



Fire and Resilience Programme In-Service Management
– Consultation
Summary of responses



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December 2009

Reference number: 09 FRO 6158

ISBN: 978-1-4098-2032-1

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Section 1

Background

Communities and Local Government (CLG) issued a 12 week consultation to the Fire and Rescue Service in England on 13 July 2009. The subject of the consultation was: *Options for the In-Service Management of the Fire and Resilience Programme (FiReControl, Firelink and New Dimension)*. The consultation sought views on which body should manage certain Fire and Resilience Programme functions as they become operational.

The consultation was sent to all fire and rescue authorities (FRAs), the Chief Fire Officers' Association (CFOA), the Local Government Association (LGA), the devolved administrations, regional control centres (RCCs), regional management boards (RMBs), local authority controlled companies (LACCs) and suppliers to the Fire and Rescue Service (FRS). It was distributed by e-mail and made available on the Department's website.

There were seven questions in the consultation document which are repeated in this document. The consultation closed on 5 October 2009.

Section 2

Summary

The 39 responses received to the consultation came from the following:

- 24 Fire and Rescue Authorities
- 2 regional Fire and Rescue Service bodies
- 5 private sector
- 4 RCC bodies; and
- 4 others bodies (LGA, CFOA, Firebuy Ltd. and the Fire Brigades Union).

Not all respondents gave responses to all of the questions raised in the consultation and some responses included general comments (summarised at the end of the document).

A summary of the responses received to each question and CLG's conclusions and proposed way forward, taking account of these responses, is set out in the following pages.

Section 3

Questions and responses

Question 1

Do you agree that the service contracts for Firelink and FiReControl should be managed by a non-departmental public body (NDPB) based on and incorporating Firebuy? If not, what alternative would you propose?

Summary of responses

The majority of those responding to this question – 20 – agreed that it would be appropriate for the service contracts to be managed by a Non-Departmental Public Body (NDPB) based on and incorporating Firebuy. Agreement to this was subject to a number of concerns and reservations noted and addressed below. Of the 11 respondents who disagreed this was mostly because they felt that the contracts should continue to be managed by CLG and felt that an NDPB would not provide adequate or appropriate stakeholder representation. Another eight respondents did not provide a firm or conclusive answer to the question, a number feeling that it was too early to decide.

CLG response

After considering the responses made to the consultation, CLG remains of the view that the most appropriate future arrangement for the management of the service contracts for Firelink and FiReControl would be for this to be undertaken by the NDPB based on and incorporating Firebuy. The reasons for this are set out in the consultation document i.e. it is consistent with the role that the current NDPB, Firebuy, is already undertaking for the New Dimension contract and the NDPB has the capability to take this on, although new skills and resources will be needed to deliver the role. There are also clear arguments against the other options considered.

However, the following clarification is offered in response to issues raised:

- 1) the transfer of responsibility of the service contracts from CLG to the NDPB will not be immediate. There will need to be clear transition arrangements worked up in close collaboration with all stakeholders so that transfer takes place when the time is right. The intention is that future arrangements for contract management are confirmed as soon as possible so that effective transition arrangements can be put in place.

- 2) CLG is not divesting itself of the responsibility for these contracts. The NDPB is a Government body answerable to Ministers and will meet the need for the contracts to be managed by an appropriately constituted and funded national body. The use of an NDPB for managing these contracts is not a transfer of risk away from the Department. The balance of risk between CLG and the FRS would stay as it is now.
- 3) CLG is conscious of the concerns about the funding of the in-service management function. The consultation made clear that the Department is committed to meeting the net additional cost of the Programme. The detailed costs of managing the service contracts (and providing national assurance) are currently being reassessed, as is the appropriate method and route for funding these roles. Proposals on this will be put to the sector in due course.
- 4) the management of the service contracts by an NDPB can also provide the sector with an effective voice in how this role is delivered – for instance through representation on the NDPB Board and/or through other stakeholder structures that are established for this purpose.

Some responses to the consultation questioned the logic of managing the FiReControl and Firelink contracts together and asked whether the future management of the Firelink contract should reflect the wider scope of the services provided by Airwave. CLG remains of the view that there are strong arguments for managing the contracts within the same organisation, as the two will together form a single communications network for England's FRAs. However, the need to also maintain close working arrangements with the other emergency services on the Airwave contract will remain.

Respondents have also questioned why decisions on the management of the service contracts and other functions need to be made now when the Fire and Resilience Programme is not due to be completed until 2012. From discussions with stakeholders, however, it is clear that it is important to have clarity now on how these functions will be managed in the future and to start planning for a smooth transition to those arrangements.

