

APPENDIX C TO REPORT DSFRA/18/5

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Dear Harinda,

Re Fire & Rescue National Framework for England

Thank you for the opportunity to respond to the consultation on the 'Fire and Rescue National Framework for England' document. This was discussed by the Devon & Somerset Fire & Rescue Authority (the Authority) at its meeting on Friday 16 February 2018 and I have been asked to forward this response on behalf of the Authority to the points listed within the questionnaire.

Delivery of Core Functions

The Devon and Somerset Fire and Rescue Authority (the Authority) Community Safety Strategy has been developed using a risk based approach to identify the most vulnerable members of society and enables the Authority to effectively target services.

The Authority has developed a draft Social Value policy which assists in determining how other organisations can support our community strategy outcomes. The Authority also support the Modern Slavery Act 2015 so that our work with other agencies and Partners across the South West uses a collaborative approach to tackling the issue of modern slavery, along with ensuring responsible procurement practices to encourage fair pay and working conditions in our supply chain and to assist in the identification and elimination of modern slavery and human trafficking. The Service promotes the Act and ensures that there is no Modern Slavery in its business or in its supply chain and expects suppliers to be aware of and comply with the requirements of the Act.

The Authority recognises that engagement with other organisations is a key piece of work that relies upon 'buy in' from other relevant organisations. The

Authority's experience indicates that in some cases, there is a lack of engagement from other agencies who may not see partnership with the fire and rescue service as a priority.

The Authority's Community Safety services have been prioritised based upon Government directives and legislative requirements. This has allowed the Service to focus resources upon core functions, whilst also focusing upon other public service agendas. The Authority notes that although the document discusses prevention and protection core functions, identifying individuals' wider vulnerabilities and exposure to risks beyond fire, this is not mentioned in the context of response. 'Response' also provides a significant opportunity to identify vulnerable individuals and engage and therefore the Authority would suggest that response staff are also mentioned in point 2.6.

The Authority has made a commitment to training Community Safety staff to ensure that safeguarding and the needs of vulnerable people are at the forefront of delivery. The Authority welcomes the opportunity to participate in further joined up working and training with partners and see this as an addition to role maps across the organisation to further enhance and develop individual skills within the service.

The Authority welcomes the requirement to robustly evaluate the impact of activities, testing efficiency, effectiveness and risk reduction within communities whilst delivering value for money. The Authority welcomes the opportunity to share best practice to ensure that appropriate academic rigor is used to make these critical evaluations and currently engage with universities to ensure unbiased, advanced analysis techniques are used, as well as seeking to use technology to facilitate this within the Service.

The Authority suggests that a toolkit of evaluation measures and techniques, provided centrally and containing all necessary evaluation criteria would ensure that fire and rescue services evaluate in the same way, providing a consistent approach which would result in improved benchmarking, improved sharing of good practice and ensure that public money is used efficiently and effectively to deliver robust, consistent evaluations.

Business continuity plans prepared by individual fire and rescue services require significant investment of time and effort and therefore cost. Whilst the Authority recognises the benefit of individual fire and rescue services maintaining such plans, it is suggested that a common Business Continuity framework or toolkit would be more efficient, ensuring common terminology across the sector and provide greater resilience where multiple FRS are impacted, e.g. a flu pandemic, wide area flooding.

Along with prevention and protection, response is recognised as core business by the Authority, including collaborating where benefits are achieved. The Authority notes that within the 'Respond' section of the document there is no mention of core function and would seek confirmation that response remains a core function, including where response is carried out in partnership and in collaboration with police and others, or on occasion on behalf of others.

Clarification is also sought on what 'other emergencies' look like so it would be useful if Government could specify the range of emergencies that fire and rescue services should respond to. Through collaborative networks, experience is showing that fire and rescue services are being asked to attend a greater range of incidents than ever before.

Regarding the Integrated Risk Management Plan (IRMP), the Authority recognises the importance of reflecting upon local risk and use the IRMP to ensure that activities are focused upon delivering best possible outcomes for communities within the budget available. The Authority would suggest that the Framework should include specific reference to sprinkler schemes and the principle of invest to save, particularly for vulnerable risk groups. The Authority would welcome any academic or national research that might be available to analyse and better understand the true impact of interventions in the home and would welcome the opportunity to participate in trials related to such research.

Regarding the IRMP and reflective consultation with the community, the Authority would suggest that consultation and engagement has formed a key part in driving council service delivery plans for some time and suggest that comprehensive frameworks for this already exist. Engagement with local councils would enable FRS to benefit from local learning, whilst promotion of centralised frameworks such as the Local Government Association (LGA) Service Delivery Framework and the Role of Shared Services, would ensure consistency of approach. The Authority would welcome an example of what constitutes 'effective consultation'.

