



Promoting improvements
in policing and fire & rescue
services to make everyone safer

**His Majesty's Inspectorate of
Constabulary and Fire & Rescue
Services**

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His Majesty's Inspector of Constabulary
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By email:

Chief fire officers

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Dear Colleagues,

CFO meetings

I really enjoyed seeing those of you who attended our Chief and Chairs event on 31 October. With continuous engagement in mind, I am writing to ask you about how you would like to meet in the new year. Earlier in the year, I had several catch-up meetings with chiefs that were organised by governance group. I and the team want to continue this dialogue throughout our third round of inspections, but a few of you commented that you'd like us to consider bringing groups of chiefs together in a different way in future. Please can you therefore let me know if you would like to meet as we have previously by governance group, or in another format. Please can you send your responses to Kathryn Richardson at Kathryn.Richardson1@hmicfrs.gov.uk

Additionally, as requested at our Chief and Chairs event, attached in Annex A is our monitoring approach. This was sent to services in December 2021. An overview of the process was published on our website in July 2022 and can be viewed via the following link [Our approach to monitoring services - HMICFRS \(justiceinspectors.gov.uk\)](https://www.justiceinspectors.gov.uk/our-approach-to-monitoring-services-hmicfrs). A letter describing our move to publishing when services enter the 'engage' status was sent by HMCI Andrew Cooke 11 July 2022.

Thank you for your continued attendance and contributions at such events. I look forward to meeting with you in the new year.

Yours sincerely,

Roy Wilsher OBE QFSM

His Majesty's Inspectorate of Constabulary
His Majesty's Fire & Rescue Services

Annex A: FIRE AND RESCUE SERVICE MONITORING ARRANGEMENTS

Monitoring is an important part of our work to help promote improvements. This involves engaging with services to ensure they are taking the necessary remedial action where we have identified problems. The process will apply to every FRS in England. Our monitoring activity will primarily be focused on services who have a cause(s) of concern.

2. Monitoring is long established in our police inspection work (known as Scan and Engage). Our new FRS approach isn't a direct lift and shift. It's more proportionate and considers the different support arrangements already in place for FRSs, such as from the National Fire Chiefs Council (NFCC) and Local Government Association. We have created a process of escalation if we consider a service is not making sufficient progress against their cause(s) of concern.

3. This document provides detail of our new process. We propose an incremental implementation over the coming months, and I will convene a chiefs and chairs event, probably in July, where we can discuss this in greater detail. We will also run a separate event for service liaison officers.

4. The approach proposed is like the way in which we monitor police forces (Scan and Engage) but takes account of the different support arrangements already in place for fire and rescue services by the National Fire Chiefs Council (NFCC) such as the NFCC improvement boards. It also includes a process of escalation if we consider a fire and rescue service is not making sufficient progress against their cause(s) of concern.

Causes of concern

5. If, during an inspection, we identify a serious, critical, or systemic shortcoming in a fire and rescue service's practice, policy, or performance, it is considered a cause of concern. A cause of concern is always accompanied by one or more recommendations. We recommend that the FRS (and sometimes other bodies) make changes to alleviate or eradicate it.

6. If a service has been identified as having a cause of concern, then the graded judgment that they can achieve for that question will be no higher than 'requires improvement'.

7. A service will be made formally aware of their cause(s) of concern at the earliest opportunity. If there is low risk to public safety, this will follow HMI moderation and approval, through the pre-publication check process. This will allow the service to take immediate action to address the cause(s) of concern, prior to receiving their inspection report. The service will be required to produce an action plan to outline how they will address the cause of concern. In discussions with the regional HMI, we will then agree a tailored approach with the regional HMI, which may include a revisit.

8. Where we identify a CoC which indicates a potential risk to the public (for example failures to carry out risk-based inspection programme) we will notify the service by letter when the relevant HMI has approved the cause of concern. We will send the letter notifying the service of the CoC as soon as possible after the post fieldwork evidence review, and no more than 6 weeks after the inspection fieldwork has concluded.

