

**REPORT TO THE: FIRE AUTHORITY****DATE: 11<sup>th</sup> June 2008****REFERENCE:****SUBJECT: Consultation on the Draft Fire and Rescue National Framework 08/09 – 10/11****SUMMARY:**

In March 2008 the Assembly published the Draft Fire and Rescue National Framework 08/09 – 10/11 for consultation.

A response to the consultation has been drafted, and is attached for the Authority's consideration.

Since the response was drafted, correspondence has been received from the Minister indicating his intention to maintain regular quarterly meetings with Chairs and Chief Fire Officers and to extend an invitation to the WLGA to also attend these meetings. This correspondence in essence addresses the majority of the concerns regarding governance and Member engagement with the Minister in relation to fire policy matters raised in the submission to WAG. A copy of the Ministers correspondence is attached for Members' information.

Members should note that the consultation closes on 20<sup>th</sup> June 2008.

OBJECTIVES		IMPLICATIONS	
More than an Emergency Service	✓	Operational Risk Management	✓
Trusted & Respected by our customers	✓	Community Risk Reduction	✓
Saving Lives, Protecting Communities	✓	Learning & Development	✓
Managing within Budget	✓	Service Control	✓
Allocate Resources to Priorities	✓	Civil Contingencies & Resilience	✓
Efficiency savings	✓	Finance & Procurement	✓
Alternative funding & resources	✓	H.R.	✓
Managing People	✓	ICT	✓
Risk Reduction Planning	✓	CCMS	✓
Partnership Working	✓	Transport	✓
Effective & Empowered People	✓	Health & Safety	✓
		Premises	✓
		Sustainability & Environment	✓
		Welsh Language	✓
		Legal	✓
		Governance	✓
		Equality & Diversity	✓
		Representative Body Consultation	✓

**COMMENTS/OBSERVATIONS ON THE ABOVE OBJECTIVES/IMPLICATIONS:**

Given its very high level and strategic nature the National Framework impacts on all aspects of the Service

**RECOMMENDATIONS:**

That Members consider the Authority's draft response to the consultation on the 08/09 – 10/11 Draft National Framework document, and subject to agreement, forward to the Assembly by the consultation closing date of 20<sup>th</sup> June 2008.

**BACKGROUND PAPERS USED IN PREPARATION OF THIS REPORT:**

Draft Fire and Rescue National Framework for Wales 08/09 – 10/11  
Correspondence from the Minister dated 22<sup>nd</sup> May 2008

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Y Gweinidog dros Gyflawnder Cymdeithasol a Llywodraeth  
Leol  
Minister for Social Justice and Local Government



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Ein cyf/Our ref: MB/BG/218/08

Incoming Chair of Mid and West Wales  
Fire and Rescue Authority Service Headquarters  
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22 May 2008

Dear Colleague

I do hope your new Fire Authority take the opportunity to submit a response on the consultation to the new Fire and Rescue Services Framework which is currently to consultation. However, in order to inform that discussion it might be helpful if I provided clarification on changes from the existing Framework in terms of advisory committees. Whilst the draft Framework contains no reference to a Fire and Rescue Liaison Group and Advisory Committee, I do want to make clear that I do intend to maintain regular quarterly meetings with the Chairs and Chief Fire Officers. In addition, I will be happy to convene additional ad hoc meetings where appropriate to discuss specific issues. I will also be extending an invitation to attend these meetings to the WLGA. I also intend to maintain regular, separate, liaison with the Fire Brigades Union.

In terms of the provision of advice within the Framework document, your Authority will be represented on the Fire and Rescue Community Safety Committee (FRCSC), which will take forward most of the commitments in the Framework and evaluate and monitor activity. To this end I hope that FRAs will also maintain their commitment and involvement in this Committee.

I propose to convene a meeting of the Chiefs and Chairs of the new FRAs on the 2<sup>nd</sup> July in Cardiff Bay and I hope that you will be able to attend.

I have written in similar terms to the other Chairs of FRAs.

Yours sincerely

**Brian Gibbons AM/AC**

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# Mid & West Wales Fire & Rescue Authority – Response to the consultation on the National Fire & Rescue Framework for Wales 08/09 – 10/11

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Mid and West Wales Fire & Rescue Authority welcomes the opportunity to comment on the revision of the National Fire and Rescue Framework for Wales 08/09 – 10/11 which was issued for consultation in March 2008.

The Authority's response is structured around the specific chapters within the document and also contains some more general comments.

There are many sections within the document with which the Authority agrees and believes that these will make a significant contribution to the safety of communities within Wales.

However, the Authority does have some concerns over the proposed arrangements relating to the engagement and involvement of Members. The Authority's specific comments in this area are fully detailed in the response set out below.