The Authority would also suggest that IRMPs include an explicit statement regarding how collaboration will reduce societal risk, with supporting statements from collaboration partners.

The Authority would welcome re-consideration of the language used to describe prevention activity given that both Community and Business Safety work is preventative and that the word "protection" means little to those stakeholders outside of the Fire sector.

Inspection, Accountability and Assurance

The Authority is in agreement with the points made regarding inspection, accountability and assurance.

When specifying accountability, mention is made of fire and rescue services being accountable to communities. The Authority would welcome clarification of how fire and rescue services will be held accountable and whether this is through HMICFRS or another function. Any examples of best practice consultation and involvement with communities would be welcomed.

The Authority would suggest that in addition to the points made 3.12 regarding accountability to communities for the service they provide, an additional bullet is added;

- To communicate with the community using multiple communication channels, sharing information relating to incidents and performance so that communities are provided with useful, accurate data

The Authority agrees with the need for transparency and whilst it recognises that there are varying governance arrangements with associated legal Codes, Acts or Orders, it suggests that checks are put in place to ensure that there is consistent statutory transparency across all fire services, regardless of governance arrangements.

The Authority welcomes the opportunity to learn from best practice as well as to gain improvements to efficiency and effectiveness from the inspection process, leading to increased protection, prevention and response for the communities we serve, alongside improved accountability and assurance.

Governance

With respect to Governance and the National Fire Chiefs Council (NFCC), experience has shown that some fire and rescue services may choose not to participate in NFCC programmes and to instead work independently outside of them. A consequence of this can be a disproportionate amount of effort, input and cost is expended by some fire and rescue services towards driving continuous improvement and development throughout the sector, whilst other fire and rescue services benefit from the result.

The Authority believes it is important that there is an equitable governance structure to ensure engagement and sustainability. Given the requirements of the National Framework, such as improvements to efficiency and effectiveness, the role of a coordinating organisation becomes ever more important and the NFCC is a 'natural fit' for such a role and it is important that there is sufficient funding in place to ensure capacity.

The Authority believe that there is therefore a requirement for agreed sustainable funding for the NFCC. Following the tested approach of police colleagues and seeking a collaborative approach, The Authority suggests that the NFCC considers being structured similarly to the National Police Chiefs Council (NPCC), whereby all fire and rescue services must contribute an agreed percentage to the NFCC annually in advance, in addition to funding from central Government. The NPCC Section 22a agreement would provide a good starting point for discussion amongst fire and rescue services on how to structure.

The Authority would be interested to understand how the NPCC ensures equitable participation and would ask whether a method of recognising the contribution made by each fire and rescue service towards a programme of work would be measured alongside the help requested by each fire and rescue service, which may be expected to fund short interventions.

The Authority also considers it essential to ensure innovation and continuous improvement can flourish across the sector, recognising that such can originate in the centre via a shared, coordinated approach and also elsewhere. The Authority therefore believe it is important that the governance of the NFCC has participation of independent, non-funding parties to ensure that the NFCC remains agile and open to change and that there is a regular rotation of key roles with an agreed maximum tenure period, to ensure all fire and rescue services have the opportunity to hold key posts over a ten year period, recognising the importance of seeking experience in key areas on both operational and non-operational subject areas. This will facilitate positive engagement by all fire and rescue services regardless of size or historical influence and could offer further opportunities for peer to peer learning within fire service leadership teams.

Regarding governance and the reporting requirements mentioned in section 4.8, where a police and crime commissioner takes on the functions and duties of a fire and rescue authority and are known as the police, fire and crime commissioner (PFCC), the Authority would suggest that for consistency across services and in particular for consistent planning and reporting information for communities, that PFCC should publish and report using the same documents as other services (regardless of governance arrangements), resulting in all services producing plans and reporting in a consistent manner.

Achieving Value for Money

The Authority is pleased to see commercial considerations forming part of the National Framework in its own right. The Authority is a strong contributor to the Commercial Transformation Programme for collaboration and procurement on the national stage, representing the Fire Sector.

