



Home Office

# Fire and Rescue National Framework for England

May 2018



## CONTENTS

Foreword	3
1. INTRODUCTION	5
Powers	5
Priorities	5
2. DELIVERY OF FUNCTIONS	6
Identify and Assess	6
Prevent and Protect	6
Respond	7
Collaboration	7
3. NATIONAL RESILIENCE	9
Gap Analysis	9
National Coordination and Advisory Framework	10
Response to Terrorist Attacks or Marauding Terrorist Firearms Attacks	10
National Resilience Assurance	10
4. GOVERNANCE	11
Managing the Fire and Rescue Service/Chief Fire Officer	11
Documents to be Prepared	12
National Fire Chiefs Council	13
5. ACHIEVING VALUE FOR MONEY	14
Reserves	14
Commercial Transformation	15
Research and Development	16
Trading	16
6. WORKFORCE	17
People Strategy	17
Professional Standards	17
Fitness Principles	17
Re-engagement of Senior Officers	18
7. INSPECTION, INTERVENTION AND ACCOUNTABILITY	19

Inspection	19
Intervention	19
Accountability	20
Transparency	21
8. TIMESCALE AND SCOPE	22
Timescales	22
Scope	22
Annex A - Requirements on Fire and Rescue Authorities in England	23
Annex B - Published Financial Guidance (see Chapter 5)	24
Annex C - Fitness Principles	25
Annex D - Protocol on Central Government Intervention Action for Fire and Rescue Authorities	26

# Foreword

Fire and rescue services play a crucial role in making our communities safer, whether it be preventing and protecting people from fire and other risks, or responding swiftly and effectively to the incidents and emergencies that occur.

Over the past decade we have witnessed a significant decrease – almost half - in the number of fires attended which suggests that we are, as a society, becoming safer than ever from the risks and consequences of fire. This decrease can be attributed to many factors, including in part testament to the successful fire prevention and protection work that fire and rescue services deliver day in, day out, up and down the country. We must continue to work hard to keep people – especially those whose vulnerability to fire is increased by age, infirmity, mental health, domestic violence or any of the other complex issues some of us are living with – as safe from fire risks as possible. In many cases, this means engaging effectively with other agencies to work together to better protect and improve the outcomes for these individuals. Nevertheless, the awful tragedy at Grenfell Tower provided a stark and terrible reminder that we can never afford to become complacent.

The past decade has also seen fire and rescue services respond to an ever growing number of non-fire incidents. I expect collaboration to be at the heart of how services operate so that services can work with, or on behalf of, local providers, to deliver a range of public safety activity to protect their local communities, where it is in the interests of efficiency and effectiveness for them to do so. But such activity must not be at the expense of services' core functions around prevention, protection and response as that is ultimately what the taxpayer funds fire and rescue services to deliver.

In 2016, the Home Office outlined an ambitious programme of reform which it is delivering with the fire and rescue sector. We want to support the continuous improvement of fire and rescue services, enabling them to be more accountable, effective and professional than ever before, building on the great strides in prevention and collaboration that they have already made. This revised National Framework seeks to embed these reforms, which include:

- transforming local governance of fire and rescue by enabling mayors and police and crime commissioners to take on responsibility for their fire and rescue service where a local case is made;
- establishing Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) as an independent inspection regime for fire and rescue services;
- developing a comprehensive set of professional standards to drive sector improvement;
- supporting services to transform commercially with more efficient procurement and collaboration;
- increasing the transparency of services with the publication of greater performance data and the creation of a new national fire website; and
- driving forward an ambitious programme for workforce reform including through enhancing: professionalism; management and leadership; training and development; equality and diversity; culture; and options for flexible working.

It is against this background that the Government issues this revised National Framework. I am grateful to all those who responded to our consultation. We have carefully considered every response and amended the National Framework as appropriate. Our consultation response has been published separately.

