example immediately after the legislative context and the basis of the protocol is described.

1.4. The initial lessons and experience from the first 18 months of Local Government Intervention were available to the government when section 22 and 23 of the 2004 Fire and Rescue Services Act were drawn up. Although the government had previously had 'intervention' powers in some aspects of Education, Social Services, Benefits Administration and more substantially in cases of financial irregularity, it quickly became apparent that the new powers under Section 15 of the Local Government Act, were far more wide-ranging and all-embracing than any of their

predecessors, and were therefore 'prayed in aid' of numerous service or corporate interventions during this early period⁷.

- 1.5. In fact, in the vast majority of engagement or intervention cases, the formal use of powers did not have to be resorted to. However, the threat of their potential use, and the failure or withdrawal of all legal challenges to either their actual use or their proposed use, was a key aspect of the success of the Intervention and engagement programmes from 2001 (when three intervention pilots were undertaken, in Walsall Rossendale and Hull) through to 2009, when the final case in Northampton was successfully closed⁸.
- 1.6. Section 15 powers are, of course, still available (albeit now to a different Secretary of State), but notwithstanding that the government intend the current protocol to be used solely in terms of Section 22 and 23 of the 2004 Act (as made clear in paragraph 5), in our view the existence and the true extent of the Section 15 powers, and their availability to government should be made clear in any protocol.
- 1.7. While the first sentence of paragraph 3 is correct when it states, "To date there has been no formal intervention in the operations of a fire and rescue authority by the Secretary of State under these powers", this refers specifically to powers under the 2004 Fire and Rescue Services Act, and currently gives a misleading impression to the public.
- 1.8. It is only because of the existence of these powers (and the existence and use of Section 15 powers elsewhere within local government), that intervention/engagement/improvement action was undertaken in 7 FRAs falling in the poor/weak category of CPA in 2005⁹.
- 1.9. Cornwall was subjected to an improvement programme in 2008-2009, after it declined from fair to poor on CPA and a 'direction of travel follow-up assessment' by the Audit Commission highlighted inadequacies; which led to an external corporate inspection¹⁰. More recently external interventions in Essex FRS¹¹ and Avon FRA¹² have only resulted because of the existence of such powers.
- 1.10. The Fire and Rescue authorities and services require robust internal and external scrutiny arrangements to ensure they remain economic, efficient and effective deliverers of their services and provide appropriate assurance to the public. Experiences over the last 20 years have shown that the possibility of government intervention, even if only as a last resort, is a necessary part of that assurance and we support both the principle and the need for such a process to be formalised and structured and guided by a protocol.

- 1.11. In our view, the situations in Essex and Avon and the inadequacies highlighted by the NAO¹ the Public Accounts Committee² were partially a result of inadequate internal and external scrutiny and enforcement regime of the time. Part of this was the inadequacies in design and implementation of the 'Sector-Led' regime of performance management and intervention in Local Government and Fire and Rescue that has operated since 2010¹³.
- 1.12. The NAO and PAC investigations found significant inadequacies in the DCLG oversight of the Fire and Rescue Sector and significant inadequacies in the data and information available to DCLG in which to provide government and the public with the levels of assurance they could expect. Fire and Rescue Services, (individually or collectively) in effect did not have all the necessary performance management and scrutiny, tools and techniques, intelligence and data, to manage the sector-led system promoted by DCLG from 2010 to the end of 2015, when the NAO report was published.

2. Role of partners in supporting fire and rescue authorities at risk

- 2.1. A key part of the inadequacy of the Sector-Led performance management and intervention regimes was the 'evidence base' available to decision takers locally and nationally, a fact acknowledged by the Prime Minister when announcing the governments intended amendments to the (then) Crime and Policing Bill in March 2017¹⁴.
- 2.2. The previous regimes from 2002-2010, were co-ordinated by the former Audit Commission and backed by extensive national and local performance reporting and data, data analysis, information and intelligence at national, regional and local levels. It had a demonstrable commitment to improving the evidence base available to the sector, to the Audit Commission and all key stakeholders, including the public.
- 2.3. As we state above, in our view any intervention has to be based on robust evidence of a failure to provide (or serious risk of failing to provide) for continuous improvement, evaluated by reference to the economy, efficiency and effectiveness with which an authority was conducting its activities.
- 2.4. We are concerned that paragraph 6 of the proposed protocol, appears to perpetuate or replicate an approach to identifying any FRA that is failing or likely to fail, to the one that has operated since 2010. The only differences being the replacement of the Chief Fire and Rescue Advisor by HMICFRS; the Chief Fire Officers Association by the NFCC and DCLG by the Home Office.

- 2.5. We therefore have concerns, about the adequacy of evidence available both to trigger an intervention (whether or not there has been a corporate inspection by HMICFRS), or to justify an intervention, and/or upon which to base an effective and appropriate recovery programme.
- 2.6. We note that neither the HMICFRS consultation document, nor the proposed National Framework, have an explicit commitment to building evidence, capacity and capability and that they both assume and accept a shrinking resource envelope.
- 2.7. Paragraph 6 states that HMICFRS will play a ‘leading role’ in identifying potential interventions. We note however, that the HMICFRS consultation states that they are not being resourced to carry out thematic inspections and that they are not proposing to undertake regular and routine corporate inspections.
- 2.8. We question therefore whether the current proposals are ‘fit for their intended purpose’, particularly in a situation where political and legal challenges may be forthcoming.
- 2.9. In terms of the proposed reaction to potential intervention in an authority (paragraph 7), we strongly support the contents and principles articulated in this paragraph.

Circumstances leading to statutory intervention

- 2.10. We strongly support the content and the assurance provided by paragraph 8, and hope these will be retained in any final protocol issued with the new National Framework.
- 2.11. Paragraph 9 refers to the merits and scheduling of sector-led initiatives, as opposed or in parallel to, alternative external interventions which are discussed at length in the paper *‘Building the next model for intervention and turnaround in poorly performing local authorities in England’* referred to in paragraph 1.5 of this response.
- 2.12. Paragraph 9 refers to the Secretary of State being able to appoint HMICFRS to carry out an investigation under Section 28 of the Fire and Rescue Services Act. This provision is not limited to HMICFRS inspectors but to “inspectors” (you may, for example, need to appoint a financial investigator) – we suggest the insertion of the words “or other inspectors”.

3. What happens upon statutory intervention?

- 3.1. It might be useful in paragraph 11 to mention the relevant Police Authority, the Local Authority and the relevant Ambulance Trust, amongst the bodies that the Secretary of State may consult.
- 3.2. We agree and support the suggestion that any formal intervention will be determined on a case by case basis. However, paragraph 12 suggests the Secretary of State will subsequently 'agree a course of action, and how the improvement will be delivered'. This is far too unfettered in the power it abrogates to the Secretary of State.
- 3.3. There should be public reporting and timetable requirements drawn up in practice guidelines for the conduct of these interventions as there has been for all cases in the past. These requirements should include arrangements for keeping the NFCC, the LGA and HMICFRS informed.

4. Concluding comments

- 4.1. We strongly support the need for a clear, unambiguous protocol on which to base decisions (and to scrutinise) formal statutory interventions.
- 4.2. As can be seen from our responses above, we believe the current proposals can, and should be improved and clarified for the benefit of all key stakeholders including the public and we have sought to make a contribution towards that goal.

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