

Working Paper No 2

Fire and Rescue National Framework for England Government (Home Office) consultation

Draft Response

**NOTTINGHAM
BUSINESS SCHOOL**

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Introduction and Purpose of Working Paper 2

This is a draft response to the government consultation on the new **Fire and Rescue National Framework for England**, which began on the 27 December 2017, and ends on 14 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 in order to inform their own response(s) prior to the consultation closing on 14th 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 3:** Draft of a potential response to the Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services consultation: '**Proposed fire and rescue services inspection programme and framework 2018/19**'¹
- **Working Paper 4:** Draft of a potential response to Annex A '**Protocol on Central Government Intervention Action for Fire and Rescue Authorities**' which is part of the Home Office Consultation².

For ease of use, the Working Paper follows the structure of the questionnaire on Page 29 of the consultation – with our general comments being followed by comments on the individual sections in the consultation.

The only difference being that we provide a separate response to Annex A of the framework - the proposed new 'Intervention Protocol'.

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.

Our response to the section on 'Inspection, Accountability and Assurance' is informed by our response to the HMICFRS consultation documents, but in view of the inconsistencies; differences in content, level of detail and tone between the two documents we have provided parallel responses to the issues within the two documents.

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 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 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 Office³ or the Public Accounts Committee⁴, 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, the planned future reductions, in financial support from the government, which will severely 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 report⁵ 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 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 regulatory and enforcement powers of public authorities. These have significantly 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 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 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 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, with the much narrower scope proposed for the Inspection programme and framework 2018/19 proposed 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 FSF and NFCC evidence to the Grenfell Inquiry and Dame Judith's Building Regulation Review demonstrate the number of fire inspection and fire investigations carried out by FRS personnel has been consistently falling and 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 of 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 by this should not be at the expense of maintaining statutory core fire functions.
- 2.6. We agree with paragraph 2.7 but note that safeguarding arrangements have their own scrutiny and inspection arrangements, and that 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". Statutory safeguarding arrangements are primarily part of the preventative strategies as opposed to response strategies.
- 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. This 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, appears to lack appreciation that short, medium and long-term evaluations may yield differing results and that there are a variety of evaluation techniques available and that the most appropriate technique should be used for the activity being evaluated (See also comments on Value for Money proposals below).

We strongly support the second half of this paragraph.

c) Respond (paragraphs 2.9 – 2.11)

- 2.9. 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).

- 2.10. In the second bullet point the term ‘in a cost effective way’ should be replaced by ‘taking account of economy, efficiency and effectiveness’.
- 2.11. In the second bullet point, the three-year time span stipulated is inconsistent with the 3 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.

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 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 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 from tackling failing public services and authorities, from peer reviews and improvement regimes, from performance assessments, from government interventions and sector-led improvements. This consistently shows that to be efficient and effective, and provide the solid foundations for recovery or improvement, the regulators or the government need to assess and address, both the adequacy of the leadership and governance arrangements; the adequacy of the operational delivery and advice from professional officers; the collaborative partnership arrangements and 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 nor 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.
- 3.7. The current proposals from HMICFRS have no mention of cross-border, multi-authority and/or national issues mentioned by the framework. Just the advice 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 are entitled 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 to increase independence and provide greater reassurance to the public. However, while accepting current arrangements we would wish to see further safeguards identified 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 ‘week’ in the Comprehensive Performance Assessment Reports that were due to be published by August 2005.
- 3.15. We have provided a draft of a potential response to Annex A, ‘Protocol on Central Government Intervention Action for Fire and Rescue Authorities’ in a separate working paper published alongside this paper.

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, clearly overlap and are complementary. It is the combination of their deployment in an efficient and effective regime that provides the necessary public assurance. As currently proposed 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.

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 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' why is this not applicable to the Police Fire and Crime Commissioner? 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 clearly is 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 three particular generic issues *inter alia*, 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) and the framework, in particular, 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, you 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.

a) Reserves (paragraphs 5.5 – 5.9)

5.12. As mentioned in section 3 above, the reserves strategy should be aligned with the IRMP timescale (one is proposed as 3 year one as 4 years). Neither of these suggestions align with the practice of a 4 year indicative financial settlements from central government.

5.13. Paragraph 5.9 is generally supported – with the exception of the final proposed requirement – we believe this is over detailed and over proscribed. The previous three requirements in our view should be sufficient.

b) Collaborations (paragraphs 5.13 – 5.19)

5.14. There are very helpful and useful clarifications particularly in paragraphs 5.14 to 5.19.

c) Trading (paragraphs 5.22 – 5.24)

5.15. We particularly welcome the more prudent approach encouraged by these proposals than those that were encouraged in previous government policy such as under 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. 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 sought and published.

- 6.2. 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.
- 6.3. Chapter 6 is primarily a series of reiterations of previous information. 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. In our view, both FRA and PFCC should have strategies and 'consultation' is the appropriate process.
- 6.4. All FRAs must implement the standards approved by the Professional Standards body, although we note advises that this part of the policy is under development with an announcement to be made before the final framework is published.

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 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 reduces the resources available, 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 resourcing and expediting 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 refers to assurance to the government – this should 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 earlier frameworks ran for time-limited periods, which resulted in timely reviews and improvements. This helped key stakeholders, parliament and the public to call the government to account. As a recent book⁶ clearly demonstrates, these earlier frameworks were more successful at improving the service and the safety of the public.
- 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 report (Financial Sustainability of Fire and Rescue Services) 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.

Intervention Protocol (Annex A)

Please see 'Working Paper 4: Draft of a potential response to Annex A 'Protocol on Central Government Intervention Action for Fire and Rescue Authorities'.

References

1. Murphy P., Glennon R., Lakoma K. & Spencer T. (2018) Working Paper 3: Draft of a potential response to the Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services consultation: 'Proposed fire and rescue service inspection programme and framework 2018/19'.
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. National Audit Office (2015) Financial Sustainability of Fire and Rescue Services.

4. Public Accounts Committee (2016) Financial Sustainability of Fire and Rescue Services Inquiry.
5. Hackitt J. (2017) Building a Safer Future. Independent Review of Building Regulations and Fire Safety: Interim Report.
6. Murphy P. & Greenhalgh K. editors (2018) Fire and Rescue Services: Leadership and Management Perspectives. New York: Springer.

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