

# Final Business and Regulatory Impact Assessment

## Title of Proposal

Transitional Fire & Rescue Framework for Scotland as brought into force by SSI – The Fire and Rescue Services (Framework) (Scotland) Order 2012.

## Purpose and intended effect

- **Background**

Fire and rescue services in Scotland currently consist of two fire and rescue Authorities and six Joint Boards. They provide services to 5.2 million people across an area of 7.9 million hectares. On the 31 March 2011, the headcount for fire and rescue service staff (including volunteers) in Scotland totalled 9,024.

Strategic policies, objectives and guidance for the fire and rescue services are currently set out in the 2005 **Fire and Rescue Framework for Scotland**. The Framework makes clear what Ministers, on behalf of the people of Scotland, expect from the fire and rescue services in Scotland, and the support which the Government will give to ensure that those expectations can be met.

### ***Fire Reform***

The Scottish Government has announced its intention to establish a single fire and rescue service for Scotland to protect and improve frontline services in communities in the face of reduced budgets. Reform is essential to keep our communities safer and stronger. The Scottish Government also intends to create a clear modern purpose for the Scottish Fire and Rescue Service to reflect the role it plays in 21<sup>st</sup> Century Scotland.

A full BRIA on the impact of the reform of the service has been carried out and can be accessed here: [www.scotland.gov.uk/Resource/Doc/357527/0120779.pdf](http://www.scotland.gov.uk/Resource/Doc/357527/0120779.pdf)

- **Objective**

The Transitional Fire & Rescue Framework for Scotland sets out Scottish Ministers' expectations of Fire & Rescue Authorities (FRAs) in contributing to the fire reform agenda to ensure a smooth introduction for the new Scottish Fire and Rescue Service (SFRS), whilst maintaining current fire and rescue outcomes over that period of transition. The objective of the framework is to provide guidance and support to FRAs on the priorities and objectives for the service.

The main themes for the Framework are:

- to protect frontline outcomes over the transition period;
- to ensure that those best placed to participate in the design of the new arrangements are given support to do so;
- to ensure that any major decisions are made consistently across the eight services and with due regard to future structure; and

- to help protect the people, experience, processes, assets and resources that will underpin the future delivery of world class services.

It also sets out the support which the Scottish Government will give to ensure that these expectations are met.

The central aim of the Framework is to ensure that contributing to and delivering the reform agenda is considered a priority activity for Services over the transition period, while ensuring that decisions around current business, covering for example policy and procedure, capital and revenue investments, workforce planning and organisational development are made with due regard to the single service of the future and support and enable that convergence.

- **Rationale for Government intervention**

In setting the transitional Framework, the Scottish Government aims to protect the contribution that the Services make to achieving the following outcomes:

- **we live our lives safe from crime, disorder and danger** (National Outcome 9);
- **we have strong resilient and supportive communities where people take responsibility for their own actions and how they affect others** (National Outcome 11);
- **our public services are high quality, continually improving, efficient and responsive to local people's needs** (National Outcome 16); and
- **we live longer, healthier lives** (National Outcome 6).

The government also needs to ensure, as progress is made towards the introduction of a new, effective and efficient, 21<sup>st</sup> century Scottish Fire and Rescue Service, that the input, knowledge and expertise of those best placed to help design it is maximised, and that the resources on which it will be founded are protected.

The Framework therefore sets out transitional outcomes and activities that will guide the FRAs in striking the balance between ensuring consistency of operation, with sufficient resource allocated to ongoing activities, and having due regard to the move to a single service.

## **Consultation**

- **Within Government**

Within Government, we have consulted with colleagues within Fire & Rescue Services Division, Police and Fire Reform Division, Scottish Resilience and the Scottish Fire & Rescue Advisory Unit. Justice Analytical Services have also been consulted and provided information on key performance indicators for the outcomes and activities set out in the framework. We have also taken advice on mainstreaming equality and diversity throughout the framework.

