



COMBINED FIRE AUTHORITY

13 FEBRUARY 2018

CONSULTATION ON THE FIRE AND RESCUE NATIONAL FRAMEWORK FOR ENGLAND

REPORT OF CHIEF FIRE OFFICER

PURPOSE OF THE REPORT

1. To inform members of the publication of the consultation paper on the Fire and Rescue National Framework for England and to seek approval for the draft consultation response.

BACKGROUND

2. On 27 December 2017 the Home Office published 'Fire and Rescue National Framework for England: Government Consultation'. A copy of the consultation document is attached as Appendix A. The consultation ends on 14 February 2018.
3. The National Framework sets out the Government's expectations for the Fire and Rescue Service and what is required of Fire and Rescue Authorities to meet those expectations. The Government has a duty, under Section 21, of the Fire and Rescue Services Act 2004 to produce the Framework, keep it under review and revise it if necessary. Fire and Rescue Authorities (FRAs) must have regard to the Framework in carrying out their duties
4. The National Framework was last updated in 2012 and the consultation document contains a number of significant changes to the previous version, reflecting some of the changes that are being introduced through the Fire Reform Programme and provisions in the Policing and Crime Act 2017 on emergency service collaboration and changes to governance arrangements.
5. The Government, subject to the outcomes of the public consultation and parliamentary time allowing, hope that the new National Framework will come in to effect in April 2018 to coincide with the commencement of fire inspection. The existing Framework remains valid until it is replaced.

CONSULTATION STRUCTURE

6. The questionnaire that accompanies the consultation asks for comments against the following headings which match the headings from the main part of the draft National Framework:
 - Delivery of Core Functions;
 - Inspection, Accountability and Assurance;
 - Governance;
 - Achieving Value for Money;

- Workforce;
- National Resilience;
- Intervention Protocol (Annex A);
- Other comments.

KEY IMPLICATIONS FOR THE AUTHORITY

7. The following priorities and objectives for FRAs are proposed in the draft Framework document:
 - identify and assess the full range of foreseeable fire and rescue related risks their areas face;
 - make appropriate provision for fire prevention and protection activities and response to fire and rescue related incidents;
 - collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of service provision;
 - be accountable to communities for the service they provide; and
 - develop and maintain a workforce that is resilient, skilled, flexible and diverse.
8. The draft framework also contains a section covering re-engagement of senior officers' post-retirement. The Government previously consulted on these proposals and published their response in December 2017. The draft National Framework includes proposed wording which matches this response and therefore no further changes to that section are planned following this consultation.
9. Over and above underpinning the Fire Reform Programme the draft document contains a number of additional implications for FRAs and some of these implications should be considered a 'new burden' and additional funding provided to meet these requirements. Where this is the case the draft consultation response, attached as Appendix B, makes this case to Government.
10. The document places a much greater emphasis on national resilience assets being available, particularly during periods of industrial action or following other disruptions to business as usual activities. This requirement will need to be considered carefully and a review of the Service's resilience plan is currently being undertaken. There is potentially a financial implication for the Authority in relation to strengthening the resilience arrangements to ensure that all national assets are included. Resilience planning is also controversial from an industrial relations perspective and therefore discussions with the various trade unions are also taking place.
11. The document also states that the fire and rescue response to acts of terrorism is encompassed in the conditions of service for operational staff. The Fire Brigades Union (FBU) have a different view on whether or not this type of response work is part of a firefighters rolemap and this is part of the current pay claim they have lodged through the National Joint Council (NJC). This point could have significant implications for FRAs as ultimately, as the employer, they would face any legal challenge to enforcing this work from staff. The terms and conditions of operational staff are a matter for the NJC and it is unusual to cover this issue in the National Framework document.
12. The draft National Framework document also places specific responsibilities on those FRAs that have a Marauding Terrorist Firearms Attack (MTFA) capability to ensure that this capability is fully available at all times, including periods when business continuity arrangements are in place (for example during periods of industrial action). Members will be aware that the Service has agreed to provide MTFA capability as part of the Home

Office's uplift programme. The capability is covered through the Authority's resilience plan although the need to strengthen the plan is covered in another paper on the agenda.

13. The draft National Framework document also places additional responsibilities on fire and rescue authorities in relation to financial planning and reporting. Specifically, the Authority needs to consider the level of reserves it holds and justify a general reserve of greater than five percent of budget.
14. Although these additional requirements have been built in to the Medium Term Financial Plan it does place an additional burden on to the Authority and this is particularly pertinent given the reduction in back office resources we have been forced to make during this extended period of cuts to central government funding.
15. The Authority welcomes the introduction of the Inspectorate and it is sensible to underpin their role in the new National Framework. The document, however, ignores the potentially significant burden this places on to our limited resources.
16. The draft National Framework also contains an Intervention Protocol which is a requirement of section 23 of the Fire and Rescue Services Act 2004. The protocol outlines the arrangements between the Secretary of State, the Local Government Association (LGA), Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), the National Fire Chiefs Council (NFCC) and FRAs should formal intervention under section 22 of the Act be considered necessary.

RECOMMENDATIONS

17. Members are requested to:
 - a) **Note** the publication of the consultation on the Fire and Rescue National Framework for England;
 - b) **Discuss** and **agree** the draft consultation response attached as Appendix B.

Chief Fire Officer Stuart Errington 0191 3755555