9. We will notify services of these causes of concern (where there is a potential risk to public safety) within this timeframe regardless of the pillar (we expect most of these will be in the effectiveness pillar). This means the public will be notified of this risk when the full inspection report is published, but we will make it clear that we notified the service of this sooner.

10. All causes of concern are confirmed by the regional HMI at the FRS moderation meetings. Decisions are reached following extensive discussions about a service's performance, and in comparison, with other services. This is to make sure a consistent approach is applied to graded judgments and causes of concern across the sector. The Senior Responsible Officer (SRO) will also maintain a thorough overview of all causes of concern.

11. Due to the serious nature of these shortcomings identified in causes of concern, we want to regularly review what progress has been made to remedy the cause of concern.

Tracking and monitoring progress against a cause of concern

12. As stated above, a service with a cause of concern will be required to produce an action plan to outline how they will address it. At any point, the service can seek support with the action plan and cause of concern from the sector.-

13. The Service Liaison Officer (SLO) will be responsible for providing a quarterly update to the SLL on progress against recommendations.

The table below outlines what is required by when:

Task	Timeline
Production of an action plan by the service, provided to HMICFRS	Within 28 working days of the date of the letter or 28 days after publication of the report.
If the cause of concern relates to a potential risk to public safety, a revisit will be arranged with the service	The timeline for the revisit will be determined on an individual basis.
If the cause of concern does not relate to a potential risk to public safety, we will advise the HMI whether a revisit is necessary. Chiefs of staff will monitor progress with the SLL.	Chiefs of staff to discuss next steps with the regional HMI following evidence of improvements made by the service. This can include a follow up activity.
The SLL will update the monitoring portal with progress against the causes of concern (i.e., open or closed)	This is an ongoing process until the cause of concern is agreed by the CoS/HMI as closed

14. It is the on-going responsibility of the SLL to monitor a service’s progress against their action plan. This should be done on a regular basis and at the very least there should be engagement with the service about their cause(s) of concern every 3 - 6 months.

15. Chiefs of staff will be expected to provide oversight to this process. They should closely monitor their services together with the SLL to make sure that sufficient progress is being made against the cause(s) of concern. This should include providing regular updates to the respective HMI.

16. Progress can be determined through a variety of different methods. This will require close liaison between the SLL and the service’s SLO to obtain evidence of the improvements made. For example, this could be evidence of revised policies, procedures or new processes being put in place. If enough evidence is provided which demonstrates that the necessary improvements have been made, there may not be a need for a revisit. The level of assessment and triangulation of evidence required to satisfy recommendations, is not of any lower standard than that required for inspections.

17. Where a potential risk to public safety has been identified, we will then assess the service’s plan and take a risk-based and proportionate approach to revisits. For example, a cause of concern which relates to cultural changes required will take longer to rectify than a more immediate problem (such as risk information not being provided to operational crews). This will be decided by HMIs, with advice from BIP monitoring and FRS colleagues.

18. We will publish our consideration of the proposed action plans that relate to the potential risks to public safety cause of concerns alongside the service report. We will revisit the service if

the cause of concern represents a potential risk to the public. We may revisit more than once depending on the issue being considered.

19. Where there is no potential risk to the public, we will consider whether a revisit is necessary when we have reviewed the service plan and considered progress made through monitoring activity. If insufficient action is being taken on the CoC, we will revisit the service.

20. All follow up activity (including revisits) must be overseen by the respective chief of staff and approved by the respective HMI. This may include the need for, and resourcing, a small inspection team to support the SLL.

21. Following every revisit, the relevant HMI will write to the service detailing our findings and recommendations. This letter will be published. It should include information on next steps.

Deciding if a service should be more closely monitored

22. There are several ways that an HMI could decide to increase monitoring and formally engage with a service more closely. Primarily, this would be when a service is failing, or is likely to fail, to respond adequately and promptly in respect of a cause of concern. Possible triggers could include, but not be limited to:

- Evidence that the service is not progressing at a reasonable pace in managing, mitigating, or eradicating the cause of concern (reasonable pace would need to be considered against the specific issue)
- The effect that insufficient progress is having on public safety
- Information from our independent reporting line
- The likelihood that a service may need to be recommended for further intervention to the Home Secretary in line with their intervention powers in the Fire and Rescue Services Act 2004

There may also be a need to move a service direct to this stage should the findings from an inspection be considered so serious by the HMI (e.g., multiple causes of concern and inadequate grades) that closer monitoring is considered necessary.