The National Framework will continue to provide an overall strategic direction to fire and rescue authorities, but Whitehall will not run fire, and fire and rescue authorities and their services remain free to operate in a way that enables the most efficient and effective delivery of their services, drawing upon their considerable skills and experience to best reduce the risks from fire. Ultimately, it is to local communities, not Government, that fire and rescue authorities are accountable. The fire landscape is changing with different governance models, the new inspectorate and the recently created National Fire Chiefs Council. This revised framework outlines the new roles and responsibilities of these changes and sets expectations for how services should work with the new arrangements.

Finally, it is vital that we learn the lessons from Grenfell. I very much welcome the publication of Dame Judith Hackitt's interim report setting out a comprehensive analysis of the current system of building regulations and fire safety and providing recommendations for how it can be improved. We agree with her call for a change in culture and a more effective system that will encourage people to do the right thing and hold to account those who try to cut corners. The scale of the change indicated in her Interim Report cannot be delivered by government alone. We will work closely with Dame Judith and other partners – including the National Fire Chiefs Council and fire and rescue services – to implement her short-term recommendations and to identify the long-term changes that will need to be made to the system over time. We will update the National Framework as required to ensure that the learning and recommendations from this Review, as well as those from the wider Grenfell Tower Inquiry, are captured and reflected. In the meantime, we acknowledge the vital work that local fire and rescue services, and the National Fire Chiefs Council - as a member of the Expert Panel - are doing to ensure that building owners are taking all the necessary steps to ensure those living in high rise buildings are safe and feel safe to remain in their homes.

I look forward to continuing to see the important and life-saving work that fire and rescue services deliver.

A handwritten signature in blue ink that reads "Nick Hurd".

Rt Hon Nick Hurd MP

Minister of State for Policing and the Fire Service

## 1. INTRODUCTION

### Powers

- 1.1 Under section 21 of the Fire and Rescue Services Act 2004 (“the 2004 Act”), the Secretary of State must prepare a Fire and Rescue National Framework. The Framework:
  - a) must set out priorities and objectives for fire and rescue authorities in connection with the discharge of their functions;
  - b) may contain guidance to fire and rescue authorities in connection with the discharge of any of their functions; and
  - c) may contain any other matter relating to fire and rescue authorities or their functions that the Secretary of State considers appropriate.
- 1.2 In setting out priorities and objectives for fire and rescue authorities in England, the requirements are best calculated to promote public safety and the economy, efficiency and effectiveness of fire and rescue authorities. The Framework sets out high level expectations; it does not prescribe operational matters which are best determined locally by fire and rescue authorities and their staff.
- 1.3 In preparing the Framework, the Secretary of State undertook a public consultation which met the requirements of the 2004 Act, namely to include fire and rescue authorities or their representatives; persons representing employees of fire and rescue authorities; and any other persons considered appropriate as required by the 2004 Act.
- 1.4 Every fire and rescue authority must have regard to the Framework in carrying out their functions. Every authority must publish an annual statement of assurance of compliance with the Framework (see Chapter 4).
- 1.5 Fire and rescue authorities function within a long-established statutory and policy framework. This document does not repeat all the duties placed on them in connection with the discharge of their functions, or more generally as a public service provider and employer.
- 1.6 The term ‘fire and rescue authority’ in this Framework applies to every fire and rescue authority in England unless otherwise stated.

### Priorities

- 1.7 The priorities in this Framework are for fire and rescue authorities to:
  - make appropriate provision for fire prevention and protection activities and response to fire and rescue related incidents;
  - identify and assess the full range of foreseeable fire and rescue related risks their areas face;
  - collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of the service they provide;
  - be accountable to communities for the service they provide; and
  - develop and maintain a workforce that is professional, resilient, skilled, flexible and diverse.

## 2. DELIVERY OF FUNCTIONS

### Identify and Assess

- 2.1 Every fire and rescue authority must assess all foreseeable fire and rescue related risks that could affect their communities, whether they are local, cross-border, multi-authority and/or national in nature from fires to terrorist attacks. Regard must be had to Community Risk Registers produced by Local Resilience Forums and any other local risk analyses as appropriate.
- 2.2 Fire and rescue authorities must put in place arrangements to prevent and mitigate these risks, either through adjusting existing provision, effective collaboration and partnership working, or building new capability. Fire and rescue authorities should work through the Strategic Resilience Board where appropriate when determining what arrangements to put in place.

