

Explanatory Memorandum to the Fire and Rescue Authorities (Best Value Performance Indicators)(Wales) Order 2008

This Explanatory Memorandum has been prepared by the Social Justice and Local Government Division and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

(i) Description

The Fire and Rescue Authorities (Best Value Performance Indicators)(Wales) Order 2008 ('the Order') will specify statutory Best Value Performance Indicators for Fire and Rescue Authorities ('FRAs').

(ii) Matters of Special Interest to the Subordinate Legislation Committee

No matters of special interest.

(iii) Legislative Background

The Order will be made in exercise of powers conferred by sections 4(1)(a), 4(2) and 29(1) of the Local Government Act 1999 ('the 1999 Act').

Section 4(1)(a) of the 1999 Act provides that the Secretary of State may by Order specify factors ("performance indicators") by reference to which a best value authority's performance in exercising functions can be measured. Section 4(2) provides that such an order may specify different performance indicators for different authorities.

These powers were conferred on the National Assembly for Wales by virtue of section 29 of the Act, and are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. Fire and Rescue Authorities constituted by a scheme to which section 4 of the Fire and Rescue Services Act 2004 applies are best value authorities by virtue of section 1 of the 1999 Act.

This instrument will follow the negative resolution procedure.

(iv) Purpose and intended effect of the legislation

Part 1 of the 1999 Act imposes requirements on FRAs and other authorities to secure continuous improvement in the way in which their functions are exercised, having regard to economy, efficiency and effectiveness.

Section 4(1) of that Act confers a power on the Welsh Ministers to specify by Order best value performance indicators applicable to best value authorities. Section 4(2) provides that such an order may specify different performance indicators for different authorities.

The Order specifies performance indicators by which a Fire and Rescue Authority's performance will be measured. The Order only applies to best value authorities in

Wales which are a Fire and Rescue Authority constituted by a scheme to which section 4 of the Fire and Rescue Services Act 2004 applies.

(v) Implementation

It is intended that the Order will have effect in relation to the financial year 2008-2009 and subsequent financial years.

(vi) Consultation

Consultation was undertaken on 8 January for four weeks. Please refer to the RIA consultation paragraph below for further information.

(vii) Regulatory Impact Assessment

a) Options

Option 1 : Do Nothing

Fire and Rescue Authorities have continued to use Fire and Rescue Service related indicators developed by Communities and Local Government ('CLG') whilst the Welsh Ministers develop a Performance Measurement Framework for the Fire and Rescue Authorities which is consistent with the Framework for Local Authorities in Wales. The performance indicators issued by CLG are not statutory ones for Fire and Rescue Authorities in Wales because CLG's functions in relation to performance indicators for Fire and Rescue Authorities in Wales have been transferred to the Welsh Ministers. The Wales Audit Office ('WAO') has though continued to audit them under interim arrangements with the Welsh Ministers.

As part of proposals for the Fire and Rescue Authorities Performance Measurement Framework, a new set of performance indicators has been developed that is specific to Fire and Rescue Authorities in Wales. Within this set of indicators are the proposed statutory performance indicators which focus on national priorities for Fire and Rescue Authorities. Unless the Order is made there will be no statutory Performance Indicators in place against which to monitor Fire and Rescue Authorities' performance.

Option 2 : Make the Legislation

Fire and Rescue Authorities will have a set of statutory performance indicators against which their performance can be measured and against which they are audited.

b) Benefits

The Order will enable Fire and Rescue Authorities' performance to be measured against a set of statutory performance indicators which specifically focus on national priorities for Fire and Rescue Authorities in Wales. This will be in line with the Performance Measurement Framework that is being introduced for Fire and Rescue

Authorities and which is consistent with best value approach for local authorities in Wales.

c) Costs

There are no additional related revenue or capital expenditure costs. As such there will be no impact on any of the Budget Expenditure Lines within the Social Justice and Local Government Main Expenditure Group. FRAs meet audit costs locally, including the costs of auditing their statutory performance indicators. The introduction of the Order will mean that a new set of performance indicators will replace the existing set which are currently audited. WAO currently audit the full set of CLG performance indicators. In future they will only audit the indicators made statutory by this Order. Therefore once the Order is made there will be less performance indicators to be audited and as such there should be no increase in costs of audit resulting from the performance indicators. In terms of the data required to report on the performance indicators, FRAs should already be collecting this information either to feed into existing non-statutory performance indicators or for local performance monitoring.

d) Competition Assessment

Not applicable.

e) Consultation

Consultation on a new Performance Measurement Framework and new suite of performance indicators was undertaken on 2 October and closed on 20 December. The suite of performance indicators included those that were proposed as performance indicators to be made statutory by Order.

