

Consultation Response on Fire and Rescue National Framework for England from County Durham and Darlington Fire and Rescue Authority (CDDFRA)

Background

CDDFRA are the legal entity responsible for the provision of a fire and rescue service in County Durham and the Borough of Darlington. The Authority is a combined authority created by the Durham Fire Services (Combination Scheme) Order 1996. Membership of the Authority comprises of 21 elected councillors from Durham County Council and 4 from Darlington Borough Council.

Delivery of Core Functions

Overall CDDFRA are broadly supportive of the requirements placed on fire and rescue authorities in this section but make the following specific points:

Broadening the definition of fire and rescue related risks to specifically include a response to terrorist attacks (2.1) is a broad duty which may need additional resources for fire and rescue authorities going forward. By its very nature the risk associated with terrorism can change rapidly and whilst we support a greater role for the fire and rescue service in providing a response to this risk we would look for a commitment from the government to fully fund any additional requirements in this area. At present the government only provide limited resources to those fire and rescue authorities that are required to provide a capability to a Marauding Terrorist Firearms Attack (MTFA). In our opinion there is an opportunity to develop a broader capability for all fire and rescue services, but this would require additional funding from government.

In section 2.4. and 2.5 there should be a specific reference to working collaboratively with health partners. Police and ambulance services are specifically referenced, presumably through the duty to collaborate under the Policing and Crime Act 2017, however, there are significant opportunities to deliver additional value to the public through closer collaboration with the health partners.

We acknowledge the importance placed on effective business continuity arrangements (2.11) however the requirement to include national resilience duties is, in our opinion, a new burden for fire and rescue authorities and therefore should attract additional funding from the government. We do not accept that this is merely clarifying an existing duty. Providing resilience arrangements can be both costly and bring with it challenges in terms of industrial relations at a local level. During the last period of industrial action (2013/14) nobody challenged the FRSs when we couldn't provide our national resilience assets. This situation was well known to DCLG at the time as each fire and rescue service had to report on their levels of availability twice a day through a reporting tool; yet DCLG accepted that the majority of national resilience assets were unavailable during periods of strike action by the Fire Brigades Union (FBU). We do not recall questions being asked about unavailable assets at the time. Funding is only provided to fire and rescue authorities from government for the assets and any maintenance requirements. No funding is provided for the staffing of the majority of these assets, the only exception is for Urban Search and Rescue (USAR). We therefore believe that if the Home Office now require these assets to be available at all times then additional funding should be provided under the new burdens principles.

Inspection, Accountability and Assurance

CDDFRA are fully supportive of the need for an independent inspectorate regime for the fire and rescue service and the positive contribution that this system can bring to improving the sector. We are, however, concerned at the additional burden this may bring to fire and rescue services given the significant funding cuts that have been imposed on authorities over the last few years.

The draft framework outlines the importance of fire and rescue authorities having effective scrutiny arrangements in place (3.12). We would expect that those same principles would apply to a Police and Crime Commissioner Fire and Rescue Authority (PCC FRA). The Local Government Association (LGA) publish guidance on scrutiny arrangements for local councillors. A copy can be found at:

<https://www.local.gov.uk/sites/default/files/documents/lga-scrutiny-councillors-123.pdf>

The National Framework should ensure that those arrangements are not diluted if a Police and Crime Commissioner (PCC) takes on the responsibility for the fire and rescue service in their area.

Governance

CDDFRA would suggest alternative wording under section 4.6. The Chief Fire Officer should also, supported by their fire and rescue authority, lead the fire and rescue service not just “manage” it. We would also suggest that under section 4.7 the wording should be strengthened to specifically relate to PCC FRAs. There is, in our opinion, a danger that a PFCC could assume this requirement does not apply under that particular governance model given other sections of this chapter are explicit to PCC FRAs.

Under section 4.8 there appears to be a differentiation between the requirements placed on a PCC FRA and other fire and rescue authorities. We would suggest that the importance of producing an Integrated Risk Management Plan (IRMP) is underpinned in this section and that the any requirement on a PFCC to produce a “Fire and Rescue Plan” is outlined as an additional responsibility for PFCCs.

Achieving Value for Money

Under section 5.7 the requirement to publish a reserves strategy is, in our opinion, a new burden. Whilst we accept that this may not be a significant burden, we would remind the Home Office, that any additional requirement placed on to fire and rescue authorities places additional strain on our limited resources.

Workforce

CDDFRA would question the use of wording in section 6.4. Stating that all fire and rescue authorities “must implement the standards approved through this work” is not inline with the wording throughout the rest of the document which is based on “must have regard”. Whilst we do not have any issues with the requirement to implement the standards themselves we would question why there is a different approach to the rest of the document.

Under section 6.6 – 6.10 we would remind the Home Office of our response to the original consultation on this issue where we specified that we do not believe the National Framework is an appropriate mechanism to address terms and conditions or staff issues. There are agreed national collective bargaining arrangements in place to take forward any issues relating to terms and conditions. The National Framework should be about directing the strategic functions of a fire and rescue authority rather than direct day-to-day management issues which should be the responsibility of the employer at Fire and Rescue Service (FRS) level. Such day-to-day issues are dealt with via contracts of employment, policies and procedures.

CDDFRA would also question why these restrictions apply only to fire officers and not police officers, who are able to access freedoms under their pension schemes that remove the need to abate their pension. If the Home Office are fundamentally opposed to this practice they should apply similar restrictions to police officers.

The draft framework interprets “Principal Officers” as Brigade Managers and Area Managers. Normally Principal Officers only applies to Brigade Managers and CDDFRA would suggest that if the Home Office are determined to use the national Framework to impose terms and conditions restrictions on these staff groups then Area Managers should be placed under Brigade Manager terms and conditions through the Brigade Manager National Joint Council (NJC). This would ensure that parity exists between all members of staff operating at a strategic level.

National Resilience

Please see the comments above in relation to broadening the requirements of fire and rescue authorities to respond to terrorist incidents.

Under 7.13 we would request confirmation that a legal opinion has been sought to underpin the Home Office’s view that responding to an act of terrorism is an agreed function of fire and rescue services as set out in the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service (the Grey Book). Ultimately it would be for a fire and rescue authority to meet the legal costs for a challenge from the Fire Brigades Union about whether or not we can force someone to undertake the work necessary to support this capability. It is therefore not unreasonable to expect the Home Office to provide a legal opinion to support the view that it is included within the Grey Book or underwrite the legal costs of any specific challenge to an individual fire and rescue authority.

Please refer to our comments above in relation to MTFA teams being fully available at all times (section 7.14). If the Home Office now require this capability to be available at all times then additional funding should be provided under the new burdens principles.

Intervention Protocol (Annex A)

CDDFRA support the principles outlined within the Intervention Protocol.

Other comments

CDDFRA have no further comments.