## **1. Vision for the Fire and Rescue Service in Wales**

The Authority agrees with the collaborative approach outlined within this section of the framework document and the Authority shares the Assembly's vision in this area.

However it would have been nice if the vision also focused on specific aspects of service delivery directly related to the outcomes that Fire and Rescue Services can impact upon such as safer communities, reduced fire death and educational services etc.

In addition, this section of the vision makes no mention of the delivery of a National resilience capability when this is specifically detailed in the introductory sections.

### **Achieving the Vision**

The Authority is extremely pleased to see recognition of the difficulties around the retained duty system and the complexities in sustaining it. New arrangements for the remuneration of retained firefighters will require significant additional resources in the future to secure the long term resilience of this aspect of service delivery.

## **2. Chapter 1 - Governance and the relationship between Fire & Rescue Authorities and the Assembly Government**

The Authority agrees with the sentiments articulated within this section of the National Framework Document and accepts that FRAs have an important role to play in the process of continuous improvement of public services in Wales.

We believe that contributing to the Assembly Government's requirement for delivering better services through the Making the Connections programme is highly beneficial.

We find it strange therefore, that those mechanisms currently in place which provide the interface between WAG and elected Members of FRAs in the form of the Wales Fire and Rescue Service Advisory Committee and the Wales Fire and Rescue Service Liaison Group will be abolished by this draft, with no alternative structures proposed.

Despite specifically focussing on Member engagement and development in the earlier paragraphs relating to governance, we think it erroneous that no arrangements are suggested within the draft framework for any Member engagement structure with the Assembly in relation to fire policy matters.

Other than a brief mention in the appendix relating to the intervention protocol, there is no mention of the WLGA's role, nor that of the Fire Forum. This absence of any recognition of the current partnership arrangements in place between WAG and Local Government is surprising.

Whilst the Authority of course welcomes the greater involvement of the Community Safety Committee, this alone cannot provide the necessary interface between the Minister and Members.

### **Wider role of Fire & Rescue Authorities**

The Authority agrees with the statement in relation to LSBs, but the current governance arrangements around the setup of LSBs does not currently enable FRS/FRAs to be an automatic member of all LSBs.

### **Independent Advice**

The Authority awaits with interest what the Assembly Government is considering for the provision of independent advice and will contribute fully during the consultation period for each of the options under consideration.

### **Advice through collaboration**

As mentioned above, the Authority does not believe that the CSC is best placed to take forward all aspects of strategic FRS work and prepare recommendations for Ministers. In addition, the framework mentions a very wide remit for this committee with an extensive forward work programme. The Authority questions if the committee has the capacity to deliver this.

Within the framework there needs to be a focus on clarity over governance structures and how these will lead to effective arrangements to take forward and deliver the vision and requirements of this framework.

### **Delivering the Framework Priorities**

We are unclear how the CSC will be in a position to report on progress towards the framework delivery plan and then this potentially being used to demonstrate the extent to which an individual FRA is acting [or not] in accordance with the framework.

## **3. Chapter 2 – Prevention, Protection and Response**

It would be more logical to arrange the subsections in the order of Prevention, Protection and Intervention.

Whilst the Authority agrees with the philosophy and principles in this chapter, we would like the framework to articulate more clearly what is expected of FRAs, in relation to sprinklers and the application of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and whether the Assembly are expecting local authorities to utilise this facility.

### **Fire Protection**

Building Regulations – this section should note the extremely limited influence that the FRAs currently have at the Planning and Building Regulations stage of the building process; whilst at the same time creating a significant workload for FRAs that can distract them from their statutory duties under the Fire Safety Order.

### **Protecting the rural environment**

The Authority welcomes the recognition of the difficulties associated with large rural fires, many of which are deliberately started. The Authority has introduced a number of initiatives to reduce this type of incident, working effectively across a range of different partners.

In addition, there does not seem to be any mention in the draft Framework relating to flooding either in relation to the additional resource requirement but perhaps more specifically in relation to any potential statutory duty.

### **Risk Reduction Planning and Service Standard**

In the first paragraph, it states that the RRP guidance documents focus on “life risk”.

Whilst this is of course the outcome, the whole process is far more wide reaching than this. These documents focus on integrated service delivery planning involving prevention, protection and response activities.

With regard to RRP, the Authority had hoped that the Assembly would have taken this opportunity to remove the requirement for FRAs to informally discuss their RRP proposals and options with the Minister, both pre and post consultation, which creates an overly burdensome process.

We cannot think of another local authority service provider that is subject to a similar process. The framework revision would have been an ideal opportunity to have reviewed this position.

