

# EAST AYRSHIRE COUNCIL

11<sup>th</sup> DECEMBER 2003

## THE SCOTTISH FIRE AND RESCUE SERVICE: PROPOSALS FOR LEGISLATION

### Report by Director of Community Services

#### 1. PURPOSE OF REPORT

- 1.1 To provide an overview of the Scottish Executive's legislative proposals to modernise the fire service in Scotland and to propose a response by the Council.

#### 2. BACKGROUND

- 2.1 In April 2002, against a background of Scotland continuing to have more fire deaths/non-fatal casualties per million population than the other UK countries, the Executive published a document entitled 'The Scottish Fire Service of the Future' which set out a vision of the future for the fire service. The Executive has now published legislative proposals to achieve that view.
- 2.2 The proposals will lead to a focus on reducing risk as well as responding to incidents, thereby improving community safety, reducing casualty numbers and loss of property. The emphasis will be on decision making at a local level to meet local needs while ensuring an ability to meet national contingencies and mutual aid.
- 2.3 Following pilots in Strathclyde and Lothian and Borders areas, the national introduction of Integrated Risk Management Plans will signal a change from the existing standards of fire cover to the delivery of a balanced prevention and intervention approach.
- 2.4 Where it is sensible and desirable, account will be taken of the proposals of the Office of the Deputy Prime Minister.

#### 3. THE SCOTTISH FIRE AND RESCUE SERVICE: PROPOSALS FOR LEGISLATION

- 3.1 The Paper has 5 main chapters viz:-

- ❖ Chapter One The Scottish Fire and Rescue Service
- ❖ Chapter Two The Framework and Supporting Structure

- ❖ Chapter Three The Core Duties of the Fire and Rescue Service
- ❖ Chapter Four Organisation and Responsibilities
- ❖ Chapter Five The Workforce

- 3.2 Chapter One reprises the paper of 2002, 'The Scottish Fire Service of the Future' and identifies that the main drivers for change were prevention, intervention, the workforce and performance. In all, a total of 28 recommendations were made to achieve the aim of "A Scottish Fire Service which makes its full contribution to building a safer society by working with others to reduce death and injury, damage to property and the environment, from fire and other emergencies".
- 3.2.1 By updating the Fire Services Act 1947, the fire service will be proactive and focused on preventing fires rather than only reacting to a report of a fire thereby supporting the wider agenda of public safety, social inclusion and crime reduction. The Executive is also committed to a fire service that performs to a high standard and is well managed, cost efficient and effective.
- 3.2.2 To recognise the wider responsibilities, it is proposed that the fire service be renamed the Fire and Rescue Service. The title of Firemaster will be replaced with that of Chief Officer. The Strathclyde Joint Fire Authority will be renamed the Strathclyde Fire and Rescue Authority.
- 3.3 Chapter Two concentrates on the national framework and supporting structure, indicating that the current framework is inappropriate and restrictive. Currently, the National Standards of Fire Cover dictate how resources should be used and deployed locally. In addition, Ministers are also part of the process to determine location of fire stations, vehicles, equipment and personnel. The Executive would prefer these matters to be decided at a local level, following appropriate consultation.
- 3.3.1 The establishment of a new National Framework for the Fire and Rescue Service will provide strategic national direction and clearly state the Executive's expectations of the service with clear and consistent objectives. This Framework will complement the service's duty under Community Planning, particularly in the area of fire prevention and safety.
- 3.3.2 It will be a requirement of the Executive to prepare, publish and maintain the National Framework. The existing inspection, reporting and audit mechanism will ensure that Fire and Rescue Services are working to the agreed objectives and would also be used to disseminate best practice.
- 3.3.3 The existing national Scottish Central Fire Brigades Advisory Council would be replaced by a more streamlined and dynamic process. To ensure consultation with stakeholders, it is suggested that a Practitioners