- **Public Consultation**

Early informal consultation has taken place with the Fire Reform Programme Co-ordinator and work-stream leads from the fire service. Furthermore, all employee representative bodies (including the Fire Brigades Union) and COSLA also contributed to early discussions.

A draft of the framework was subsequently circulated to members of the

Ministerial Advisory Group on Fire and Rescue Services (MAG) for comment. As well as Scottish Government members, MAG consists of representatives from:

The Chief Fire Officers Association Scotland  
The Scottish Fire Conveners' Forum  
The Fire Brigades Union  
The Fire Officers' Association  
The Association of Principal Fire Officers  
The Retained Firefighters' Union  
UNISON  
The Scottish Fire Services College  
COSLA

A targeted formal consultation, as required by the Fire (Scotland) Act 2005 has been undertaken with relevant stakeholders (i.e. Services and representative bodies) between 10 February and 23 March 2012.

- **Business**

No consultation specific to business has been carried out. The impact of the transitional framework falls solely on Fire & Rescue Authorities.

#### **Options**

**Option 1** – Retain the 2005 Fire and Rescue Framework for Scotland.

**Option 2** - Introduce the Transitional Fire & Rescue Framework for Scotland.

- **Sectors and groups affected**

The impact of the transitional framework is expected to be solely on Fire & Rescue Authorities.

- **Benefits**

**Option 1** – Retention of the existing 2005 Fire and Rescue Framework would incur no costs but could risk the financial stability and viability of the new single service. This approach runs the risk of leaving the Fire Rescue Authorities unprepared for harmonisation into the new Scottish Fire and Rescue Service.

**Option 2** – The introduction of the Transitional Framework will ensure a smooth introduction for the new Scottish Fire and Rescue Service (SFRS), whilst maintaining current fire and rescue outcomes over the period of transition. It will maximise the input, knowledge and expertise of those best placed to help design the new service, and protect the resources on which it will be founded. It will help to ensure that investment decisions are consistent with the future of a single service and that the financial stability of the single service is protected.

- **Costs**

**Option 1** – no monetary cost

**Option 2** – no monetary cost

#### **Scottish Firms Impact Test**

No impact test has been carried out. There will be no impact on Scottish firms.

- **Competition Assessment**

No impact on the competitiveness of any business is anticipated.

- **Test run of business forms**

The proposed framework will not introduce any statutory business forms.

**Legal Aid Impact Test**

The proposals do not create any new criminal sanctions or civil penalties. It is not anticipated that these proposals will have any impact on use of the legal aid fund.

**Enforcement, sanctions and monitoring**

Section 41 of the Fire (Scotland) Act 2005 requires Fire and Rescue Authorities to have regard to the Framework when carrying out their functions. The Scottish Ministers have the power to intervene if they consider that the authorities are failing, or are likely to fail to act in accordance with Framework by setting out, by order, an obligation for an authority to take a particular action or to refrain from taking a particular action, to ensure they act in accordance with the Framework. Before making such an order, the Scottish Ministers must consult the authority.

**Implementation and delivery plan**

The framework will be brought into force by an Order in the Scottish Parliament. We aim to bring the Framework into force before the summer 2012 Parliamentary recess.

- **Post-implementation review**

Once the new Scottish Fire and Rescue Service has been established, there will be a requirement for a new ongoing framework. At this time the existing framework will be reviewed in full.

**Summary and recommendation**

Option 2 is being recommended because the Scottish Government considers that it is necessary to ensure a smooth introduction for the new Scottish Fire and Rescue Service, whilst maintaining current fire and rescue outcomes over the period of transition.

- **Summary costs and benefits table**

	<b>Costs</b>	<b>Effect</b>
Option1	None	Could risk the financial stability and viability of the new single service
Option 2	None	Will help to ensure the smooth introduction of the new service.

**Declaration and publication**

I have read the impact assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland

**Signed:****Date:**

**Roseanna Cunningham MSP**  
**Minister for Community Safety and Legal Affairs**

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