### Prevent and Protect

- 2.3 Fire and rescue authorities must make provision for promoting fire safety, including fire prevention, and have a locally determined risk-based inspection programme in place for enforcing compliance with the provisions of the Regulatory Reform (Fire Safety) Order 2005 in premises to which it applies.
- 2.4 We expect fire and rescue authorities to target their fire safety, prevention and protection resources on: those individuals or households who are at greatest risk from fire in the home; those most likely to engage in arson or deliberate fire setting; and on those non-domestic premises where the life safety risk is greatest. Consideration could also be given to non-domestic premises which are at risk from fire in order to mitigate loss to economic wellbeing.
- 2.5 To identify those at greatest risk from fire, we expect fire and rescue authorities to work closely with other organisations in the public and voluntary sector, as well as with the police and ambulance services. Wherever appropriate, we expect fire and rescue services to develop partnerships to support risk reduction services to those identified as vulnerable, including from exploitation or abuse, and wherever possible to share intelligence and relevant risk data.
- 2.6 In many cases, fire and rescue staff may be in a position to identify individuals' wider vulnerabilities and exposure to risks beyond fire. By working closely and collaboratively with other public and voluntary sector organisations – both nationally through the National Fire Chiefs Council (NFCC) and through local arrangements – we recognise fire and rescue authorities can make an important contribution to increasing the effectiveness and efficiency of public services and alleviating pressures on local response resources. However, this should not be at the expense of effective delivery of their statutory core fire functions.
- 2.7 In all their prevention and protection activities, fire and rescue authorities should assess what they are aiming to achieve through the activity, what type of intervention is most likely to achieve the aims and how best to measure and evaluate outcomes. Fire and rescue authorities should share details of their interventions to support each other to understand and improve the evidence base of what works best and what is most cost-effective.



2.8 Given the wide range of roles that fire and rescue personnel undertake, including with people with complex needs and vulnerabilities, fire and rescue authorities will need to ensure that all their staff in public-facing roles have the necessary skills and training to meet such demands. They also should have appropriate safeguarding arrangements in place – including ensuring staff have appropriate vetting clearance - to provide the public with the reassurance and confidence that they have every right to expect.

## **Respond**

2.9 Fire and rescue authorities must make provision to respond to incidents such as fires, road traffic collisions and other emergencies within their area and in other areas in line with their mutual aid agreements.

2.10 Fire and rescue authorities must, so far as is practicable, enter into reinforcement schemes, or mutual aid agreements, with other fire and rescue authorities for securing mutual assistance.

2.11 Fire and rescue authorities must have effective business continuity arrangements in place in accordance with their duties under the Civil Contingencies Act 2004. Within these arrangements, fire and rescue authorities must make every endeavour to meet the full range of service delivery risks and national resilience duties and commitments that they face. Business continuity plans should not be developed on the basis of armed forces assistance being available.

## **Collaboration**

2.12 The Policing and Crime Act 2017 created a statutory duty on fire and rescue authorities, police forces, and ambulance trusts to:

- keep collaboration opportunities under review;
- notify other emergency services of proposed collaborations that could be in the interests of their mutual efficiency or effectiveness; and
- give effect to a proposed collaboration where the proposed parties agree that it would be in the interests of their efficiency or effectiveness and that it does not have an adverse effect on public safety.

2.13 The duty is deliberately broad to allow for local discretion in how it is implemented and recognises that local emergency services are best placed to determine how to collaborate for the benefit of their communities. However, the duty sets a clear expectation that collaboration opportunities should be considered.

2.14 The duty does not preclude wider collaboration with other local partners, such as local authorities and wider health bodies. To reflect their wider role, ambulance trusts are required to consider the impact of the proposed collaboration on their wider non-emergency functions and the NHS when determining if it would be in the interests of their efficiency or effectiveness.

