

Issues raised by BMKFA	Home Office Response
<i>Delivery of Core Functions</i>	
<p>BMKFA welcomes the focus on core functions and the additional emphasis made around prevention and protection activities and agrees that fire and rescue authorities can make a positive contribution to the delivery of public services locally, however not at the expense of delivery of core functions.</p>	<p><i>The revised Framework has been changed to clarify (para 2.6) that "this should not be at the expense of effective delivery of their statutory core fire functions". The Government has retained the requirement that wider activity should not be at the expense of core functions as fire and rescue services are ultimately funded to deliver core functions as outlined in the Fire and Rescue Services Act 2004 and no additional activity should be at the detriment of that.</i></p>
<p>This section appears to be heavily focused on life safety and fails to mention that FRSs have a role to play in identifying risk and preventing economic and social loss.</p>	<p>The Government did not respond specifically to this point in their report on the outcomes of the consultation. However, the new National Framework states at paragraph 2.4: <i>"Consideration could also be given to non-domestic premises which are at risk from fire in order to mitigate loss to economic wellbeing".</i></p>
<i>Inspection, Accountability and Assurance</i>	
<p>BMKFA agrees that the provision of data is essential for future evidence based decision making on policy and transparency. However, the current arrangements for providing data to the Home Office (in particular the Incident Recording System - IRS) is inefficient and outdated and requires government investment.</p>	<p>The Government did not respond to this point in their report on the outcomes of the consultation nor in the finalised framework document. However the Home Office set out how they intend to approach the renewal of the IRS system in a letter to CFOs and Fire Authority Chairs issued on 23 March 2018 (shown at Appendix D).</p>
<i>Achieving Value for Money</i>	
<p>The NFCC R&D function is still in its infancy and not yet in a position to satisfy all the needs of the UK FRS collectively. Also, many research projects are small scale and involve local collaborations with academic institutions. This allows academic development of individuals as well as supporting individual FRS needs. This should not be stifled...</p>	<p>The Government did not respond to this point in their report on the outcomes of the consultation. However the new Framework states at paragraph 5.15: <i>"Where fire and rescue services embark on research and development outside of any national programme, processes should be put in place to ensure it meets quality standards and, where possible and appropriate, is available to the sector to enable good practice to be shared".</i></p>

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<p>It would be helpful in this section to also define the role of the Centre for Applied Science and Technology (CAST) in supporting FRS research and development. Currently CAST is better established and financed by the Home Office to support Police, Border Force much more effectively than FRS. We feel this should change and CAST be supported by the Home office to work further with FRS, NFCC and the R&D function.</p>	<p>The Government did not respond to this point in their report on the outcomes of the consultation nor in the finalised framework document.</p>
Governance	
<p>NFCC - It would be fair to describe this subcommittee, which has no separate legal status from CFOA Ltd, as in an embryonic state. It is therefore questionable as to whether it is prudent to give the NFCC quasi-statutory status by recognition in the statutory National Framework and in the proposed revised statutory Protocol on Central Government Intervention Action for Fire and Rescue Authorities.</p>	<p>The Government did not respond to these points individually but summarised the feedback as follows: “There were a number of different comments on the role of the NFCC as outlined in the Framework including “...it is not clear however the mechanism or method by which a fire and rescue authority can effectively consult with the NFCC”, “there is a concern over the capacity of the NFCC to support potential expectations”, “the reference to NFCC needs to be stronger as the professional leadership and voice of FRSs” and “Home Office should provide the NFCC with financial support to best equip it to ensure it fulfils its remit”.</p> <p>It then responded as follows: <i>The NFCC has been involved in the drafting of the Framework and their views have been fully considered in its development. Home Office is content to discuss all relevant issues with the NFCC, including funding and structure, however we do not see these as being issues for inclusion in the Framework. Within the Framework, there is an expectation for engagement between the NFCC and individual FRAs and it is for them to determine the best mechanism for doing so.</i></p>
<p>It is suggested that fire and rescue authorities could consult and seek advice from the NFCC in their preparation of any action plans arising from an inspection (para 3.5)...</p> <p>It is not clear however the mechanism or method by which a fire and rescue authority can effectively consult with the NFCC within the meaning of the National Framework. Nor is it known whether the NFCC has the resources to provide, and the processes to sign off or endorse, the advice given in its name on any proposed action plan.</p>	