In the draft, we are also surprised that the section on Service Standards omits the crucial third element of the Service Standard for fires in the home i.e. the section relating to areas which cannot be met within 10 minutes and the requirement to risk assess these areas and put into place as necessary additional fire safety measures.

### **Working with children and young people**

This is an area which individual Fire and Rescue Authorities in Wales have made significant progress. We do not feel that the framework, as currently drafted, reflects this.

The Authority makes a similar comment to that above [in relation to LSBs] regarding engagement with Children and Young People's Partnerships, which can be limited, as FRSs are not deemed to be a statutory partner – again our involvement is usually by invitation.

### **Prevention and raising awareness**

The Authority fully supports all aspects of the “fire flash” campaigns which are making a real difference in raising awareness of the dangers of fire within communities in Wales. We believe there ought to be some reference in this section to the role of the National Publicity Group in developing and co-ordinating fire safety publicity in Wales.

The Authority notes that the *“Assembly Government expects FRAs to continue to develop this activity in accordance with their statutory responsibilities”*. We are concerned that there appears to be no mention of the resources to do so.

### **Road Traffic Collisions**

The Authority believes there is a need to reconsider the title of this section and possibly amend it to RTC Reduction or Road Safety. More emphasis should be placed on the intervention role and how we can improve while there is little guidance for FRAs on prevention and protection elements other than our continued involvement with Road Safety Wales.

### **Fire Safety Order**

The Authority considers that there could be more emphasis placed on the key role that proper enforcement of the FSO has to play in the protection of the non-domestic infrastructure of Wales.

In addition, mention is made of the Determinations Process and Enforcement Guidance, although neither has yet been issued by WAG.

### **The Emergency Workers (Obstruction) Act 2006**

Since the reporting period for 2007/08 is now complete, accurate data ought to be available to report. The Authority is pleased to note the Assembly's continued commitment to reducing attacks on firefighters.

## **Automatic Fire Alarm Signals**

Again, more up to date data should be used so as not to prematurely date the document.

The Assembly may be aware that further guidance from CFOA [on which FRS Circular (06/06) was based] is about to be released – in this context, it may well be better to use the term “appropriate guidance” and not to be so specific.

## **Fire Investigation**

This section fails to acknowledge the work and report already produced by the FRS (November 2007) to develop a Regional approach to Fire Investigation in Wales that already covers the points being raised. This development has recently been reported to the Community Safety Committee.

## **Co-responding**

Since the only FRA in Wales which carries out co-responder activities is Mid and West Wales Fire and Rescue Authority would it not have been more logical to state that the Assembly would wish North and South Wales Fire and Rescue Authorities to adopt the principle?

## **Research**

The Authority welcomes the Assembly’s commitment to monitor CLG’s proposals for a Fire Research Academy and the research programme in England.

The Authority is not convinced of the need for a separate research strategy / programme for Wales and believes it would be far better to influence the English programme to prevent any duplication of effort and waste of resources.

## **Statistics**

The Authority notes with interest the implied [and explicit in the delivery action plan] direction to utilise the new Incident Recording System which is about to be launched.

The Assembly will now be aware of the resource and other implications of introducing the system following the production and submission to officials of the IRS impact assessment by the three FRAs in Wales in April 2008.

## **4. Chapter 3 – Working Together Effectively**

### **Community Safety – through collaboration**

The Authority is unclear what the Assembly is suggesting in this paragraph. If it has specific concerns about the delivery of community safety activities then it would be helpful to say so.

Furthermore, the Authority is not sure why this is being aimed at Community Safety, when it is generic in its application to all aspects of the FRS. Whilst there are probably (and sometimes necessarily) differences in delivery, rather than approach, this would also apply to Operations, Training and other FRS functions. The Authority is unclear why Community Safety is being singled out for attention in this respect.

By its very nature, community safety activity will be delivered differently since it is targeted at the specific issues relative to disparate communities across both urban and rural Wales, each of which presents their own particular challenges.

If the Assembly requires a more “one size fits all” solution (which we would not advocate) then clear strategic direction and expectations will need to be articulated to the three FRA’s in Wales.

### **Procurement**

As this is a sub heading of the ‘Working Together Effectively’ chapter we believe that more emphasis could be given to the Wales Procurement Strategy, the role of CFOA and the Assembly through Value Wales and the significant progress being made in a number of areas through the joint CFOA/Value Wales group. This would include the issues of sustainability which follows.

The point must be made that even in the best resourced public bodies it will be difficult to achieve level 3 in all areas in the short timescale involved.

### **Climate change and sustainability**

Whilst the sentiment here is admirable, the Authority feels that the Assembly need to better articulate what “*FRAs need to do to play their part in taking forward .....*” means. In its present form, it is too loose and open to interpretation, and as a consequence, may not result in effective action.

