1. INTRODUCTION
1.1 The Fire (Scotland) Act requires Scottish Ministers to prepare a document setting out priorities and objectives, as well as guidance for Fire And Rescue Authorities in connection with the carrying out of their functions. That document is to be known as the Fire And Rescue Framework for Scotland, and a copy of a consultation draft was submitted to the last Fire Board meeting for members' information and interests. A further copy of the Fire And Rescue Draft Framework (Scotland) is attached as Appendix A.

1.2 At that meeting, I advised that I would bring forward a proposed response to the Board meeting on 22 April, 2005. The purpose of this report is to provide that proposed response to the Scottish Executive.

2. BACKGROUND
1.1 The Fire (Scotland) Bill passed its stage 3 reading on 23 February, 2005. The Act requires that Scottish Ministers prepare a document setting out priorities and objectives, as well as guidance, for Fire And Rescue Authorities in connection with the carrying out of their functions.

1.2 The purpose of the framework document is to set out policies, objectives and guidance for Fire And Rescue Authorities, and Joint Fire And Rescue Boards so that the public are properly protected from fire and other emergencies. The framework proposes standards for the Service and, in some specific circumstances, indicates how the Service should undertake particular functions. The aim of the framework is to provide a strategic direction.

1.3 The Draft Fire & Rescue Framework Consultation is divided into 7 chapters:
   * Chapter 1 – Introduction – Setting out purpose, context, need for a framework and legislative background;
   * Chapter 2 – Fire Prevention and Risk Management;
   * Chapter 3 – Intervention;
   * Chapter 4 – The Workforce;
   * Chapter 5 – Finance;
   * Chapter 6 – Resilience and New Dimensions;
   * Chapter 7 – Performance.
3. **PROPOSED RESPONSE**

3.1 The proposed response, which has been built upon the Board's earlier comments on the Fire (Scotland) Bill, is attached at Appendix B.

4. **RECOMMENDATION**

The Fire Board is invited to consider and agree the proposed response to the Scottish Executive Consultation Draft on the Fire & Rescue Framework for Scotland.

BRIAN ALLAWAY
FIREMASTER
7 April 2005
INTRORODUCTION

1.1 We welcome the opportunity to comment on the consultation draft of the Fire & Rescue Framework for Scotland. The draft framework is particularly welcome because it starts to put the 'flesh on the bones' of the Fire (Scotland) Act. The clarity which this starts to bring, and the continuation of such clarity, is essential to ensure that the Fire And Rescue Services can meet and deliver the modernising challenges which they face.

1.2 We welcome and support the general thrust of the framework, in particular:
- Integrated Risk Management Planning;
- Community Fire Safety;
- Working with Young People;
- Wilful Fire-raising;
- Fire Investigation;
- Integrated Personal Development System;
- Recruitment, Appointment, and Promotion Provisions;
- Diversity, Fairness, and Equality of Opportunity; and
- Use of Community Planning Partnerships.

1.3 The underlying principles within the framework are the delivery of continuous improvement and embracing best value. These principles are well recognised within the Service at this time, and their clear articulation is now welcomed.

ISSUES

However, we do continue to have some concerns, and these are detailed in subsequent sections of this response. Our particular concerns are detailed in paragraphs 3 and 4 below.

MINISTERIAL POWERS

Of particular continuing concern is the extent of Ministerial powers which are contained within the Act and the proposed framework. We accept that the Executive has intimated that these powers will only be used as a last resort but would strongly recommend that clear definitions of the situations under which they envisage these powers being used should be issued.

GOVERNANCE

4.1 The Act requires Fire & Rescue Authorities to have regard to the framework when carrying out their functions. Paragraph 12 of the draft framework provides Ministers with power to intervene if Authorities fail to act in accordance with the framework; this seems to cover every area of activity in which the Fire Service is involved, and has the potential to cause conflict in relation to proper governance of the Service. Clear definition would remove any ambiguity in respect of those powers.

4.2 One of the criticisms of the past has been the lack of strategic direction for the Service. The aim of the national framework is to provide that strategic direction.
4.3 The document published, however, does not provide that strategic direction but deals with procedural and operational aspects of the Service. In general terms, the framework should be non-prescriptive which would allow for input and joint decision-making between local and national levels on national priorities, as opposed to centralised imposition of such priorities. We believe this is a key feature into the development of the national framework but also one that provides an opportunity to provide a truly strategic direction for the Service, and which would allow it to truly modernise and to provide and integrate its service within the spirit of 'building a better Scotland'.
CHAPTER 1

We welcome the aim of the framework to provide a strategic direction for the Service. We do not believe, however, that the draft framework provides that strategic direction. The draft is overly prescriptive which will inhibit input and joint decision-making between local and national levels on national priorities. As presented, it provides for centralised imposition on fire and rescue priorities.

We welcome the reassurance on the role of locally, democratically-elected politicians, and on the primary duty of Fire & Rescue Authorities to provide a local service to our communities.

We accept and support the application of best value and the principle of continuous improvement within the Service. Lothian & Borders Fire Board is clear about its objectives, priorities and obligations to the communities which it serves. These are clearly evidenced in public documents.