- Forum be established with membership drawn from CoSLA and CACFOA and other practitioner representatives, not otherwise specified at this time. The remit and membership of the current Scottish Sub-Committee of the Fire Safety Advisory Board would be extended to form a new forum to provide a platform for influencing the development of policy under the National Framework.
- 3.4 Chapter Three reflects that the core duties of the fire service have changed since the Fire Services Act, 1947. The number of primary fires is in decline, but at the same time, the number of requests for special services, predominantly extrication of casualties from road traffic collisions, has increased by 65% over the past 13 years.
- 3.4.1 The core duties of Fire and Rescue Services will be firefighting and intervention; fire prevention; road traffic accidents; serious non-fire emergencies and fire safety enforcement.
- 3.4.2 It is proposed to introduce, on a national basis, a balanced prevention and intervention approach through Integrated Risk Management (IRM). Fire and Rescue Authorities will be required to produce Integrated Risk Management Plans (IRMPs) and to consult publicly on these plans.
- 3.4.3 Fire safety legislation will be fundamentally reformed, and will be based on risk assessment based principles. The key elements of the new regime will apply to all workplaces and other non-domestic premises. Fire Certificates will be discontinued but will be replaced by a requirement to register with the Fire and Rescue Authority who will carry out periodic checks to ensure compliance.
- 3.4.4 Fire and Rescue Authorities will be given a core duty to be the enforcing authority for the new fire safety legislation. Fire and Rescue Authorities will be expected to liaise closely with local authority departments with enforcement powers under the Building Scotland Act 2003.
- 3.4.5 New powers will be introduced to enable fire officers to investigate the cause of a fire in premises with officers having simple powers of entry and authorisation to take samples, or seize articles, and carry out any tests for the purposes of investigation.
- 3.5 Chapter Four refers to future organisation and responsibilities. Fire and Rescue Services will be organised in such a way that they have greater freedom and flexibility in determining how best they deliver their core functions. In addition to providing Best Value, fire services have also been required to contribute to Community Planning and provided with the Power to Advance Well Being, which also provides scope for charging, albeit not in respect of putting out fires. The Executive will ensure that Fire and

Rescue Authorities have the potential to recover costs when it is considered that the service has been misused or is used for commerce. Views and suggestions are sought in respect of charging.

- 3.5.1 It is intended to review an earlier Executive decision not to change the number of brigades in Scotland. Further information will be sought to assess the most appropriate structure to deliver an effective and safe service for the public and firefighters within Best Value parameters.
- 3.5.2 It is proposed that there are distinct advantages to be gained by placing some key support services on a national footing, with Ministers taking powers to impose requirements on Fire and Rescue Authorities to use and maintain specified equipment or services for all of their core duties. In relation to serious non-fire emergencies, Ministers will also be able to prescribe what provision for equipment Fire and Rescue Authorities should be required to make, thereby ensuring that Authorities purchase compatible equipment.
- 3.5.3 It is further highlighted that certain areas of work, such as funding and administration of pensions; human resource issues; training and administrative and financial support functions would benefit from a common approach. It is proposed that a Common Fire Services Agency would best achieve such services. It is intended to publish terms of reference and working arrangements with a period of consultation.
- 3.5.4 It is also proposed that a Best Value Review of Fire and Rescue Control Rooms be carried out to determine the optimum position. Ministers would be given necessary powers to implement new control room arrangements.
- 3.5.5 It is proposed that Fire and Rescue Authorities be given powers to enable them to enter into arrangements with any other relevant organisation or individual to ensure effective discharge of core duties other than firefighting.
- 3.5.6 The Executive indicates that a review is required of the formula used to determine the most appropriate distribution of funds to fire authorities. Such changes could be incorporated into statute if deemed necessary.
- 3.6 Chapter Five concentrates on the workforce. Concerns have been previously expressed about a wide range of existing personnel policy, procedures and practices throughout the service.
  - 3.6.1 In light of the recommendations of the Independent Review of the Fire Service and, in the aftermath of the pay dispute, the Heads of Agreement reached between CoSLA, the Fire Brigades Union and the Local Government Association, it is deemed appropriate to introduce a

framework that will assist with changes in conditions and work practices. A national approach will be maintained in respect of the National Joint Council, Pensions, Discipline, Disputes Procedures and Appointments and Promotions Regulations.

- 3.6.2 In respect of pay, the Executive considers that the current negotiating machinery is too unwieldy and excludes central government from the process. The paper remains silent on any proposals in respect of pay.
- 3.6.3 A Short Term Working Group has been tasked with making recommendations in respect of pensions. While the final report has yet to be submitted, the paper identifies that the main recommendations will be around the need to amend the funding methodology for the scheme so as to increase the predictability of pension costs at authority level. Any additional pension costs relating to early retirement would continue to be borne by the authority. A wider definition of 'firefighter' will be sought.
- 3.6.4 The current disciplinary processes are not considered appropriate for the modern workplace. These regulations will be repealed and replaced with an efficient and modern process, providing a system consistent with the one available to other local government employees.
- 3.6.5 To ensure that the service has the right people in the appropriate role, a multi tier entry and accelerated promotion scheme will be introduced.
- 3.6.6 The current 12 ranks will be replaced with 7 roles. The introduction nationally of an Integrated Personal Development System (IPDS) will properly reflect the needs of the Fire and Rescue Service and shall ensure that the right skills base is achieved.
- 3.6.7 It is indicated that work on the Thematic Inspection of Rural and Retained Firefighters would continue, with research aimed at investigating how part time firefighters could be integrated further.

