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This circular is	<b>Relevant to the National Framework</b>		
Status	<b>Invitation to respond to consultation.</b>		

# *Consultation exercise: Best Value for Fire and Rescue Authorities*

Issued by:

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Addressed to:

**The Chief Executive to the County Council**  
**The Clerk to the Fire and Rescue Authority**  
**The Clerk to the Fire and Civil Defence Authority**  
**The Clerk to the Combined Fire and Rescue Authority**  
**The Commissioner of the London Fire and Emergency Planning Authority**  
**The Chief Fire Officer**

Please forward to:

Summary

This document includes proposals affecting Fire and Rescue Authorities in England on:

- **Improvement Planning and Best Value**
- **Freedoms & Flexibilities**
- **The application of the Local Govt protocol on the use of Intervention Powers to the new powers available to the Secretary of State in Section 22 Of the Fire and Rescue Services Act 2004.**

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### 1.0 Introduction

This Circular invites the Fire and Rescue Service and other stakeholders to comment on proposals set out in a draft Best Value Circular intended to apply to Fire and Rescue Authorities (FRAs) in England. This document incorporates measures including:

- a proposed improvement planning process to follow the implementation of Fire Comprehensive Performance Assessment (CPA)
- the role of best value in supporting improvement
- guidance on Best Value Performance Plans (BVPPs) following CPA and reflecting a proportional approach in response to CPA category
- guidance on the application of Transfer of Undertakings (Protection of Employment) Regulations (TUPE) principles and the code of practice on workforce matters to FRA contracts
- ODPM proposals for Freedoms and Flexibilities reflecting CPA performance; and
- the application of the provisions of the Local Government Intervention Protocol to the powers to enforce the National Framework contained in Section 22 of the Fire and Rescue Services Act 2004.

### 2.0 Questions

Consultees are welcome to comment on any aspect of the proposals - but all responses are specifically invited to comment on the following nine questions:

#### 2.1 Improvement planning

##### Question 1

Do you support the round-table process proposed following the implementation of CPA? Would you wish to comment in more detail on any of the following:

- Process
- Timing
- Roles of attendees
- Content of discussions
- Any other issues?

### 2.2 Best Value

#### Question 2

Do you agree with the more flexible approach to the use of Best Value by FRAs advocated in the draft guidance?

#### Question 3

Do you agree that FRAs should, as far as possible, integrate their Best Value Performance Plan (BVPP), Integrated Risk Management Plan (IRMP) Action Plan and corporate/business planning processes. If so are there any other measures that you believe would further facilitate this?

#### Question 4

Do you agree that BVPP requirements should be reduced for CPA "Excellent" and "Good" FRAs?

### 2.3 TUPE and the Code of Practice on Workforce Matters

#### Question 5

Do you wish to comment on the guidance on the application of the Code of Practice on Workforce Matters to FRAs in regard to:

- Contracting processes; or
- Staff terms and conditions?

### 2.4 Freedoms and flexibilities

#### Question 6

Do you believe the proposed package of freedoms and flexibilities reflecting CPA performance is appropriate?

#### Question 7

Do you support the proposed "bespoke" agreement with FRAs rated "Excellent" by CPA?

#### Question 8

Are there any other freedoms you believe should be made available to some or all FRAs to support improvement?

### 2.5 Poor performance

#### Question 9

Do you agree with the application of the provisions of the Local Government Intervention Protocol to the Secretary of State's new powers to intervene contained in section 22 of the Fire and Rescue Services Act 2004?

### CODE OF PRACTICE - CONSULTATION CRITERIA

The Government has adopted a code of practice for consultations. The criteria below apply to all UK public consultations by government departments and agencies. Though the code does not have legal force, and cannot prevail over statutory or mandatory external requirements (eg under European Community law), it should otherwise generally be regarded as binding on UK departments and their agencies, unless Ministers conclude that exceptional circumstances require a departure from it.

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

For comments on the consultation process please contact:

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### Confidentiality

All responses will be made public unless confidentiality is specifically requested. Responses may nevertheless be included in statistical summaries of comments received and views expressed.

However, correspondents should be aware that confidentiality cannot always be guaranteed, for example where a response includes evidence of a serious crime. Any automatic confidentiality disclaimer generated by your organisation's IT system will not be respected unless you specifically include a request to the contrary in the main text of your response.