We agree that clear and consistent objectives should be set for the service throughout Scotland. However, it is essential that the Service is engaged in a joint decision-making process to deliver those. We continue to be concerned about the wide-ranging powers provided to Ministers in regard to all aspects of the framework obligations.

ADVISORY STRUCTURE

In our earlier contribution we accepted the need to replace the Scottish Fire Brigades Advisory Council and, indeed, proposed an alternative structure. We look forward to the reporting on the separate consultation in regard to the advisory structure.
We fully support and accept the argument that the fatality rates which Scotland is experiencing are unacceptable in today's society. This reinforces the need to focus on community safety activities and, indeed, endorses the approach taken within Lothian & Borders for the last 15 years.

INTEGRATED RISK MANAGEMENT PLANS
We acknowledge that the standards of fire cover will be replaced and recognise that interim arrangements must be utilised until replacement standards are identified.

We accept and support the indication that Integrated Risk Management Plans (IRMPs) will be produced on an ongoing basis to provide for the modernised delivery of our service.

In respect of the Authority's strategy for IRMPs, we do not accept that provisions are required in regard to sustaining and improving the safety of fire & rescue service staff, and the general public, or in terms of providing value for money. These are already well-provided for within existing policies and procedures within the Brigade.

COMMUNITY FIRE SAFETY
We endorse and embrace the approach to making progress in partnership, and ensuring good practice with other agencies.

A fundamental aspect of this change in approach is targeting resources at those groups most at risk from fire. This is fundamental to our existing community safety ethos, and we fully support that element of the framework document.

We believe that the national strategy for community safety should be developed in conjunction with the Chief Fire Officers Association (CFOA) and brigades, to ensure its widest acceptance and endorsement within the Service.

WORKING WITH YOUNG PEOPLE
Lothian & Borders have a range of programmes aimed at assisting young people in the community. These are integral to a community fire safety approach, and we would be happy to assist and support a Community Fire Safety Co-ordinator through existing CFOA routes.

We acknowledge that the HM Fire Inspectorate Joint Thematic Report on Working with Young People may assist in the development of opportunities for assisting young people.

COMMUNITY PLANNING AND PARTNERSHIP WORKING
We fully accept and welcome the statutory duty to participate in the community planning process.

We also accept and support the comment on consultation and engagement on Integrated Risk Management and Community Fire Safety Planning. We look forward to the issue of Service-specific
guidance to the Fire & Rescue Services on community planning and partnership working. It should be noted, however, that arrangements are currently evolving and, in some cases, are already in place.

WILFUL FIRERAISING
We welcome the initiative to provide a national forum to provide leadership and organisation to all parties concerned, and anticipate an early and active involvement at both brigade and national level.

BUILDING REGULATIONS
We acknowledge and support the move towards a more risk-based approach which is in keeping with changes in fire safety law.

We welcome the functional standard for automatic life safety fire suppression systems and would further welcome developments of domestic suppression systems for all premises where sleeping accommodation is provided.
CHAPTER 3 – INTERVENTION

INTRODUCTION
Whilst we acknowledge and accept the need to develop our capacity to respond to the new challenges, such as terrorist incidents, it must be recognised that financial support for this will be necessary from the Scottish Executive.

STATUTORY DUTIES
We acknowledge and accept the core intervention duties of Fire Prevention Authorities. We look forward to the specification of additional functions arising from the consultation exercise currently being undertaken by the Scottish Executive.

EFFECTIVE RESPONSE
We accept the ethos of this section and, indeed, our current modernisation considerations, as approved by the Fire Board, address these issues.

UTILISATION OF RESOURCES
We accept that there is scope to improve the efficiency of Fire & Rescue Services and, indeed, a range of these are being actively pursued as part of our existing approach to the effective use of resources.

MUTUAL ASSISTANCE
We are currently undertaking research into possible ways to review the use of special appliances, and of the availability of senior Officers. This is part of our local modernising agenda.

INCIDENT MANAGEMENT PROTOCOLS
We acknowledge, accept and support the section dealing with incident management protocols.

FIRE INVESTIGATION
We accept and support the need to ensure effective fire investigation and are currently promoting such a provision, collaboratively, with neighbouring brigades.

We have developed a formal Memorandum of Understanding with Edinburgh University as part of our fire investigation development.

CONTINGENCY PLANNING FOR ANY FUTURE INDUSTRIAL ACTION
We acknowledge and accept the role expected of Fire & Rescue Authorities in regard to contingency provisions, including the supply of appliances and equipment, and the effective deployment of available personnel.
CONTROL ROOMS
We look forward to discussion about the future of Fire Control Rooms in Scotland. We would emphasise that it is essential that this issue be resolved as soon as practicable in the interests of both the Service and the staff currently working within Control Rooms.
CHAPTER 4 – THE WORKFORCE

We welcome and support the general thrust of this chapter. Collectively, they recognise that our most valuable resource is our workforce.

INTEGRATED PERSONAL DEVELOPMENT SYSTEM
We believe that a learning and development strategy should be drafted in collaboration with the Fire And Rescue Services.