23. Should more closer monitoring be considered by the HMI to be necessary; the following options could then be considered:

- Encouraging enhanced support for the service in tackling problems, for instance through the NFCC or through peer support from LGA/other services.
- Convening a 'by exception' meeting – the Fire Performance Oversight Group (akin to our Police Performance Oversight Group) - chaired by the HMI responsible for fire and rescue service inspections to discuss the ongoing performance issues. Consideration may be given to inviting the chief fire officer, chair of the fire and rescue authority (or equivalent) and representatives from the NFCC (e.g., chair or appropriate committee lead). Attendance will be agreed on a case-by-case basis. Discussion will focus on what steps the service is taking to remedy the issue and what barriers they are facing.
- Discussions with the Home Office if concerns are of a more serious nature and may require greater intervention.

Completion of causes of concern

24. Once the SLL is satisfied that there is substantial evidence that a recommendation has been completed by the service, they will update the monitoring portal with progress including how

they have validated the improvements made by the service. The SLL will discuss this with their respective chief of staff. It is the responsibility of the chief of staff to be satisfied with the evidence, and to make a recommendation to the HMI that the cause of concern is now complete.

25. Once all recommendations associated with a cause of concern have been signed off as complete by the HMI, the regional HMI will send a letter to the chief fire officer and chair of the fire and rescue authority informing them that the cause of concern is now officially closed. Each letter will be tailored to the service and will confirm our findings and reasons for closure of the cause(s) of concern. The monitoring portal will be updated accordingly.

26. We intend to introduce quarterly public reporting of progress against recommendations (i.e., whether the recommendation is open or closed). We will write with further details on this in due course.

27. If an open cause of concern or recommendation is identified again in future inspections, then the original cause of concern/ recommendation will remain open, and the monitoring portal will be updated with the evidence from the most recent inspection.

Areas for improvement

28. If, during an inspection, we find an aspect of practice, policy or performance which falls short of the necessary level of quality, but which is not a serious or critical shortcoming, this may be reported as an area for improvement. Areas for improvement will not usually be accompanied by a recommendation.

29. A service can be graded no higher than “good” for a question where an area for improvement has been found.

30. All areas for improvement will be recorded on the Monitoring Portal. It is the responsibility of the SLL to update the progress of areas for improvement. We will formally review what progress a service has made against an AFI during their scheduled inspection (as per the FRS inspection programme). Once the SLL has changed the status of the AFI to complete, the chief of staff will be responsible for closing the AFI on the Monitoring Portal.

External bodies

31. We may make recommendations to external bodies, for example, when completing an inspection tranche or cycle, or in a national report including State of Fire & Rescue. These recommendations may, or may not, have a connected cause of concern.

32. These recommendations will be added to the Monitoring Portal. It is the responsibility of the deputy portfolio director, working to the portfolio director, to update the progress of these recommendations on the Monitoring Portal. When they are satisfied that the recommendations are complete, the deputy portfolio director will update the HMIs and the SRO and request for the matter to be closed.

Additional information

Powers of Intervention (Taken from Fire and Rescue National Framework for England)

Home Office

33. It is a requirement under section 23 of the Fire and Rescue Services Act 2004 (the 2004 Act) that an intervention protocol be prepared, and for the Secretary of State to have regard to it in the exercise of their power of intervention.

34. The Secretary of State’s order-making powers under section 22 of the 2004 Act are to ensure that fire and rescue authorities act in accordance with the Fire and Rescue National

Framework for England (the Framework). Intervention is by order, subject to the negative Parliamentary procedure, and can only be made if the Secretary of State considers it would promote public safety; and the economy, efficiency or effectiveness of the relevant fire and rescue authority, or the services it provides.

