

Explanatory Memorandum to the Fire and Rescue Authorities (Performance Indicators) (Wales) Order 2015

This Explanatory Memorandum has been prepared by Department for Local Government and Communities and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Fire and Rescue Authorities (Performance Indicators) (Wales) Order 2015.

Leighton Andrews
Minister for Public Services
9 March 2015

Description

1. The Fire and Rescue Authorities (Performance Indicators) (Wales) Order 2015 ('the Order') will specify a new set of statutory performance indicators ('PIs') for Fire and Rescue Authorities ('FRAs').
2. The Order also revokes the previous PIs set out in the Fire and Rescue Authorities (Performance Indicators) (Wales) Order 2011.

Matters of special interest to the Constitutional and Legislative Affairs Committee

3. No matters of special interest.

Legislative background

4. The Order will be made in exercise of powers conferred on the Welsh Ministers by section 8(1)(a) of the Local Government (Wales) Measure 2009 ('the Measure'). Section 8(1)(a) of the Measure provides that Welsh Ministers may by Order specify PIs by reference to which a Welsh improvement authority's performance in exercising functions can be measured.
5. FRAs in Wales are Welsh improvement authorities for the purposes of the Measure (section 1(c)). Welsh FRAs are authorities in Wales that are constituted by a scheme under section 2 of the Fire and Rescue Act 2004, or a scheme to which section 4 of that Act applies.
6. Before specifying performance indicators, the Welsh Ministers are required to consult with persons appearing to them to represent the authorities concerned; the Auditor General for Wales; and such other persons as they think fit (section 8(3) of the Measure).
7. This instrument will follow the negative procedure.

Purpose & intended effect of the legislation

8. Section 3(1) of the Measure requires that each financial year, FRAs set themselves objectives for improving the exercise of their functions during that year ("improvement objectives"). Section 3(2) requires FRAs to make arrangements to secure achievement of its improvement objectives.
9. The Order specifies the PIs by which a FRA's performance will be measured.
10. It is intended the Order will have effect in relation to the financial year 2015 – 2016 and subsequent financial years, beginning on the 1 April.

Consultation

11. A full public consultation in relation to a new set of PIs for FRAs to be made statutory was undertaken on 28 November and closed on 30 January 2015. The consultation also dealt with proposals for the future handling of non-statutory supporting “Core” and Local PIs. Following the consultation exercise, Core PIs, to be developed collaboratively by FRAs, have been renamed “Sector” PIs.
12. The Welsh Ministers consulted those persons whom they are required under section 8(3) of the Measure: FRAs, Local Authorities, the Wales Audit Office, the Welsh Local Government Association, the Fire Brigades Union and the Retained Firefighters Union (who were also separately advised of the launch of the consultation).
13. A detailed analysis of responses is provided at the following link :-

<http://gov.wales/consultations/people-and-communities/performance-indicators-consultation/?skip=1&lang=cy>

<http://gov.wales/consultations/people-and-communities/performance-indicators-consultation/?status=closed&lang=en>

Summary of consultation responses:

14. In summary, and with specific reference to the statutory PIs set out in the Order:-
 - There was broad support for the areas covered by the proposed statutory PIs.
 - There was general recognition that the small number of statutory PIs would need to be supported by more detailed local PIs, and this more detailed information would be needed to inform the judgement of the performance of an FRA.
 - One FRA maintained concerns that the proposed strategic PIs only focus on one element of the role of a modern service and suggested further work was required to identify strategic PIs which measure the wider outcomes of the Welsh FRAs.

Statutory Performance Indicators

FRS/RRC/S/001 – The total number of fires, false alarms, Road Traffic Collisions (RTCs), other incidents attended per 10,000 population

15. The general view was there needed to be clarity on what success against this PI would look like, as data on non-statutory activities (eg water rescue) was included. The following issues were raised:-
 - Non-fire incidents were increasing due to factors which were not in the control of the FRA, such as changing weather conditions resulting in flooding. However, FRA performance would still be measured against them.

- False alarms include spurious automatic fire signals and calls some made with good intent and others with malicious intent. If such data was not broken down separately at strategic level, this would need to be considered and addressed through the FRA Core or Local Indicator sets.
- The proposed indicators did not take account of outcomes to the community as a result of the non-fire emergency intervention they have received from the FRA (e.g. in the case of attendance at RTCs, had the person been successfully extricated (and by who): were they hospitalised; had they returned to normality after the incident), thereby making it difficult to judge the impact of an FRA's activities on citizens. There needed to be consistent measures for multi agency incidents across all of the relevant agencies.

FRS/RRC/S/002 – The total number of deaths and injuries from all fires/from accidental fires per 100,000 population

16. There was general support for this indicator, in particular bringing deaths and injuries data together. There was also support for a separate count of casualty rates from accidental fires and total fires to enable differentiation between, for example, casualties arising from acts of arson and suicides.
17. The consultation responses recognised the need for further collection and measurement of fatality and injury data in the Core or Local PI sets to support community safety educational and preventative activities. It was noted numbers reported were low and could produce significant fluctuations in performance year on year.

