EXPLANATORY MEMORANDUM TO

THE FIRE AND RESCUE AUTHORITIES (NATIONAL FRAMEWORK) (ENGLAND) ORDER 2012

2012 No. 1886

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument gives effect to the Fire and Rescue National Framework prepared by the Secretary of State for Communities and Local Government and entitled "The Fire and Rescue National Framework for England". This was published by the Department for Communities and Local Government on 11th July 2012 and shall have effect as a revision of the Fire and Rescue Service National Framework 2008/11.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Section 21 of the Fire and Rescue Services Act 2004 requires the Secretary of State to prepare a Fire and Rescue National Framework setting out the priorities and objectives for fire and rescue authorities in England. The Framework can also contain guidance and other matters relating to fire and rescue authorities or their functions. Fire and rescue authorities are required to have regard to the Framework in carrying out their functions. Under section 21(6) any significant revision to the Framework must be brought into effect by order.

5. Territorial Extent and Application

5.1 This instrument applies to England

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Fire and Rescue National Framework for England ("the Framework"), published on 11th July 2012, sets out the Government's

priorities and objectives for fire and rescue authorities in England and what they should do to achieve them, as required by the Fire and Rescue Service Act 2004.

7.2 The Framework takes forward the objectives of the Open Public Services White Paper, and marks a key milestone in resetting the relationship between the Government and fire and rescue authorities; moving away from a prescriptive approach to enable authorities to deliver services in a way that makes sense locally, whilst meeting the wider needs of national resilience. The priorities in the Framework are for fire and rescue authorities to:

a) identify and assess the full range of foreseeable fire and rescue related risks their areas face, make provision for prevention and protection activities and respond to incidents appropriately;

b) work in partnership with their communities and a wide range of partners locally and nationally to deliver their service; and

c) be accountable to communities for the service they provide.

7.3 The key changes in the Framework are as set out in the third paragraph of the Explanatory Note.

8. Consultation outcome

8.1 The draft Fire and Rescue National Framework for England was issued for consultation on 13 December 2011.

8.2 There were 93 responses received as part of the consultation process and, following consideration, they have been reflected in the Framework where appropriate. On the whole consultees were supportive of the high level strategic approach of the draft Framework.

8.3 Some responses called for greater clarity on working collaboratively and in partnership with their communities and other emergency responders, and a few indicated that the draft Framework repeated existing legislation. There was a range of views on the role and responsibility of Government and fire and rescue authorities identified in the draft Framework, with the majority satisfied with the level of detail included. Some responses called for further detail on assurance statements. A full summary of responses has been published on the Departmental website.

9. Guidance

9.1 Fire and rescue authorities are required to produce assurance statements by paragraphs 3.2 - 3.3 of the Framework. The Department will publish a guidance note on assurance statements.

10. Impact

10.1 A full impact assessment has not been produced for this instrument as no impact on the public, private or voluntary sectors is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Secretary of State is responsible for keeping the terms of the Framework under review under section 21(3) of the Fire and Rescue Services Act 2004 and on a regular basis will discuss with partners whether changes need to be made to the document.

12.2 Under section 25 of the Fire and Rescue Services Act 2004, the Secretary of State must report to Parliament on the effectiveness of the Framework every two years.

13. Contact

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