35. To date there has been no formal intervention in the operations of a fire and rescue authority by the Secretary of State under these powers. Use of this power is seen as a last resort. The expectation is that the political and professional leadership of the fire and rescue authority will put in place processes to ensure that sector-led support is provided to any fire and rescue authority that needs it.

36. This intervention protocol (“the protocol”) broadly sets out the arrangements between the Secretary of State, the Local Government Association (LGA), the Association of Police and Crime Commissioners (APCC), Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), the National Fire Chiefs Council (NFCC) and fire and rescue authorities should formal intervention be considered necessary.

37. In this protocol the term 'intervention' is used to refer to action by the Secretary of State in exercise of their powers under section 22 of the 2004 Act. Although the Secretary of State also has other powers of intervention (for example, under section 15 of the Local Government Act 1999) this protocol does not apply to an intervention under those powers.

38. Our ongoing monitoring arrangements for fire and rescue services will play a vital role in determining whether any further formal intervention should be considered. This will include the number of revisits made to a service, information and improvements outlined on the Monitoring Portal and our escalation process which can determine whether any home Office intervention may be necessary.

Role of other interested parties in supporting FRAs at risk

39. We will have a leading role in identifying any fire and rescue service that is failing, or is likely to fail, in providing efficiency, effectiveness and looking after their people. The NFCC and the LGA and/or APCC will play an important liaison role in engaging the wider sector in supporting those authorities at risk, and work collaboratively with others, identifying at an early stage, serious risks to performance or the requirement to act in accordance with the Framework. The NFCC and/or Local Government Association and/or the Association of Police and Crime Commissioners will work with these bodies to prevent the escalation of those risks to avoid any risk to public safety or any negative impact on the reputation of the sector.

40. If there are specific concerns in respect of performance, or if there is evidence that indicates a fire and rescue authority is failing or is at risk of failing to act in accordance with the Framework, either through inspection by HMICFRS or through sector-led processes, the NFCC and/or the Local Government Association, and/or the Police, Fire and Crime Panel, and/or the Association of Police and Crime Commissioners will work with the authority to help them address the issues and seek improvement.

Circumstances leading to statutory intervention

41. It is for the Home Secretary to determine whether any further intervention is needed. We can suggest that an intervention may be appropriate, but before we do, all possible options should’ve been explored, and support provided to the fire and rescue service to make the necessary improvements. The Home Secretary would not seek any intervention unless there was clear evidence that an authority was failing to act in accordance with the National Framework and that the failure was sufficiently serious as to require Government intervention.

42. If, following a sustained and determined attempt to resolve problems through sector-led improvement an issue cannot be resolved, or if a fire and rescue authority is unwilling or unable to engage with sector-led improvement measures, the Secretary of State can, under section 28 of the Fire and Rescue Services Act 2004, commission HMICFRS to lead an investigation. Under

this provision, the Secretary of State also has the power to require HMICFRS to undertake any further inspection of fire and rescue authorities in England as required for the purpose of furthering their efficiency and effectiveness. The Secretary of State may also seek advice and information from other persons/bodies (for example, the NFCC) in respect of specific identified issues.

43. The Secretary of State has a range of powers including to request information about a fire and rescue authority's functions and conferring on a fire and rescue authority functions relating to emergencies. Inspection powers – powers to obtain information and access premises – are also held by HMICFRS' inspectors.

What happens upon statutory intervention

44. In the event that statutory intervention is considered necessary, the Secretary of State will consult the authority concerned and any other body or authority which is considered necessary, such as HMICFRS, the NFCC and the Local Government Association, before exercising powers of intervention under section 22 of the 2004 Act.

45. The form or extent of any formal intervention will be a matter for determination on a case-by-case basis, considering the views of the fire and rescue authority, HMICFRS, the NFCC, the Local Government Association, the Association of Police and Crime Commissioners, the Police Fire and Crime Panel and any other consultees, depending on the nature and the severity of the failure under consideration. Following such deliberations, the Secretary of State will agree a course of action, and how the required improvement will be delivered.

Fire and Rescue National Framework for England:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705060/National_Framework_-_final_for_web.pdf

Fire and Rescue Services Act 2004:

<http://www.legislation.gov.uk/ukpga/2004/21/contents>