

Government Guidance Documents: Statement of Assurance and Intervention Protocol

Report of the Chief Fire Officer

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1 Purpose of Report

This report brings to the attention of Members guidance in respect of Annual Statements of Assurance and the revised Intervention Protocol.

2 Recommendations

The Committee is asked to note the contents of this report.

3 Background

The Department for Communities and Local Government (DCLG) has recently (14 May 2013) published guidance documents in respect of Statements of Assurance and the revised Intervention Protocol.

These documents are available at:

- <https://www.gov.uk/government/publications/statements-of-assurance-for-fire-and-rescue-authorities-in-england>.
- <https://www.gov.uk/government/publications/protocol-on-government-intervention-action-on-fire-and-rescue-authorities-in-england>.

4 Statement of Assurance

The requirement to provide statements of assurance is set out within the Fire and Rescue National Framework 2012 (paragraph 3.2). Details relating to the requirement were reported to the Fire Authority in February 2013, with the Authority approving proposals¹ to prepare and publish a forward looking Service Plan 2013/14, and backward looking Annual Report 2012/13 (subtitled as the 'Annual Statement of Assurance'). The latter document, when published later this year, will satisfy DCLG requirements (as set out in the recently issued guidance).

5 Intervention Protocol

This intervention protocol (the protocol) broadly sets out the arrangements between the Secretary of State, the Local Government Association (LGA) and fire and rescue authorities, should formal intervention be considered necessary.

The protocol is a requirement under section 23 of the Fire and Rescue Services Act 2004 and, as such, it has been revised and updated, removing anomalies and bringing it in line with current Government procedures for dealing with underperforming or failing fire and rescue authorities.

Intervention is by order and can only be made, if the Secretary of State considers it would promote public safety, the economy, efficiency and effectiveness of the relevant fire authority, or the services it provides. To date there has been no formal intervention in the operations of a fire and rescue authority. Use of this power is seen as a last resort.

No intervention would be considered unless there were clear evidence that an authority was failing to act in accordance with the Framework, and that the failure was so serious as to require Government intervention. In the event that statutory intervention is considered necessary, the Secretary of State will consult both the authority concerned and the LGA, and any other body or authority which he/she considers necessary, before exercising his/her powers of intervention.

The recently issued guidance provides details regarding the role of the LGA in supporting authorities at risk, the circumstances leading to statutory intervention and what happens upon statutory intervention.

6 Financial Implications

There are no additional financial implications to the Fire Authority associated with the preparation and publication of the Statement of Assurance or the introduction of the revised intervention protocol.

¹ <http://www.shropshirefire.gov.uk/sites/alpha.shropshirefire.gov.uk/files/fra/14-preparation-of-annual-service-plan-and-statement-of-assurance.pdf>

7 Legal Comment

Section 21 of the Fire and Rescue Services Act 2004 provides the statutory authority for the Fire Service National Framework and requires fire and rescue authorities to have regard to the Framework in carrying out their functions.

Members should have due regard to the new Framework and, in particular, paragraph 3.2 (requirement for statements of assurance, as discussed above).

Section 23 of the Act makes provision for the intervention protocol.

8 Equality Impact Assessment

An Initial Equality Impact Assessment has previously been completed.

9 Appendices

There are no appendices attached to this report.

10 Background Papers

Department for Communities and Local Government

- Fire and Rescue Service National Framework² (2012)
- Guidance on the statements of assurance for fire authorities in England³ (2012)
- Guidance on statements of assurance for fire and rescue authorities in England⁴ (2013)
- Protocol on government intervention action on fire and rescue authorities in England⁵ (2013)

Shropshire and Wrekin Fire and Rescue Authority

- 13 February 2013, Agenda Item 14: Preparation of Annual Service Plan and Statement of Assurance⁶

² <http://www.communities.gov.uk/documents/fire/pdf/2039159.pdf>

³ <https://www.gov.uk/government/consultations/guidance-on-statements-of-assurance-for-fire-and-rescue-authorities-in-england>

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/198812/130510_Guidance_on_Statements_of_Assurance.pdf

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/198825/130510_Intervention_Protocol.pdf

⁶ <http://www.shropshirefire.gov.uk/sites/alpha.shropshirefire.gov.uk/files/fra/14-preparation-of-annual-service-plan-and-statement-of-assurance.pdf>