

# Final Business and Regulatory Impact Assessment

## Title of Proposal

Fire & Rescue Framework for Scotland 2013 which will be brought into force by SSI – The Scottish Fire and Rescue Service (Framework and Appointed Day for Strategic Plan) Order 2013.

## 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 2012, the headcount for fire and rescue service staff (including volunteers) in Scotland totalled 9,040.

### **Fire Reform**

The Scottish Government 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.

A full BRIA on the impact of the reform of the service has been carried out and can be accessed here:

<http://www.scotland.gov.uk/Resource/0038/00385843.pdf>

Section 40 of the Fire (Scotland) Act 2005 (“the 2005 Act”) (as amended) sets out the requirement for Scottish Ministers to prepare a framework document setting out priorities and objectives for the Scottish Fire and Rescue Service (SFRS) in connection with the carrying out of its functions.

Strategic policies, objectives and guidance for the fire and rescue services are currently set out in the **Transitional Fire and Rescue Framework for Scotland 2012**. The central aim of the Transitional Framework was to ensure that contributing to and delivering the reform agenda was 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 were made in line with the requirements of the SFRS.

### **The Police and Fire Reform (Scotland) Act 2012**

The Police and Fire Reform (Scotland) Act 2012 (‘the 2012 Act’) provides the statutory basis for fire reform, creating the SFRS to replace the existing fire and rescue authorities and joint fire and rescue boards. The 2012 Act establishes the SFRS to provide fire and rescue services across Scotland. This will include the Scottish Fire College, the Firelink communications

system and specialist capacity to respond to chemical, biological, radiological or nuclear incidents. The 2012 Act also amends some of the fire safety responsibilities to take account of fire reform.

- **Objective**

The Fire and Rescue Framework for Scotland 2013 ('the Framework') provides guidance and support to the SFRS on its priorities and objectives, set in the context of the overarching purpose that the SFRS should adhere to in carrying out its functions. It sets out Scottish Ministers' expectations of the SFRS as the challenge of bringing together the best from the previous eight fire and rescue services to build a modern, effective and efficient SFRS continues.

The main themes for the Framework are:

- **the new governance and accountability landscape, including planning, reporting and performance management**
- **protecting and improving local services and reducing duplication**
- **more equal access to specialist support services and national capacity**
- **strengthening the connection with communities**

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

- **Rationale for Government intervention**

Section 40 of the 2005 Act (as amended) sets out the requirement for Scottish Ministers to prepare a framework document setting out priorities and objectives for the SFRS in connection with the carrying out of its functions.

The Scottish Government's Purpose places sustainable economic growth as the central ambition across the Scottish public sector, and the SFRS has a crucial role to play in helping to achieve that Purpose. The Purpose is underpinned by five strategic objectives: to make Scotland **wealthier & fairer, smarter, healthier, safer & stronger, and greener**. The SFRS makes a contribution across all five of these strategic objectives, although its core contribution is in making our communities **safer and stronger**.

Sixteen national outcomes support these strategic objectives and the work of the SFRS contributes to many of these, although four in particular underpin our shared aspirations:

- **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 2012 Act provides the statutory underpinning for the SFRS by establishing it as a corporate body with clear national governance arrangements, including specific roles and responsibilities for the Scottish Ministers.

## **Consultation**

- **Within Government**

Within Government, we have consulted with colleagues within Fire & Rescue Services Division, the Public Bodies Unit, 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 as well as climate change responsibilities throughout the framework.

- **Public Consultation**

This Framework has been developed in partnership with the Fire Reform Programme Co-ordinator and work-stream leads from the fire service, including the new Chief and Chair of the SFRS. Furthermore, all employee representative bodies (including the Fire Brigades Union) and COSLA also contributed to early discussions.

A draft of the framework was 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 public consultation was subsequently undertaken between 26 November 2012 and 18 February 2013.

- **Business**

No consultation specific to business has been carried out, although the Fire Industry Association responded, in light of which the Framework was amended to include additional references to the business sector. The public consultation was open to responses from any individual or organisation.

## Options

### **Option 1 – Do nothing. Continue with the Transitional Fire and Rescue Framework**

Section 40 of the 2005 Act sets out the requirement for Scottish Ministers to prepare a framework document setting out priorities and objectives for relevant authorities in connection with the carrying out of their functions. Whilst the Transitional Fire and Rescue Framework for Scotland is currently in place, it clearly states that a Fire and Rescue Framework will be developed for the new SFRS. On the 1 April 2013 the eight fire and rescue services referred to in the Transitional Framework will no longer exist, therefore that framework will no longer be relevant.