RECRUITMENT, APPOINTMENT, AND PROMOTION
We acknowledge the resource-intensive nature of assessment and development centres and, on this basis, we are promoting a collaborative approach with neighbouring brigades. We would advocate this approach to all Authorities.

SCOTTISH FIRE SERVICES COLLEGE
We note the Executive expectations on Fire And Rescue Authorities, and can support them subject to appropriate funding being made available to the Service.

ABSENCE MANAGEMENT/ILL-HEALTH RETIRALS
We fully support the need to have effective absence management arrangements in each organisation and, indeed, such arrangements are already in place within Lothian And Borders. We question the appropriateness, however, of any targets being set nationally. This could be counter-productive, would dilute ownership and acceptance etc. Targets should reflect local need.

PAY
We fully support the continuation of Scotland as part of the UK-wide negotiating machinery.
CHAPTER 5 – FINANCE

TRANSITIONAL FUNDING
We acknowledge the Executive’s position in regard to pay increases. However, in making this acknowledgement, it must be recognised that achieving the self-financing must be subject to the outcome of IRMP considerations, ie we are unable to state at this time whether additional costs can be absorbed by making savings.

DISTRIBUTION OF GAE
We accept and support that the present methodology for distribution of GAE should continue until such time as meaningful IRMP data is available. To do otherwise could provide a disincentive to ‘modernisation’.

DISTRIBUTION OF CAPITAL CONSENT
We acknowledge and accept that Ministers can decide to retain a portion of Capital allocation to fund projects which would benefit all the Authorities but suggest that recognition must be given to the wider investment needs of brigades.

CHARGING BY FIRE AND RESCUE AUTHORITIES
We look forward to the outcome of the current consultation exercise on charging arrangements.
CHAPTER 6: RESILIENCE AND NEW DIMENSIONS

STATUTORY RESPONSIBILITIES OF FIRE AND RESCUE AUTHORITIES
We acknowledge and accept the stipulated statutory responsibilities of Fire And Rescue Authorities. We look forward to being consulted on the order which will bring forward proposals for proposed new duties. There will require to be clear financial provisions for such duties.

CIVIL CONTINGENCIES ACT 2004
We acknowledge and accept the statutory basis for development and improvement of the existing framework to reinforce co-operation between Emergency Services, Local Authorities and other front-line responders at a local level.

NEW DIMENSIONS
We acknowledge the financial contribution of the Scottish Executive in regard to New Dimensions equipment and specialist vehicles. Adequate arrangements will also require to be made for the ongoing revenue consequences of that investment.

In regard to the proposed mutual aid agreement, we look forward to discussing the draft agreement in due course.

FIRELINK
We note that Fire And Rescue Authorities will be required to contribute to the Revenue costs of this new radio system; however, the uncertainty of the impact on Brigade budgets is unacceptable. Transparent and early dialogue is essential for effective governance arrangements for Fire And Rescue Services. The co-operative working between the Firelink and New Dimensions Project Team is supported. However, transparent, inclusive and early dialogue is essential to ensure effective implementation.
REDUCING DEATHS AND INJURIES FROM FIRE
We fully accept and support that the reduction in fire fatalities must remain a priority for the Fire And Rescue Service, working with its partners. This is the key tenet of community planning arrangements in regard to our Service.

TARGETS FOR REDUCTIONS IN DEATH AND INJURY FROM FIRE
We acknowledge the Executive’s views about including targets for reductions in death and injuries from fire within Integrated Risk Management Plans.

RESPONSE TIMES
We note that the Executive will withdraw the recommended national standards of fire cover from 1 April, 2005.

We also note that HMFSI is discussing a benchmark speed of response for the first appliance to attend an incident which would be similar to the current recommended standards.

It is essential that response standards are articulated.

BEST VALUE AND EFFICIENT GOVERNMENT
We acknowledge, accept and support that Authorities will gain benefit from guidance in carrying out their functions.

The support of HMFSI in promulgating good practice is welcomed. We look forward to a dialogue on the impact of the Scottish Executive Efficient Government Plan on the Fire Service. It is unclear at this time what these impacts are likely to be.

Lothian And Borders, in common with all other brigades, has been involved in submissions to the Executive as part of the Efficient Government Initiative. These submissions include consideration of procurement issues.

PROCUREMENT
CFOA (Scotland) has evolved a joint approach to procurement which, we believe, will deliver efficiencies and effectiveness for the Service.

E-PROCUREMENT
Consideration has been given by brigades, including Lothian And Borders, to participation in the E-Procurement system provided by the Scottish Executive.
Whilst there are potential benefits in the participation of such an arrangement, the initial costs are such that it is difficult to identify the financial benefits which would accrue to individual brigades.

**MONITORING PERFORMANCE**

We support the principle of joined-up and collaborative arrangements for monitoring performance in the Service. There are areas of potential duplication and necessary collation of data. This requires to be streamlined as a matter of priority. Fire And Rescue Services require to be fully involved in dialogue about the provision and effective use of performance information.

We acknowledge and welcome the overriding aim of the Inspectorate in adding value to the delivery of safer communities.