The Authority is mindful of achieving value for money alongside maintaining our presence and contribution to influence the agenda. The Authority has identified issues which we consider need to be resolved at the national level;

- Resources – Professional procurement capability with the ability to lead at a national level and collaborate with the wider public sector is limited to a handful of fire and rescue services, Devon and Somerset being one of them.
- Funding of Procurement Capability - Home Office and transformation funding will end at some point. Agreement over the resources required and the funding stream needs to be agreed. The Authority currently contributes on the basis of good will and recovers some costs via Framework fees. Other fire and rescue services are looking to develop an operating model for sector procurement expertise based upon a good will only, matrix approach. The good will approach does not currently deliver value for money for the Authority and therefore the Authority would suggest a model which better reflects the amount of contribution made by each fire and rescue service to ensure engagement by all and sharing of expert skills across all fire and rescue services.

The Authority suggests now that the Commercial Programme is part of the National Framework that the NFCC reviews the positioning of the Commercial Transformation Programme, which currently sits as part of the Resources Committee, and also considers the resources and funding approach. The Authority's procurement team has well established networks and collaboration partners and suggest that the NFCC capitalise upon existing expertise within fire and rescue services to achieve best value for money. The Authority's procurement team experience has shown that it is important that there is prioritisation of work areas to achieve greatest saving and also to ensure that budget holding departments, e.g. technical, are engaged in potential collaboration opportunities in order to ensure maximum value for money is achieved and suggest the NFCC also follow this method of prioritisation.

The Authority considers the use of technology will make a significant contribution towards delivering value for money and transformation, particularly where it will have an impact regionally or nationally.

The Authority believes consideration should be given to the 'bigger picture' when considering value for money. The Authority believes fire and rescue service collaboration can improve the efficiency of UK blue light services and reduce overall cost but that may mean greater cost to fire and rescue services. Introduction of a mechanism for budget transfer between fire, police, ambulance etc. may help. Without such a mechanism, it could be the case that collaborative work does not proceed as the burden of the cost of implementation is skewed to one side.

The Authority believes consideration should be given to how FRS can bid for Clinical Commissioning Group (CCG) work to support collaboration.

With respect to ensuring that each fire and rescue service has a workforce commensurate with the risks faced, the Authority considers it would be useful for fire and rescue services to specify the cost of staff relative to outcomes and guidance to ensure continuity of reporting on this would be appreciated. Additionally, the use of predictive analytics for demand management and resourcing could assist in this process.

The Authority considers it an important requirement for strategies to identify interdependencies and cover multiple years to achieve greater transparency and make clear whole life costs.

The Authority agrees that fire and rescue authorities should publish efficiency plans on their websites and in particular, a register of savings including non-pay areas so that it can be made clear what is included in the plans and what is delivered.

The Authority agrees that collaborative work with relevant agencies and multi-agency teams with respect to vulnerable individuals is important and the Authority's Community Safety team regularly attend meetings in pursuance of the 'Prevent' agenda as well as supporting interventions involving Human

Trafficking and Modern Slavery. The Authority would suggest that some national data sharing guidance might assist and the General Data Protection Regulation (GDPR) may have an impact on agencies appetite to share data in the short to medium term.

The Authority would also appreciate a clear definition of vulnerability.

With respect to interoperability, the Authority would highlight that some areas may be subject to delay beyond fire and rescue service control, for example, being dependent upon central Government decision around Emergency Service Network (ESN) and hardware. In terms of measuring interoperability, fire and rescue services can measure this by referencing the interoperability continuum from the National Policing Improvement Programme and the Authority suggests this be considered as a measurement approach.

Regarding Research and Development (R&D), the Authority suggests that involvement of fire and rescue services in the R&D process including: scoping and prioritisation, agreeing roles and responsibilities between programmes and ensuring delivery of right objectives to agreed timeframe, will lead to better value for money and efficiency savings because of less burden upon equipment suppliers to provide prototypes for trialling. The Authority participates in a South West R&D group, which engages nationally to influence this agenda.

Regarding the power to trade, the Authority believes careful consideration is required in relation to certain activities such as patient transportation and whether this would require fire and rescue services to have clinical governance boards.

Workforce

The Authority agrees that there is a requirement to develop and maintain a workforce that is resilient, skilled, flexible and diverse and would seek confirmation that this will be supported by suggested changes to the Grey Book.

The Authority believes a specific area for consideration, as under development by the South West Emergency Services Collaboration (SWESC) and also by the NFCC Leadership working group, is that a collaborative approach to leadership and culture improvement can assist in delivering workforce reform.

In respect of workforce data, the Authority believes there would be much benefit to all fire and rescue services if workforce data publishing, amongst other indicators, information on people with protected characteristics reaching leadership and managerial positions, could be specifically identified, gathered and published.

Regarding professional standards bodies, the Authority advises that there is a growing role for volunteers and thus the options for enhancing professionalism must not be formed in a way which inhibits volunteering for FRS staff. The Authority would appreciate an indication of the timeframe for the professional

standards for fire and rescue services to facilitate planning for implementation of these.