### **Option 2 – Introduce the Fire & Rescue Framework for Scotland 2013.**

- **Sectors and groups affected**

The impact of the framework is expected to ensure that the SFRS delivers the 3 main aims of reform;

- to protect and improve local services, despite financial cuts, by stopping duplication and not cutting frontline outcomes
- create more equal access to specialist support services and enhancing national capacity – like flood rescue – where and when they are needed
- strengthen the connection between fire services and communities by creating a new formal relationship with all 32 local authorities, creating opportunities for many more locally elected members to have a formal say in fire and rescue services in their areas, and better integration with community planning partnerships.

- **Benefits**

**Option 1 – There are no benefits**

**Option 2 –** Introduction of the Fire and Rescue Framework for Scotland 2013 will set out Scottish Ministers' expectations of the SFRS and assist the service to achieve the challenge of bringing together the best from the previous eight fire and rescue services to create a modern, effective and efficient SFRS.

- **Costs**

**Option 1 –** no monetary cost. Failure to produce a framework for the new single service will put Scottish Ministers in breach of Section 40 of the 2005 Act.

**Option 2 –** no monetary cost

## **Scottish Firms Impact Test**

Discussions with those currently involved in procurement within the fire and rescue services indicated that, potentially, impacts would be felt at a much more local level depending on any future changes made by the new service.

For example, small firms that provide catering, or building maintenance work such as plumbing or carpentry. Such businesses could well be affected by any decisions taken on relocation of internal service functions. This is beyond the scope of the Fire and Rescue Framework for Scotland and therefore a further impact assessment must be carried out by the implementation teams within the new service when they are assessing the impact of detailed plans in the future. The need for SFRS to continue to develop the Business and Regulatory Impact Assessment throughout the period following establishment of the new service is recognised.

### **Competition Assessment**

Using the Office of Fair Trading (OFT) competition filter questions below, it has been established that the preferred policy option is unlikely to have any impact on competition. We have concluded therefore that this framework will not limit the number or range of suppliers directly or indirectly nor will it limit the ability or reduce the incentives of suppliers to compete.

#### **Directly limit the number or range of suppliers?**

e.g. will it award exclusive rights to a supplier or create closed procurement or licensing programmes?

**No** – the proposed framework does not include any changes to current procurement practices.

#### **Indirectly limit the number or range of suppliers?**

e.g. will it raise costs to smaller entrants relative to larger existing suppliers?

**No** - the costs are unaffected by the proposed framework.

#### **Limit the ability of suppliers to compete?**

e.g. will it reduce the channels suppliers can use or geographic area they can operate in?

**No** - the only channel suppliers use to compete will remain the national advertising portal for Public Contracts in Scotland as now. The new Scottish Fire and Rescue Service will be listed in Regulation 3 of The Public Contracts (Scotland) Regulations 2006 and is therefore expected to comply with the Scottish Procurement Policy Handbook.

#### **Reduce suppliers' incentives to compete vigorously?**

e.g. will it encourage or enable the exchange of information on prices, costs, sales or outputs between suppliers?

**No** - it will have no impact on suppliers' incentives to compete.

- **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. Having consulted the Access to Justice and EU and International Strategy Team, 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 2005 Act (as amended) requires Fire and Rescue Authorities to have regard to the Framework when carrying out their functions. Part 2 of The Police and Fire Reform (Scotland) Act 2012 amends the Fire (Scotland) Act to establish a single fire and rescue service. The Scottish Ministers have the power to intervene if they consider that the SFRS is failing, or is 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 it acts in accordance with the Framework. Before making such an order, the Scottish Ministers must consult the SFRS.

**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 by the end of April 2013.

- **Post-implementation review**

It is anticipated that this Framework’s lifespan will see the SFRS achieve a ‘steady state’. Scottish Ministers will keep terms of this Framework under regular review.

**Summary and recommendation**

The establishment of a single Scottish Fire and Rescue Framework means that the Transitional Fire and Rescue Framework is no longer applicable, and there is no option but to introduce a new framework for the new service. A draft version of this Framework has been the subject of a full public consultation.

This new Fire Framework sets out Ministers’ strategic priorities and ambitions for the new Scottish Fire and Rescue Service and forms a basis upon which the new service will develop its strategic plan.

	<b>Costs</b>	<b>Benefits</b>
<b>Option 1</b>	nil	nil
<b>Option 2</b>	nil	Introduction of the Fire and Rescue Framework for Scotland 2013 will set out Scottish Ministers’ expectations of the SFRS and assist the service to achieve the challenge of bringing together the best from the previous eight Fire and Rescue Services to create a modern, effective and efficient SFRS.

## **Declaration and publication**

I have read the Business and Regulatory 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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