

## Business and Regulatory Impact Assessment

### Title of Proposal

Fire and Rescue Framework for Scotland 2016 which will be brought into force by SSI – The Scottish Fire and Rescue Service (Framework) Order 2016.

### Purpose and intended effect

#### Background

On 1 April 2013, following a major reform of police and fire and rescue services in Scotland, the Scottish Fire and Rescue Service (SFRS) took on its full range of functions and its status as an Other Significant National Body.

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

Strategic priorities and objectives for the SFRS are currently set out in the Fire and Rescue Framework for Scotland 2013 which was published on 13 March 2013. It sets out Scottish Ministers' expectations of the SFRS as the challenge of bringing together the best from the previous eight Services to create a modern, effective and efficient SFRS. It was not considered that 1 April 2013 was the end of the Fire Reform journey, however, this date marked a significant milestone in this major public service reform programme. It was anticipated that this Framework's lifespan would see the SFRS achieve a 'steady state'. Having been in place for three years, it is now considered appropriate for review.

#### Objective

The Fire and Rescue Framework for Scotland 2016 ('the Framework') provides guidance and support to the SFRS on its priorities and objectives. These set out 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 now that the majority of the reform journey has been completed. As an established national public body the Framework asks the SFRS to explore new ways of working to allow it to contribute an even greater role in the protection of Scotland's communities.

The main themes for the Framework include:

- **the governance and accountability landscape, including planning, reporting and performance management;**
- **community planning and partnership working;**
- **risk-based decision making and resource allocation;**
- **the requirements on the SFRS as a national public body; and**
- **a particular focus on how the SFRS might develop its role in the future.**

## **Rationale for Scottish Government intervention**

Section 40 of the Fire (Scotland) Act 2005 (as amended) sets out the requirements 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 and fairer, smarter, healthier, safer and 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 longer, healthier lives** (National Outcome 6);
- **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); and
- **our public services are high quality, continually improving, efficient and responsive to local people's needs** (National Outcome 16).

The Police and Fire Reform (Scotland) Act 2012 ('the 2012 Act') provides the statutory underpinning for the SFRS by establishing the new Service as a corporate body with clear national governance arrangements, including specific roles and responsibilities for Scottish Ministers.

## **Consultation**

### **Within Scottish Government**

Within the Scottish Government, we have consulted widely with colleagues within Fire and Rescue Unit, HM Fire Service Inspectorate, Police, Resilience, Safer Communities, Community Justice, Health, Environment, Public Bodies and Public Service Reform, Corporate Reporting, Youth Employment, Workplace Policy and Digital Public Services. We have also taken advice on mainstreaming equality and diversity as well as climate change responsibilities throughout the Framework.

### **Public Consultation**

A public consultation was undertaken between 21 March 2016 and 15 June 2016. The consultation was published on the Scottish Government consultation website,

and was open to the public for responses from individuals and organisations.

In addition to the general invitation to respond which was set out in a covering letter, the Scottish Government contacted 183 stakeholders/stakeholder organisations to advise them of the consultation and invite responses.

38 responses were received from various sectors and individuals.

### **Business**

No consultation specific to business has been carried out. The public consultation was open to responses from any individual or organisation. The impact of the Framework falls solely on the SFRS.

### **Options**

#### **Option 1 – Do nothing. Continue with the Fire and Rescue Framework 2013**

Section 40 of the Fire (Scotland) Act 2005 (as amended) sets out the requirements 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 Fire and Rescue Framework 2013 for Scotland is currently in place, its contents are somewhat more prescriptive than is required now that the SFRS has become more established, and parts of the 2013 Framework are now out of date because the majority of the reform work bringing together the eight previous Services has been completed.

**Option 2** – Introduce the Fire and Rescue Framework for Scotland 2016.

#### **Sectors and groups affected**

The impact of the Framework is expected to fall solely on the SFRS.

#### **Benefits**

**Option 1** – There are no benefits.

**Option 2** – Introduction of the Fire and Rescue Framework for Scotland 2016 will set out Scottish Ministers' expectations of the SFRS whilst enabling the Service to fulfil its statutory duties and to make its own decisions on the distribution of its resources for the safety of the people of Scotland. It will be guided by priorities more appropriate for a public body several years after its establishment.

#### **Costs**

**Option 1** – no monetary cost. The 2013 Framework, which has a focus on the transition to a single Service, will continue as a statement of Scottish Ministers' expectations of the Service.

**Option 2** – no monetary cost.

## **Scottish Firms Impact Test**

Nothing contained in this Framework will impact directly upon Scottish firms. Any impact on firms will result from the decisions and plans the SFRS makes when deciding how to deliver the key priorities set out in the Framework. This is beyond the scope of the Framework and therefore a further impact assessment must be carried out by the SFRS when it is assessing the impact of detailed plans in the future.

## **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 the 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 channels suppliers use to compete will remain the national advertising portal for Public Contracts in Scotland as now. The SFRS is listed in The Public Contracts (Scotland) Regulations 2015 and is 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 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 Fire (Scotland) Act 2005 (as amended) requires the SFRS to have regard to the Framework when carrying out its functions. 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 the Framework by setting out, by order, an obligation for them 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, 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 October 2016.

### **Post-implementation review**

Scottish Ministers will keep terms of the Framework under regular review; it is anticipated that it may be reviewed in the event of a change of Government.

### **Summary and recommendation**

It has been three years since the establishment of a single SFRS. The current Framework from 2013 was drafted for the Service when it was undergoing a time of significant change and restructure immediately after major reform, and it was recognised at that time that the Framework would be reviewed approximately three years after the creation of the SFRS.

The new Framework is drafted for a Service which has already gone through the majority of changes reform has brought, and sets out Scottish Ministers' strategic priorities and ambitions for a SFRS which is now well-established.

## **Declaration and publication**

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a fair and reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

**Signed: Annabelle Ewing**

**Date: 8/08/16**

**Annabelle Ewing MSP  
Minister for Community Safety and Legal Affairs**

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