The schedules to the draft Order (which contain the performance indicators) took account of amendments made to proposed indicators as a result of this earlier consultation. The Order and schedules were then issued for consultation on 8 January for 4 weeks and were sent to Assembly Members, Chief Executives of Local Authorities, Chief Fire Officers, Chairs and Clerks of FRAs, WAO and Welsh Local Government Association.

Two responses were received from South Wales Fire and Rescue Service and Caerphilly County Borough Council. Details of the issues raised are set out below together with the Welsh Assembly Government's response :-

- **The number of indicators has been kept to a minimum which is a good thing (but you probably have quite a few cores to supplement them)**

Welsh Assembly Government Response - The statutory performance indicators will be supported by a set of core indicators (which have already been consulted on), management information and statistics.

- **Draft Order generally sensible. Fully support the introduction of strategic performance indicators which focus on national priorities for Fire and Rescue Authorities. Consultation letter references the previous consultation**

on the new performance measurement framework and full set of performance indicators. Response to that consultation raised some observations relating to the wording of the indicators which could lead to misinterpretation. Assume that there will be detailed guidance published in due course to support the reporting against the performance indicators.

Welsh Assembly Government Response – detailed guidance will be developed and agreed with Fire and Rescue Authorities to ensure that there is continuity in reporting, and will be published under cover of a fire and rescue service circular. Issues raised as part of the wider consultation on the full set of performance indicators will be taken into account in this guidance.

- **Concerns raised about use of different denominators for the calculations in FRS/RRC/S/001 and FRS/RRC/S/002. Denominators vary between 10,000 population and 100,000 population. Also one of the denominators is by dwelling and not population.**

Welsh Assembly Government Response - Prior to the performance indicators set out in the Order, Welsh Fire and Rescue Authorities used the same performance indicators as Fire and Rescue Authorities in England. The denominators identified in the performance indicators referred to, match with these earlier indicators to enable Fire and Rescue Authorities to compare against their earlier performance and also to maintain a comparison with other Fire and Rescue Authorities outside Wales.

Using dwellings as a denominator enables us to compare like with like – ie dwelling fires with number of dwellings. The comparator/denominator for other parts of the performance indicators are more difficult because fires can occur anywhere and as such there is not a suitable common denominator other than population.

- **Question raised as to whether FRS/RRC/S/001, FRS/RRC/S/002 and FRS/RRC/S/003 are management information rather than performance indicators.**

Welsh Assembly Government Response - All three performance indicators are an important measure of a Fire and Rescue Authority's success in community safety prevention work and work under the Fire Safety Order. One of the Fire and Rescue Authorities' major targets is to reduce the incidence of fires and fire deaths and injuries.

- **FRS/RRC/S/001 - total fires attended per 10,000 populations – Not clear whether higher or lower is better.**

Welsh Assembly Government Response - The PI measures the success of the Fire and Rescue Authorities in reducing fires through community fire safety. More detailed explanations for calculating the performance indicators will be published under cover of a fire and rescue services circular.

- **FRS/RRC/S/004 - Refers to 'home fire safety risk assessment' - the preferred terminology within Fire and Rescue Authorities is home fire safety checks.**

Refers to the term ‘any associated risk reduction activity’. This could include many activities such as television campaigns which may result in the indicator becoming less for focused.

Welsh Assembly Government Response - Clarification that home fire safety risk assessment is also known as a Home Fire Safety Check has been built in to the guidance for the performance indicator. The guidance will also provide a clear definition for any associated risk reduction activity.

- **FRS/RRC/S/004 iv - Refers to ‘within two years of the fire’ as stated this could also include risk reduction activities after the fire but within the reporting year we do not believe is the intention.**

Welsh Assembly Government Response - This reference was changed in the Order and re-issued on 29 January for comment. The performance indicator now refers to activity that had taken place “within two years before the fire”.

- **FRS/EFR/S/001 and FRS/EFR/S/001 – Not clear what is recorded for those outside the 10 minute service standard. Is this performance indicator only for a certain type of category of fires under the ‘emergency cover model’.**

Welsh Assembly Government Response - FRS/EFR/S/001 and 002 have been specifically designed to measure Services Standards to Fires in the Home. The Service Standard aims to provide 80% of Welsh homes with an attendance to a fire in the home within 10 minutes. The Service Standard also recognises that as a result of local population numbers, population density and population types some areas will attract a 5-minute attendance to a fire in the home. The deciding factor for the introduction of the 5 minute attendance would be where the Fire Service Emergency Cover (FSEC) computer models predicts a casualty rate greater than 6. Although the performance indicators does not measure attendance times outside of the service standard, Fire and Rescue Authorities are encouraged to measure attendance times in total locally. This is detailed in the guidance on the performance indicators as a recommended dis-aggregation.