2.15 Fire and rescue authorities must collaborate with other fire and rescue authorities to deliver intraoperability (between fire and rescue authorities) and interoperability (with other responders such as other emergency services, wider Category 1 and 2 responders and Local Resilience Forums) in line with the Joint Emergency Services Interoperability Principles (JESIP). Fire and rescue authorities must collaborate with the National Resilience Lead Authority to ensure interoperability is maintained for National Resilience assets.

2.16 Intraoperability includes, but is not limited to:

- compatible communications systems, control rooms and equipment;
- common command and compatible control and co-ordination arrangements;
- effective information, intelligence and data sharing;
- compatible operational procedures, and guidance with common terminology;
- compatible training and exercising (both individually and collectively); and
- cross border working with other English fire and rescue authorities and those in the devolved administrations.

2.17 Interoperability includes, but is not limited to:

- compatible communications systems, control rooms and equipment, as appropriate;
- compatible command, control and co-ordination arrangements;
- effective inter-agency working and liaison and, where appropriate, information, intelligence and data sharing;
- shared understanding of respective roles and responsibilities, operational procedures, guidance and terminology;
- robust multi-agency plans for managing risks identified in the National Risk Assessment and community risk registers;
- multi-agency training and exercising; and
- cross border working with other responders in England and the devolved administrations.

### 3. NATIONAL RESILIENCE

- 3.1 The Government retains responsibility for the provision of national resilience assets and capabilities managed and delivered through fire and rescue services. This responsibility extends to undertaking the National Risk Assessment which informs the requirements for fire and rescue national resilience capabilities. In meeting this responsibility, the Government has committed significant financial resource to build national resilience capabilities and to support their ongoing maintenance.
- 3.2 The Government relies on the strategic leadership role of the NFCC to maintain fire and rescue national resilience capabilities in a high state of operational readiness through a comprehensive assurance regime delivered through lead authority arrangements.
- 3.3 Fire and rescue authorities must work with the lead authority to support the national resilience assurance processes in order to ensure capabilities are maintained at a high state of operational readiness. This includes co-operation of fire and rescue authorities, as necessary, on devolved training and, where applicable, on the long-term capability management arrangements.
- 3.4 Fire and rescue services, through the NFCC's representation on the Strategic Resilience Board, must also work with Government to identify and address any national resilience capability gaps identified through ongoing analysis of the National Risk Assessment.

#### Gap Analysis

- 3.5 Fire and rescue authorities' risk assessments must include an analysis of any gaps between their existing capability and that needed to ensure national resilience (as defined above).
- 3.6 Fire and rescue authorities are required to assess the risk of emergencies occurring and use this to inform contingency planning. To do this effectively, fire and rescue authorities are expected to assess their existing capability and identify any gaps as part of the integrated risk management planning process. This gap analysis needs to be conducted by fire and rescue authorities individually and collectively to obtain an overall picture of their ability to meet the full range of risks in their areas.
- 3.7 As part of their analysis, fire and rescue authorities must highlight to the Home Office or the Fire and Rescue Strategic Resilience Board, any capability gaps that they believe cannot be met even when taking into account mutual aid arrangements, pooling and reconfiguration of resources and collective action.
- 3.8 The Home Office, in liaison with other government departments and the devolved administrations, will support fire and rescue authorities in considering and defining the gap between existing capability and the capability required to ensure national resilience.

## **National Coordination and Advisory Framework**

3.9 The National Coordination and Advisory Framework (NCAF) has been designed to provide robust and flexible response arrangements to major emergencies that can be adapted to the nature, scale and requirements of the incident. Fire and rescue authorities must proactively engage with, and support, the NCAF arrangements including the NFCC's lead operational role.

