

Explanatory Memorandum to the Fire and Rescue Authorities (Performance Indicators) (Wales) Order 2011

This Explanatory Memorandum has been prepared by the Social Justice and Local Government Division and is laid before the National Assembly for Wales.

(i) Description

The Fire and Rescue Authorities (Performance Indicators) (Wales) Order 2011 ('the Order') will specify statutory 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 section 8(1)(a) of the Local Government (Wales) Measure 2009 ("the Measure") which provides that Welsh Ministers may by Order specify performance indicators by reference to which a Welsh improvement authority's performance in exercising functions can be measured.

This instrument will follow the negative resolution procedure.

(iv) Purpose and intended effect of the legislation

Section 3 (1) of the Measure states that FRAs as Welsh improvement authorities must set objectives for improving the exercise of their functions during that year ("improvement objectives"), while section 3(2) provides that a Welsh improvement authority, must make arrangements to secure achievement of its improvement objectives.

The Order specifies performance indicators by which a FRA's performance will be measured. The Order applies to a Welsh fire and rescue authority, namely an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act 2004 applies.

(v) Implementation

It is intended that the Order will have effect in relation to the financial year 2011-12 and subsequent financial years.

(vi) Consultation

Consultation on a proposed full suite of performance indicators (statutory, core and local) was undertaken on 15 November 2010 for a period of ten weeks. For the purpose of the Order, the detail within the Regulatory Impact Assessment consultation paragraph below relates specifically to the Statutory PIs proposed. There are three proposed statutory PIs, a reduction from the six statutory PIs put in place in 2009-10.

This is as a result of removing the statutory PIs relating to the 2006 Service Standards to Fires in the Home. A consultation exercise has been undertaken to obtain views on replacing the 2006 Standard with Guiding Principles for Dwelling Fire Response Standards which have been developed to support FRAs in developing and reporting performance against locally set response criteria. The Assembly Government are considering their response to this consultation. Any consequential impact on measurement and in particular the suite of PIs will need to be taken into account. This will form the basis of further consultation on statutory PIs for 2011-12 if required.

(vii) Regulatory Impact Assessment

a) Options

Option 1: Do Nothing

The Local Government Measure 2009 annulled the existing set of statutory PIs for FRAs with effect from 1 April 2010. With the agreement of FRAs and the Wales Audit Office (WAO) a set of interim PIs were used in 2010-11 whilst new PIs were developed and consulted on. Unless the Order is made there will be no statutory performance indicators in place against which to monitor FRAs performance.

Option 2: Make the Legislation

FRAs will have a set of statutory performance indicators against which their performance can be measured and their performance audited.

b) Benefits

The Order will enable Fire and Rescue Authorities' performance to be measured against a set of statutory PIs which specifically focus on national priorities for Fire and Rescue 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 the interim PIs for 2010-11 which although not statutory will be audited as an interim measure will become statutory. In future WAO will only audit the indicators made statutory by this Order. Therefore once the Order is made there will be less PIs to be audited and as such there should be no increase in costs of audit resulting from the PIs. In terms of the data required to report on the PIs, FRAs should already be collecting this information either to feed into existing non-statutory PIs or for local performance monitoring.

d) Competition Assessment

Not applicable.

e) Consultation

Consultation on the suite of PIs proposed to be made statutory by Order was undertaken on 15 November and closed on 21 January 2011. This comprised of a consultation on a set of PIs for Fire and Rescue Authorities (FRAs) that will be made statutory by Order under section 8(1)(a) of the Local Government (Wales) Measure 2009 and also on a set of supporting non-statutory PIs (known as “standard” or “core”) and recommendations to FRAs on specific local PIs to support the improvement agenda.

Nineteen responses were received in total with seventeen providing comments specifically on the proposed statutory performance indicators. A summary of responses are set out below together with the Welsh Assembly Government’s response:-

- **All 3 Fire and Rescue Authorities have confirmed that they agree with the proposed statutory PIs and have made no amendments to the headline PIs commenting only that the reduction in the number of statutory PIs is welcomed particularly as this will mean a reduction in the external audit requirement associated with statutory PIs.**
- **One organisation commented that the areas covered by the National Strategic Indicators are linked to the current National Framework and therefore reflect the national strategic priorities. However, there seem to be some categories of incidents missing from the proposed PIs and the current proposals will not give a ‘full picture’ of activities undertaken (i.e. all domestic fires, non domestic fires, other fires, all deliberate and accidental fires, arson, road traffic collisions, impact on environment).**

Welsh Assembly Government Response - The strategic PIs include the total number of fires, primary fires, accidental dwelling fires, deliberate fires and non-domestic fires. They are meant to provide an overarching view of FRAs performance whilst focussing on some specific key areas where the FRA risk reduction activity is focussed. We anticipate the statutory PIs being used as part of a wider suite of performance information including core and local PIs as well as supporting statistical information. In the disaggregation for each PI it is suggested that the FRA may consider breaking the data down more widely at a local level and the information is also published through StatsWales tables.

- **Stonewall Cymru have commented that they feel there is a need to identify the causes and contributory factors of certain fires, especially deliberate fires, within these indicators. Homophobic and Biphobic Hate Crime can escalate into deliberate and malicious fire setting with the intention of intimidating, scaring or harming people who are lesbian, gay or bisexual (LGB) or thought to be LGB. Such information is regularly not identified and therefore multi-agency forums cannot take preventative action, such as target hardening or awareness-raising, within areas that are at risk. Therefore we feel that such information should be routinely monitored and incorporated into PIs on fires attended, in order to assist**

Fire and Rescue Services across Wales in identifying areas of risk and in building community appropriate initiatives into risk reduction initiatives.

Welsh Assembly Government Response - As part of the Working Group deliberations, officials looked at the data available in terms of equality characteristics and concluded that the figures were too small to be published nationally. The Assembly Government however does recognise that such information can help inform preventative activity for FRAs. We therefore recommend that in the disaggregation of PI (FRS/RRC/S/002) FRAs should consider breaking the data down locally into equality strands where possible. In addition it should also be noted that FRAs do look at contributory factors in examining fire deaths.

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 and WLGA representatives) as part of an annual review of all performance indicators within the performance measurement framework.

g) Summary

This Order will specify statutory Performance Indicators for FRAs.