#### **4. ISSUES**

- 4.1 Whilst the basis of the consultation paper is the modernisation of the fire service and the inclusion of a number of matters which formed part of the pay settlement for firefighters and other Brigade staff there are a number of issues on which the Council may wish to respond. These can be summarised as follows:-
  - 4.1.1 Fire services have traditionally been provided by local authorities and the current joint board model is working well. Throughout the paper there is an underlying theme of centralisation of services. It is therefore felt that the Executive be advised that it is the view of this Council that fire services

be regarded as a local authority service and the proposed legislation drafted accordingly.

- 4.1.2 Arising from the general terms of the consultation and in particular from the proposal to develop a national framework it should be stressed that maximum flexibility should remain with local authority elected members as members of Joint Boards to allocate resources to match local demands and requirements. Whilst it is accepted that the fire service has a duty to secure best value it is felt that there may be a need for a degree of transitional funding to pump prime the introduction of new legislative duties.
- 4.1.3 The new duty to respond to non-fire emergencies may result in the requirement for new types of specialist equipment. This should be regarded as a new burden and funded accordingly.
- 4.1.4 The proposals to reform fire safety legislation are welcomed. However, an intensive information awareness campaign will be required to ensure that landlords and businesses are fully aware of their new legal obligations.
- 4.1.5 The proposal to make community safety a statutory obligation for fire services is welcomed and this proposal links well with the East Ayrshire Community Plan and Community Safety Strategic Partnership arrangements.
- 4.1.6 The proposal to review the feasibility of linking command and control centres must be treated with extreme caution and examined in detail. However, no action should be taken which will result in any diminution of existing services.
- 4.1.7 The intention to take powers to impose a requirement on fire services to use and maintain specified equipment is noted. In terms of EU Procurement legislation, this may create some difficulties. Any such proposals must not be detrimental to existing indigenous business in Scotland.
- 4.1.8 Throughout the paper there are several references to Ministers taking powers. It is therefore felt that further clarification is required on the perceived need for this and that absolute transparency and openness regarding the process is exercised; in this respect careful regard should be had to the locus of local authorities in relation to what should continue to be a local authority service.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no direct financial implications arising from this consultation although the same may not be true of the proposed legislation when enacted. It is however not possible to quantify these at present.

## **6. LEGAL AUTHORITY/ IMPLICATIONS**

- 6.1 Nil.

## **7. POLICY IMPLICATIONS**

- 7.1 In many respects the proposals link well with the East Ayrshire Community Plan and in particular the section on Improving Safety

## **8. CONCLUSIONS**

- 8.1 The Executive is committed to modernising the fire service in Scotland and to introducing reforms that will lead to a service that focuses on reducing risk as well as responding to incidents, so that community safety is improved with fewer casualties and loss of property, with greater emphasis to be placed on fire prevention and community safety.
- 8.2 The content of the consultation paper is welcomed in general terms. It provides the basis for developing new fire safety legislation which is felt to be essential to meet the changes in technology and society since the existing legislation was made over fifty years ago.
- 8.3 The consultation paper describes the proposals in the broadest of terms and in many instances lacks detail. It is therefore felt that in addition to the specific issues outlined in section 4, the Executive should be requested to consult further with fire authorities and the Convention of Scottish Local Authorities on such matters as the proposed national framework etc. This would allow additional opportunity to ensure that the legislation provides the highest degree of fire safety.

## **9. RECOMMENDATIONS**

- 9.1 It is recommended that Council:-
- (i) consider the issues set out in section 4 of this report;
  - (ii) remit to the Director of Community Services to advise the Scottish Executive accordingly; and
  - (iii) otherwise note this report.

William Stafford  
Director of Community Services

WS/JS

25<sup>th</sup> November 2003

### **LIST OF BACKGROUND PAPERS**

1. The Scottish Fire and Rescue Services Proposals for Legislation – Scottish Executive 2003.

Any person wishing to inspect the background paper above should telephone 01563 576023 and ask to speak to William Stafford, Director of Community Services.

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