Regarding re-appointment post retirement, the Authority suggests that any guidance should apply to all senior officer posts to ensure consistency (including non-operational posts) and that there needs to be some flexibility, given that the service cannot over establish and only once a retirement date is set can the workforce plan be put in place to ensure effective transition, but agree that any such appointment must be transparent, justifiable and time limited with decision taken at Member level and subject to a clearly articulated, transparent business case.

Regarding principal fire officer posts, the Authority believes that it is not effective or efficient to mandate that all posts must be open to competition nationally, or that this will result in improved exchange of talent and ideas. The Authority would suggest that as outlined within the Framework People Strategy, providing training and progression for workforce, including developing leadership and ensuring that the workforce represents the communities it represents are factors which demonstrate a culture of development and progression. As a result, the Authority suggests that it should be at the discretion of the Authority whether to open the recruitment to national competition. The Authority would also suggest that such national recruitment can be significantly more expensive and longer and should not, therefore, be mandated. The Authority agrees that the National Fire Chiefs Council provides coordinated professional, operational and technical advice and support, and that this is the primary forum for the exchange of talent and ideas within the sector.

National Resilience

In the light of recent bomb, knife and vehicle attacks, and the threat of fire also being used as a weapon, the Authority suggests that there may be a requirement for ballistic firefighting capability nationally and understand that currently colleagues at London Fire Brigade (LFB) represent the only fire and rescue service with this capability.

In response to responding to acts of terrorism, the Authority seeks clarification from Government regarding 7.13 as a whole. It has not been the understanding of the Authority that response to terrorism is agreed or specified within the Grey Book or elsewhere. Within the firefighter role maps National Occupational Standards (NOS) and Job Specific responsibilities for firefighters, responding to acts of terrorism is not specified and it is also not identified as an express function within the Fire and Rescue Services Act 2004 or any orders made subsequently under that act.

Our understanding is that Marauding Terrorist Firearms Attacks (MTFA) capability is a special case which has associated national funding for those fire and rescue services where such a capability is opted in. Additionally, the Authority understands that national unions have also raised questions on this matter. The Fire and Rescue Services Act 2004, Section 9 allows the

Secretary of State, following consultation, to place a duty on fire and rescue authorities to respond to particular types of emergency, as defined by order, such as flooding and terrorist incidents, however, the Authority is unaware of such a duty having been ordered by the Secretary of State.

Intervention Protocol (Annex A)

No comments

Fitness Principles (Annex C)

Regarding fitness principles, the Authority is focused upon increasing diversity and inclusion and a 'one size fits all' fitness requirement for firefighters may result in excluding some groups. These groups may, using appropriate technology or in certain roles, meet the requirement of a modern, inclusive fire and rescue service and therefore the Authority would ask Government to consider a flexible approach to fitness requirements.

The Authority recognises the responsibility that fire and rescue authorities have to ensure that firefighters remain fit and are supported in doing so. However, the existing Fitness Principles detailed in Annex C are overly prescriptive and build in significant and unnecessary cost for authorities. The existing drafting includes some ambiguity which could lead to lengthy and costly dispute and/or litigation, e.g. conflating the issues of fitness levels, ill health and good employment practice in any potential capability situation. The Authority proposes a less prescriptive statement of principles along the lines of:

Fire and rescue authorities have an important role in helping to ensure their firefighters remain fit and are supported in doing so. Each fire and rescue authority must:

- *have a process of fitness assessment and development to ensure that operational personnel are enabled to maintain the standards of personal fitness required in order to perform their role safely;*
- *ensure that all operational personnel will be provided with support to maintain their levels of fitness for the duration of their career;*
- *ensure that no individual will be automatically dismissed if they fall below the standards required for operational duties; and*
- *where operational personnel have fallen below the fitness standards required, commit to providing a development programme to support them in regaining the necessary levels of fitness.*

If an individual has been unable to regain the necessary levels of fitness following a programme of development and support, and where no underlying medical issues are identified, then, in line with good employment practice, a fire and rescue authority should consider opportunities for alternative employment.

Other comments

Regarding the publication of the final Framework, the Authority suggests that it would be useful if the outcomes of the Dame Judith Hackitt Report and the Grenfell Tower Inquiry are reflected and therefore whether a brief pause in the issuing of the final Framework might enable this to happen, given that both are significant.

I would be grateful for confirmation of receipt of this response and look forward to publication of the final document.

Yours sincerely

Glenn Askew
Chief Fire Officer