- **FRS/EFR/S/001 - Refers to ‘within the 10 minute standard’ For the avoidance of doubt it should be clarified as to whether this also includes the 5 minute standard**

Welsh Assembly Government Response - This does include the 5 minute standard and will be fully explained in the supporting guidance.

More detailed work on the proposed statutory performance indicators to ensure that calculations, definition and guidance took on board comments resulting from the initial consultation led to recognition that the meaning of one of the performance indicators (FRS/RRC/S/004) needed to be amended in order to clarify the intent. A revised schedule to the Order was therefore issued to all consultees on 29 January which amended the reference to FRS/RRC/004 to better reflect the true intention of that performance indicators.

2 responses were received from Mid and West Wales Fire and Rescue Service and North Wales Fire and Rescue Service. A summary of the issues raised and the Welsh Assembly Government's response are provided below :-

- **Pleased to note that the indicator to monitor the number of Home Fire Safety Checks undertaken has been amended in order to reflect the full scope of these activities. The calculation, guidance and definition details not shown in the Order but understand that this information will be provided as part of a Wales Fire & Rescue Service Circular following a further meeting of WAG and FRS Officers to clarify comments provided during the consultation process.**

As noted – detailed guidance will be developed and agreed with FRAs to ensure that there is continuity in reporting, and will be published under cover of a fire and rescue service circular. Issues raised as part of the wider consultation on the full set of performance indicators will be taken into account in this guidance.

- **Support the Assembly's intention to specify only a limited number of statutory indicators.**

Welsh Assembly Government Response - This approach is in line with taken for Local Authorities in Wales.

- **FRS/RRC/S/004 – Parts i, ii and iii, - Most recent version captures the fundamental aim that prevention activity should be prioritized and targeted according to risk assessed need. The count of Home Fire Safety Risk Assessments (HFSRAs) in areas of above average and well above average risk is taken to be an indicator of the service's compliance with what is referred to more generally in the standard as 'risk reduction strategies.**

Welsh Assembly Government Response - The decision to use Home Fire Safety Risk Assessments as a way of measuring FRAs performance against that particular part of the service standard to fires in the home, whilst recognising activity that also takes place outside of this standard. It was agreed in discussion with representatives from all three FRAs that this was the only specific targeted measure that could be used even though we recognise that many other forms of risk reduction activity are undertaken, including national and local media campaigns, school visits etc

- **The inference from the 8th January version that the only HFSRAs to be counted were those where follow up activity had also occurred was clearly unintended. The additional words had been inserted to ensure that follow-up visits would not result in double counting of what was essentially a single package of care conducted over more than one visit.**

Welsh Assembly Government Response - Although unintended, the wording could have led to misunderstanding of the performance indicator, hence the re-wording and follow up consultation. Clarification on the calculation of the performance indicator will be provided in accompanying guidance.

- **FRS/RRC/S/004 – Part iv - whilst the amendment to ‘and/or associated risk reduction activity’ resolves the potential problem described in your letter, it risks introducing, a perverse incentive for FRAs not to follow up a HFSRA with any other risk reduction activity so as to avoid increasing the number of fires reported in section iv). Solution to this would be to time-limit associated activity so that the risk reduction activity is clearly part of the overall care package provided by the original HFSRA.**

Welsh Assembly Government Response - Officials are considering an appropriate definition for “associated risk reduction activity” that will enable FRAs to record data consistently. This has included some discussion regarding an appropriate time limit for activity to continue to be linked to an original HFSRA. We will be discussing this issue with FRAs shortly with a view to including a clear definition in the performance indicator guidance.

- **We anticipate that it will prove quite challenging for FRAs to compile and communicate the results of the Service Standard indicators to the general public in a way that is readily understood.**

Welsh Assembly Government Response - Whilst recognising that the service standard to fires in the home is complex, it is important that FRAs, through their Risk Reduction Plans/Improvement Plans, articulate how the performance indicators relate to the standard and how the standard itself relates locally. It has been made clear in the development of the Performance Measurement Framework that performance indicators should not stand alone but be accompanied by other performance data and narrative information where necessary.

- **Support the Assembly’s wish to bring the Order in ahead of the next financial year, trust that these concerns can be addressed without delaying the process any further, and that work will progress over the next few weeks to clarify the definitions.**

Welsh Assembly Government Response - Considerable work has already been undertaken during January and February to develop a robust set of definitions and guidance for the performance indicators. These will be discussed and agreed with FRAs before being issued before the end of 2007-08 under cover of a fire and rescue services circular.

f) Post implementation review

The statutory performance indicators will be reviewed by the Performance Indicators Working Group (made up of Welsh Assembly Government Officials, FRAs, WAO, WLGA and Local Government Data Unit representatives) as part of an annual review of all performance indicators within the performance measurement framework.

g) Summary

This Order will specify statutory Best Value Performance Indicators for Fire and Rescue Authorities.