FRS/EFR/S/003 – The percentage of dwelling fires which were contained in the room in which they originated

18. The proposed indicator received varied responses. Two of the three FRAs indicated there were many variables which could impact on the severity and spread of fire which were outside of the control of the FRA, including time of discovery, timing of initial call, whether the occupiers closed doors and had a working smoke detector.
19. However, one of the FRAs indicated for a number of years they had been advising householders to close internal doors to help prevent fire spread, and to fit and maintain smoke alarms to give early warning of a developing fire, and they were pleased at the continued focus on dwelling fires. One non FRA respondent also agreed recording performance in preventing the spread of fires was relevant in measuring the response to incidents.
20. Two of the FRAs presented an alternative proposal “*the percentage of times where dwelling fire incidents received the resources in-line with the pre-determined attendance for such incidents*” as a viable indicator which would measure the FRAs ability to respond to dwelling fire incidents.

Welsh Government Response

21. The Welsh Government has considered the responses to the consultation and remains committed to the introduction of this smaller, more focussed set of statutory PIs. The Welsh Government agrees the statutory PIs do not provide a complete picture of an FRA's performance on their own, and in particular they do not measure the precise effect of fire safety and fire prevention work. However, this effect is inherently unquantifiable: the number of fires which were prevented can never be known as, by definition, they did not occur. This is why statutory improvement planning guidance for FRAs highlights the need for FRAs to use a set of PIs, and other improvement information, to provide a rounded picture of their performance in their improvement reports each year.
22. The Welsh Government has already considered the wider role of FRAs under the proposed PI FRS/RRC/S/001 and, as a result, included FRA attendance at all emergency incidents. However, it is not possible to measure the **outcomes** of these interventions within a limited number of statutory PIs. This is why sector and local PIs remain a key element of an FRA's improvement information.
23. The Welsh Government recognises in order to achieve this wider picture of activity, data which reflects FRAs' non-statutory activity is required. The PI explanation clearly indicates the primary purpose of the PI is not to measure non-statutory activity. Rather, this is included to provide an overall contextual view of the FRAs' wider response activity; and in particular how much of this activity consists of responding to false alarms of any kind.
24. Whilst the Welsh Government recognises data for fire deaths and injuries can fluctuate significantly year on year, we remain convinced this is an appropriate outcome measure. Some of the risk of fluctuating numbers has already been removed by combining the very low numbers of deaths with injury data.
25. The Welsh Government notes the varied response to proposals for a PI measuring the number of dwelling fires contained to the room of origin but believe the purpose of the PI is already clearly set out in the explanation. The PI measures the success of Fire and Rescue Authority activities both in terms of prevention and response. While we agree the propensity of a fire to spread may be partly beyond an FRA's control, the same is true of the risk of a fire breaking out in the first place; or of it causing death or injury. Yet PIs for these data have long been used with the full support of FRAs.
26. The Welsh Government does not believe the alternative proposal put forward would provide a better PI. It would report only on a FRA's preparedness to respond rather than the outcome of such a response, and is more suited for use as a sector or local PI. By contrast, the original PI for fires contained in the room of origin is much more focussed on outcomes: a fire which is so contained will cause less damage to property and is less likely to cause death or injury. Containing fires in this way directly reflects the speed and effectiveness of the FRA's response. It also reflects FRAs' work in raising awareness of the appropriate steps to take on discovering a fire. Therefore, the Welsh Government proposes to implement the original PI on which we consulted.

27. The consultation responses raise a number of issues regarding the detailed calculations and definitions included in the PIs. As a result of consultation comments we have:-
- Included a revised description of a precautionary check in relation to injuries from fires;
 - Added further guidance on recording fire deaths regarding the use of coroner's verdicts;
 - Removed chimney fires (that is, fires wholly contained in a chimney or flue, and which did not spread to the roof, roof void, or any room within the property) from the calculation for the percentage of dwelling fires which were contained in the room in which they originated.

28. The Welsh Government proposes reviewing the PIs during 2016-17, once they have been in place for one full reporting cycle. During that time we anticipate FRAs will also have reviewed and amended their sets of Sector and Local PIs. The review will therefore be able to examine the strategic PIs in the context of the wider performance data being used.

Regulatory Impact Assessment

29. A Regulatory Impact Assessment has been considered, but has not been conducted in this instance as the Order will not introduce any material additional costs to Fire and Rescue Authorities, other public bodies, charities, and the private or third sector.

30. The proposed Order has no impact on the Welsh Ministers' statutory duties in relation to the equality of opportunity, the Welsh language or sustainable development under sections 77 to 79 of the Government of Wales Act 2006.