Question 2

Do you agree that the Board should include candidates nominated by key stakeholders? What other views do you have about the size and composition of the Board?

Summary of responses

Of those responding to this question, 18 agreed that the Board should include candidates nominated by key stakeholders but many qualified this either by suggesting additional ways in which stakeholders should be represented and/or that other structures were also needed.

The difficulty that having nominated posts might present for currently employed professionals within stakeholder organisations was highlighted.

There were 15 respondents who did not agree with the proposal for nominated candidates but did not answer “no” to this question. This was either because they did not want an NDPB involved in in-service management at all, or because they suggested a very different Board structure which would not be compatible with appointments to a public body – for example representation from each of the Regional Management Boards.

Others did not agree with the proposal because they felt there was a potential conflict of interest for stakeholder representatives on the Board of a body that may have different objectives and priorities from their parent organisation or because other – such as professional – skills were seen as more important to the Board than sector representation.

CLG response

CLG is appointing new independent representatives – a Chair and four board members – to the NDPB and three stakeholder representatives for the Board are also proposed.

The proposal in the consultation was for these representatives to be nominated by stakeholders and appointed by the Secretary of State to comply with the Commissioner for Public Appointments' *Code of Practice for Ministerial Appointments to Public Bodies 2009*. However, it is clear that this will present difficulties to stakeholders and CLG therefore intends to offer the alternative of representation through *ex officio* board members to: CFOA; LGA; and a representative of the LACCs running the RCCs. *Ex officio* appointees are full board members but are holders of particular positions within an organisation, rather than being appointed as individuals. The appointment of *ex officio* board members would not be regulated by the Office of the Commissioner for Public Appointments.

Question 3

Do you agree that the NPIA model of stakeholder engagement for Airwave would be the right one for the new NDPB to follow in relation to the Fire and Resilience Programme? Do you have another model you would like to propose? How else can stakeholders be engaged?

Summary of responses

Of those responding 12 agreed that this was the right model, and 10 disagreed for a variety of reasons. Others said they had insufficient information, backed other stakeholder arrangements, or did not answer the question (5 respondents).

CLG response

There appears to be a level of support for some form of additional and formal stakeholder arrangements in addition to representation on the Board of the NDPB. However, it was clear there was insufficient detail in this consultation to determine whether the NPIA approach provides an appropriate model.

It is proposed that the NDPB works up with the sector arrangements to ensure the full range of stakeholder views can be fed directly into the organisation and its key activities.

Question 4

Do you agree that, if possible, the national assurance functions should be carried out by the sector itself? If so, what model would you propose? If not, what alternative would you propose?

Summary of responses

There were 25 respondents who agreed that the national assurance functions should be carried out by the sector and 10 who did not. Of those who agreed with the proposal, this was in principle and not to be confirmed until the funding/risk/governance arrangements were confirmed. Some respondents said CFOA should lead on this role – as they do for New Dimension – others felt that it was too soon to say. A few respondents – mainly those from the RCCs – wanted arrangements confirmed as soon as possible.

Of those who disagreed with the proposal, the main reason given was that they felt that as this was a national function, it should therefore be the responsibility of Government – CLG. Some commented that the sector did not have the capacity to take the role on (particularly given the criteria set out in the consultation).

CLG response

See response at Question 5 below.

Question 5

Do you agree that if the sector is unwilling or unable to carry out the function in a way that meets the criteria set out in paragraph 41 of this consultation paper, it should be carried out by the NDPB which the Department proposes should manage the service contracts? If not, what alternative do you propose?

Summary of responses

Only 12 respondents agreed that the NDPB should take on national assurance if the sector could not. Another 17 said it should not. The rest either did not answer the question or their answers were inconclusive.

Of those that supported the idea, most qualified this by saying: that the NDPB would have to have the right stakeholder representation to reflect this role; functions should be clearly separated; and that it was too soon to make final decisions. The reasons given by those opposing this idea were a mixture of: those who felt the role should continue to be undertaken by CLG; those who felt that the sector should undertake the role; and those who felt the two functions should not reside in the same organisation.

CLG response (to Questions 4 and 5)

CLG has considered in detail the comments made by respondents and has also had further discussions with some key stakeholders about aspects of the national assurance role.

The consultation document set out the Department's view that it would be appropriate for the sector to take on responsibility for national assurance functions as long as certain key criteria are met. This would uphold the principle of devolving responsibility for activity to those with the right skills to undertake it, as close to the front line as possible. The Department has a strong interest in national assurance in order to protect the investment it has made in national resilience. However, the sector also has a strong interest in ensuring that the infrastructure which underpins the delivery of its core business is effectively maintained and operated.

