

Business and Regulatory Impact Assessment - Partial

Title of Proposal

The Next Fire and Rescue Framework for Scotland which will be brought into force by SSI.

Purpose and intended effect

Background

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.

The current Fire and Rescue Framework for Scotland (“the Framework”) has been in place since September 2016 and sets out 10 strategic high level priorities for the Scottish Fire and Rescue Service (SFRS). It is less prescriptive than the previous 2013 Framework, a reflection of the fact that the Service was by then an established national body. It also asked SFRS to explore new ways of working to allow it to contribute an even greater role in the protection of Scotland’s communities.

Objective

The Framework provides guidance and support to SFRS on its strategic priorities and objectives. These set out the context of the overarching purpose that SFRS should adhere to in carrying out its functions and sets out Scottish Ministers’ expectations of the Service. The 7 strategic priorities in the Framework are outcome focused, set within the context of Scottish Ministers’ Programme for Government, and can be broadly categorised under the 4 pillars of Christie – people, performance, prevention and partnership. These priorities form the basis for the narrative of the chapters in the Framework.

Underpinned by Scotland’s National Outcomes, the strategic priorities set out within the Framework serve to collaboratively drive forward how the Service can do more for the people of Scotland, while adapting to the ever evolving and changing nature of risks facing communities across the country.

Many of these priorities are overarching and are relevant for several aspects of SFRS’s role. SFRS must have regard to these strategic priorities when developing its Strategic Plan – in essence the Framework sets out at a high level what Scottish Ministers expect the SFRS to focus upon, and its Strategic Plan will set out the details of how SFRS intend to do this.

Rationale for 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 and inclusive growth as a central ambition across the Scottish public sector, and SFRS has a crucial role to play in helping to achieve that Purpose. SFRS's delivery of the strategic priorities and objectives set out in the Framework will also help to achieve the Scottish Government's purpose by contributing to the delivery of the National Outcomes.

The Police and Fire Reform (Scotland) Act 2012 ('the 2012 Act') provides the statutory underpinning for SFRS 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 the Fire and Rescue Unit, , Police Division, Resilience, Safer Communities, Health, Climate Change, Public Bodies, Corporate Parenting, Public Service Reform, Fair Work Unit, Drugs and Alcohol Policy, Procurement, Better Homes, Building Standards, Local Government Policy and Digital Policy & Strategy.

Public Consultation

SFRS, HM Fire Service Inspectorate, the Fire Brigades Union (FBU) and the Convention of Scottish Local Authorities (COSLA) have been involved in pre-public consultation discussions.

Business

No consultation specific to business has been carried out. The public consultation will be open to responses from any individual or organisation. The impact of the Framework falls solely on the SFRS. However as informed by the Framework, SFRS are required to engage with businesses as part of its fire safety responsibilities.

Options

Option 1 – Do nothing. Continue with the Fire and Rescue Framework for Scotland 2016

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 when carrying out its functions. While much of the current Framework is still relevant, the changes to the public sector landscape since 2016, coupled with the fact that Scotland is facing ever more complex challenges and risks, the Scottish Government believe it is timely to set a fresh strategic direction for SFRS within a new Framework.

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

Sectors and groups affected

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

Benefits

Option 1 – SFRS is relatively a high performing organisation and continuing with the Fire and Rescue Framework for Scotland 2016 would provide a level of consistency of approach. However the risk of taking this option is that the risks facing Scottish communities are changing which in turn means that the 2016 framework could become ever more out of date.

Option 2 – Introduction of the next Fire and Rescue Framework for Scotland will set out Scottish Ministers' expectations of the SFRS whilst enabling the Service to fulfil its statutory duties. The new Framework will provide SFRS the opportunity to explore further new ways of working to allow it to contribute an even greater role in the protection of Scotland's communities.

Costs

Option 1 – no monetary cost.

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 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 SFRS when it is assessing the impact of detailed plans in the future.

Competition Assessment

Using the four Competition and Markets Authority (CMA) competition assessment 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:

- Will the guidance directly or indirectly limit the number or range of suppliers?
- Will the guidance limit the ability of supplier to compete?
- Will the guidance limit suppliers' incentive to compete vigorously?
- Will the guidance limit the choices and information available to consumers?

Our view is that the answer is no to each of these tests.

Test run of business forms

The proposed Framework will not introduce any statutory business forms.

Consumer Assessment

The Framework is unlikely to impact on consumers within the UK or elsewhere in Europe. The following consumer assessment questions have been considered and it is felt unlikely that the Framework will have a significant impact on consumers:

- Does the Framework affect the quality, availability or price of any goods or services in a market?
- Does the Framework affect the essential services market, such as energy or water?
- Does the Framework involve storage or increased use of consumer data?
- Does the Framework increase opportunities for unscrupulous suppliers to target consumers?
- Does the Framework impact the information available to consumers on either goods or services, or their rights in relation to these?
- Does the Framework affect routes for consumers to seek advice or raise complaints on consumer issues?

Digital Impact Test

Consideration has been given as to whether the changes outlined within the Framework are still relevant or might be applied more effectively should business/government processes change – e.g. such as services moving online. The Scottish Government consider that the measures set out within the Framework are consistent with the increasing shift of economic, social and governmental interactions online.

The draft Framework states:

SFRS should aim to work with its partners towards achieving a Digital Scotland in which geography, background or ability is no barrier to getting online, in which public services are reinvented to make them more personal, accountable, adaptable, efficient, sustainable and worthy of public trust, and in which businesses and third sector partners are empowered and supported to embrace the advantages of digital technology.

Legal Aid Impact Test

The proposals do not create any new criminal sanctions or civil penalties. 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 SFRS to have regard to the Framework when carrying out its functions. Scottish Ministers have the power to intervene if they consider that SFRS is failing, or is likely to fail to act in accordance with the Framework by setting out, by order, an obligation for the Service 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.

The requirements on Effective Governance and Performance are set out in Section 5 of the Framework. SFRS must ensure that it meets the requirements of its governance and accountability arrangements as set out in the agreed [Scottish Government and SFRS Governance and Accountability Framework](#). In addition to regular monitoring of SFRS performance The Scottish Government holds an Annual Performance Review, which is a public meeting.

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 the winter of 2021/22.

Post-implementation review

Scottish Ministers will keep the terms of the Framework under regular review. The Scottish Government's *SFRS Governance and Accountability Framework*¹ requires the Scottish Government to undertake a formal review of the SFRS at least twice a year with the responsible Scottish Minister meeting with the SFRS Chair at least once a year. SFRS performance will be assessed taking into account the new Framework. HMFSI will use the strategic priorities contained within the Framework to inform future inspection planning.

Summary and recommendation

It has been five years since the last Fire and Rescue Framework for Scotland was published. Given the changes to the public sector landscape since 2016, coupled with the Covid-19 pandemic and the fact that Scotland is facing ever more complex challenges and risks, we believe it is necessary to set a fresh and relevant strategic direction for SFRS within a new Framework.

The new Framework is drafted for a Service which has achieved much since its establishment in 2013 and sets out Scottish Ministers' strategic priorities and ambitions for a dynamic public sector organisation which is now well-established.

¹ [Scottish Fire and Rescue Service Governance and Accountability Framework](#)

Declaration and publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that:

- (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and;
- (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed: Ash Denham

Date: 7 September 2021

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