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<p>Paragraph 4.15 (expectation that FRS engage with NFCC and it, in turn, supports and represents every FRS) is merely a self-serving aspiration of the type found in the NFCC's 'arrangement and operating principles'. It can have no proper place in the National Framework.</p>	<p>As above.</p>
<p>Even if it were able to agree protocols for its internal approval of the level and type of support and advice it is unclear how the NFCC would be able to resource this, including managing potential conflicts of interests, when it is reliant on a pool of well-meaning volunteers and the tolerance of fire and rescue authorities which permit these volunteers to participate in these extramural activities.</p>	
<p>The same concerns pertain and become even more apparent in connection with the relationships which would be created with a fire and rescue authority, the Secretary of State, and the NFCC in the new role envisaged for the NFCC by the draft National Framework in the proposed revised statutory Protocol on Central Government Intervention Action.</p>	<p>The Government did not specifically respond to this point in their report on the outcomes of the consultation. However, the new Framework states at paragraph 6 of the Protocol on Central Government Intervention Action for Fire and Rescue Authorities (Annex D to the Framework document): <i>"HMICFRS will play a leading role in identifying any fire and rescue authority that is failing, or is likely to fail, in providing efficiency, effectiveness and leadership for the public. The NFCC and the LGA and/or APCC, will play an important liaison role in engaging the wider sector in supporting those authorities at risk and work collaboratively with key bodies, identify at an early stage serious risks to performance or the requirement to act in accordance with the Framework. The NFCC and/or Local Government Association and/or the Association of Police and Crime Commissioners will work with these bodies to prevent the escalation of those risks to avoid any risk to public safety or any negative impact on the reputation of the sector"</i>.</p>

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Workforce	
<p>Light on the promotion of workforce reform and recommendations from previous reviews (e.g. 2016 Thomas report).</p>	<p><i>The NFCC people strategy clearly articulates the areas which fire and rescue services should consider and put in place as part of their own workforce strategy. The framework allows flexibility for other strategies and work by other organisations to be considered by only stating minimum requirements. It would not be feasible to include every organisation and strategy that exists.</i></p>
<p>In 6.6 (dealing with re-appointment of principal fire officers post retirement) the opening line mentions 'same fire and rescue authority'. Can it be read that 6.7 extends this principle across all fire and rescue authorities and indeed other bodies related to fire and rescue authorities?</p>	<p>This point was not addressed specifically. However the following response was given to the generality of the issues around re-appointment of principal fire officers: <i>"As mentioned in the introduction to both the consultation document and this response document..., as we had previously consulted on the section about 're-engagement of senior officers' post-retirement we were not seeking further comments. However, several comments questioned whether this section was compatible with the principle of 'appointment on merit'... Response - If the retired senior officer was appointed through fair and open competition as being the best person for the job, the principles in this section of the Framework would not apply".</i></p>
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National Resilience	
<p>BMKFA note and approve the continuing commitment from Government to provide national resilience but would welcome a longer commitment to funding in order to improve resilience and assist with contingency planning.</p>	<p><i>Any national resilience capability gaps raised by FRAs would be considered and/or discussed at the Fire and Rescue Strategic Resilience Board. Following liaison, as necessary, with other government departments and the devolved administrations, decisions will be taken which would seek to address the matter raised. These matters will be considered on a case-by-case basis, with the solution not always being one relating to, or requiring, additional funding. Therefore, we believe it would be over prescriptive, and not add further clarity, to indicate any further funding at this stage.</i></p>

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<p>The addition of MTFA is noted along with the interpretation from Government that this 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 (Grey Book).</p>	<p><i>Responding to acts 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), and is encompassed within the broad descriptions within the existing agreed firefighter role maps: to save and preserve endangered life, and safely resolve operational incidents. To ensure no misunderstanding we have re-drafted this section to distinguish between terrorist attacks in general and Marauding Terrorist Firearm Attacks (MTFA) so now the Framework does not assert that MTFA has specifically been agreed as part of the Grey Book.</i></p> <p><i>Additionally, the Response section of the framework has been redrafted to clarify the position that fire and rescue authorities must make every endeavour to meet the full range of service delivery risks and national resilience duties - including MTFA duties - at all times, including periods when business continuity arrangements are in place. The draft Framework had restated this requirement within the MTFA section and that duplication has been removed.</i></p>