The consultation responses indicate much agreement with the principle of sector ownership but have raised questions about who might exercise these functions on behalf of the sector, how the criteria set out in the consultation might be met and the appropriate timing for the transfer of the role. These issues will take time to resolve. However, it is

important both for the sector and for planning the future of the NDPB that there is a clear and agreed position as soon as possible on where ownership of national assurance functions will rest in the long-term.

As a result of the issues raised and the importance of getting this right, we do not propose to make a final decision at this stage about which organisation should carry out the national assurance function in the future. The principle options remain, as set out in the consultation paper, transfer to a sector-led body, such as the Chief Fire Officers' Association, or to the NDPB managing the service contracts. We will continue to discuss the implications of these options with stakeholders, together with the appropriate timing of the transfer of the function, over the coming months and will reach a final conclusion as soon as possible.

Question 6

Do you have views on whether the national assurance and service contract management functions should be carried out by the same organisation on practical grounds?

Summary of responses

There were 20 respondents who thought the functions could or should be undertaken by the same organisation and 12 who said they should not. The positive responses were a mixture of: those who felt that CLG should undertake both functions; those who thought that for practical reasons the same body (not identified) could/should carry out this role; and those who thought there were no strong reasons why the two roles should not reside in the same organisation. Those respondents that said that the functions should be undertaken by separate organisation did so either because they felt that the two roles should be seen to be independently delivered, or because they saw no practical benefit in combining them. Nevertheless, most also emphasised the need to retain strong links between the two roles whoever undertook them.

CLG response

The response to this question does not rule out the same organisation undertaking both of these roles. As the response to Question 4 makes clear, this is not the current CLG proposal, although it remains a fallback option.

If such an option were to be pursued, the issue of undertaking both roles in the same organisation, particularly the issue of potential conflicts between the roles, would need to be satisfactorily addressed.

Question 7

Do you have any comments on the high-level description of functions listed at Annex A?

Summary of responses

There were 17 respondents who had comments on the functions set out in Annex A to the consultation. Some other respondents commented that the descriptions required more work and that further consultation with users would be required. Specific comments are reported below.

CLG response

The functions identified within the contract management and national assurance roles are currently being reviewed and refined and the comments received in response to the consultation will be fed into this process. Further discussions will be held with both users and the organisations taking on these roles. The final proposals with the identification, division and allocation of functions will be determined in consultation with stakeholders.

Comments on the high level description of functions:

- Contract refresh and re-procurement strategy should be included in the list of functions
- More prominence should be given to dataset management (in the contract management role)
- In the procurement of new capabilities – 1(d) – it should be made clear who pays
- Disagree with some of the terminology used including comments on “service contract management” descriptions. Some disagreement on what is contract management and what assurance
- Rational description of functions but concerned about wider/longer-term implications of a removal of local decision-making discretion
- Some more clarification of the functions is needed. There needs to be further section covering other issues, such as performance, data, etc.
- Managing the national dataset is inadequately covered under contract management, as is re-procurement
- The Annex covers the ground but issues such as training may be outside scope and require separate/specialist treatment
- It is very unclear how co-operation with other responders – (g) under national assurance – would be implemented.

Other points raised in response to the consultation (not question specific):

- Assurance is required that arrangements meet and comply with all EU regulations, particularly procurement
- Clarity is required on the future role and governance of the National Co-ordination Centre
- There is a need to consider in-service management in the context of wider National Functions and FRS capacity/support
- Questions over how genuine the consultation is as changes to Firebuy are already in hand
- Time must be made available for FRAs to check proposals (legally) before implementation
- Too little time and information to consider issues properly
- Should consider case for aligning Firelink across three emergency services before decision to finally align with FiReControl
- There should be no change to existing arrangements until costs are finalised and FRAs fully covered, with all national resilience/assurance costs to be met by CLG
- The proposals show undue haste. There is a need for details on costs, confidence in ability to deliver, and a detailed transition plan before agreement can be given to new roles
- Should cover how re-procurement is to be addressed
- Need to ensure sale of services by third parties to FRAs/LACCs is in line with EU procurement directives
- It is difficult to respond until it is clear what the new NDPB will look like
- It is important that the contract management and national assurance functions are working to FRAs not usurping them
- There are unknowns over funding and responses do not imply the FRS is accepting any additional financial burden – or other risks.

These points will be taken into account as the in-service management arrangements are worked up and implemented following this consultation.

ISBN: 978-1-4098-2032-1

ISBN 978-1-4098-2032-1



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