## **5. Chapter 4 – Resilience**

The Authority welcomes the Assembly's commitment to supporting national resilience, although the use of the words 'Critical National Infrastructure' is confusing, as the New Dimension assets are a mechanism for supporting and protecting the CNI, not actually a part of it.

The Authority is committed to managing and maintaining New Dimension resources.

However, the success of Long Term Capability Management (LTCM) hinges on an adequate level of funding being provided by the Assembly, not just for equipment and vehicle repair and replacement costs, but for the training, crewing, management and other 'people' related costs of this long term commitment. The Authority would like to see the Assembly's commitment to adequately funding this work clearly defined in the framework.

The Authority welcomes the Assembly's acknowledgement of the benefits of utilising New Dimension resources for incidents below Level 4.

Response to international incidents with New Dimension resources is, at present, not formalised; the only international response capability within the FRS is provided by the UK Fire Services' Search and Rescue Team (UKFSSART). The Authority would like to see the Assembly showing formal commitment, in the framework, to this highly skilled resource, and to the contribution UKFSSART provides to International communities in the event of major incidents, and not just in the short term.

The Authority is concerned that the Assembly has not made a statement, in this draft framework document, about their commitment to supporting FRAs in dealing with major staff absence, whether it be through industrial action, influenza pandemic or other cause(s).

We welcome the commitment of the Assembly to support FRAs in the procurement of Firelink and the continuing capital and revenue support for same. We would however like to see a categorical assurance that the FRAs will not be paying any more than currently unless they are comprehensively reimbursed. This assurance is sought before the existing systems are decommissioned and before a commitment is made.

As to the matter of FRA representation on the main Project Board, whilst we acknowledge that CFOA are well placed to do this, surely this is a matter for FRAs to determine and not for the WAG to direct?

## **6. Chapter 5 – People and People Development**

Equality and Diversity – the Authority considers that this needs to be linked very firmly to the Assembly Single Equality Strategy currently out to consultation and the Local Government equality standard.

Retained Duty System – we welcome recognition by the Assembly of the difficulties faced with the retained duty system and look forward to working in partnership to address this particular difficulty facing the FRS in Wales.

## **7. Chapter 6 – Performance Management to Drive Efficiency**

Notwithstanding that the Authority feels that Performance Management also drives improvement and not necessarily just efficiencies, we feel that it is not entirely appropriate for the Assembly to dictate what performance management systems will be used.

The Authority recognises the investment made by the Assembly in developing a pan-Wales software system and the assurance of continued funding until 2012. The Authority will be providing information to the data unit as part of its annual operational returns and is working to provide the additional data required for reporting as part of Ffynnon.

However, the Authority already has a well established and robust performance management system in which it has invested considerable time, money and effort over the last 3 years.

The draft framework directs FRAs to use Ffynnon. Where there are no existing systems in place this may well be beneficial but this will remove freedom of choice for those FRAs that currently have systems operating.

The Authority believes that the use of Ffynnon should not be mandatory.

### **Asset Management Plans**

Whilst the Assembly's requirements in this regard are understood, the FRAs have been excluded from specific guidance as given to Local Authorities over the last few years. Progress on this is, as a result, somewhat slower than other public bodies.

We believe that this needs to be recognised and expectations clarified. Whilst the Assembly's requirements in this regard are quite specific it will be important to ensure that specific guidance is produced for FRAs.

## **8. Framework Delivery Action Plan**

Whilst welcoming the clarity provided within the document, the Authority is concerned that there are large areas of significant and prescriptive detail within the delivery action plan, which could be restrictive in providing service delivery tailored to meet local circumstances.

Furthermore, much of this detail does not feature within the main body of the framework document and as such runs the risk of becoming lost to the reader.

The delivery action plan introduces some new major areas for inclusion within the Authority's RRP which are not included within the current suite of guidance or indeed the WPI framework.

Introducing issues as significant as these (there are many in the delivery action plan) almost hidden within the detail of an annex to the National Framework document, runs the risk of losing impact and focus.

It is the Authority's view that the National Framework should be a very high level strategic document giving clarity and purpose, vision and expectation of Government, not a detailed prescriptive plan detailing how local services should be run.

We collectively agree with the majority of the document and would wish to see it in place on a finalised footing to improve the standard of service to the communities in Wales.

The Authority does, however, have some concerns over the proposed governance arrangements, which appear to be excluding member engagement on the one hand yet advocating greater involvement on the other.

This needs to be thought through properly, taking account of the respective roles that Elected Members, the WLGA and CFOA can play.

The Authority hopes that the above comments will be useful in finalising the National Framework and looks forward to seeing the Assembly's response to consultation and the published version.