## **Response to Terrorist Attacks or Marauding Terrorist Firearms Attacks**

3.10 Fire and rescue services must be able to respond to the threat of terrorism and be ready to respond to incidents within their areas and across England. Fire and rescue services should also be interoperable to provide operational support across the UK to terrorist events as required. Government recognises the critical contribution of fire and rescue services when responding to acts of terrorism. This is an agreed function of fire and rescue services as set out in the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service ("the Grey Book") and is encompassed within the broad descriptions within the existing agreed firefighter role maps: to save and preserve endangered life, and safely resolve operational incidents.

3.11 To enhance resilience to terrorist risks, the Government has committed significant financial resources to develop a Marauding Terrorist Firearms Attack (MTFA) capability, with the support of fire and rescue services. This is aligned to the National Risk Assessment and provides a specialist response across the country. Fire and rescue authorities are responsible for maintaining the robustness of this capability.

3.12 MTFA arrangements shall be further enhanced by putting in place an appropriate multi-agency assurance mechanism that will ensure the capability is effective and delivered to the agreed standard.

## **National Resilience Assurance**

3.13 Fire and rescue authorities must continue to work collectively and with the Fire and Rescue Strategic Resilience Board and the national resilience lead authority to provide assurance to government that:

- existing national resilience capabilities are fit for purpose and robust; and
- risks and plans are assessed and any gaps in capability that are needed to ensure national resilience are identified.

3.14 Fire and rescue authorities with MTFA teams must work with police forces and ambulance trusts to provide tri-service assurance of this capability.

## 4. GOVERNANCE

- 4.1 Fire and rescue authorities operate with a range of different locally determined governance arrangements including an individual – either a police, fire and crime commissioner (PFCC) or a mayor – having sole responsibility for being the fire and rescue authority for an area. Each fire and rescue authority has a statutory duty to ensure provision of their core functions as required by the Fire and Rescue Services Act 2004.
- 4.2 Where police and crime commissioners under the Fire and Rescue Services Act 2004 – and mayors – wish to develop a local proposal to take on governance responsibility for fire and rescue in their area, fire and rescue authorities must provide them with such information that they reasonably require to develop a proposal. The Secretary of State can only give effect to a fire governance proposal where, in their view, it appears to be in the interests of economy, efficiency and effectiveness, or in the interests of public safety. The Secretary of State cannot give effect to a proposal if, in their view, it would have an adverse effect on public safety.
- 4.3 In London, the Mayor appoints a London Fire Commissioner who, in addition to being the fire and rescue authority, may have an operational role. The Mayor of London, who has overall responsibility for setting the strategic direction for the London Fire Brigade and holding the Commissioner to account, should give due regard to the advice of the London Fire Commissioner when making decisions about the service. The London Fire Commissioner is responsible for ensuring fire and rescue services in London are efficient and effective and prepares the Integrated Risk Management Plan for approval by the Mayor.

### **Managing the Fire and Rescue Service/Chief Fire Officer**

- 4.4 Each fire and rescue authority will appoint an individual – commonly known as a Chief Fire Officer – who has responsibility for managing the fire and rescue service. This role does not have to be operational but includes managing the personnel, services and equipment secured by the fire and rescue authority for the purposes of carrying out functions conferred on it by the Fire and Rescue Services Act 2004, Civil Contingencies Act 2004, and other enactments. Each fire and rescue authority must hold this person to account for the exercise of their functions and the functions of persons under their direction and control.
- 4.5 The chief fire officer must, in exercising their functions, have regard to the fire and rescue authority's Integrated Risk Management Plan and any set objectives and priorities which may be outlined in a strategic plan. The fire and rescue authority should give due regard to the professional advice of the Chief Fire Officer while developing the Integrated Risk Management Plan and when making decisions affecting the fire and rescue service.

## Documents to be Prepared

4.6 Each fire and rescue authority is required to produce (see Annex A for further details):

### i. Integrated Risk Management Plan

Each plan must:

- reflect up to date risk analyses including an assessment of all foreseeable fire and rescue related risks that could affect the area of the authority;
- demonstrate how prevention, protection and response activities will best be used to prevent fires and other incidents and mitigate the impact of identified risks on its communities, through authorities working either individually or collectively, in a way that makes best use of available resources;
- outline required service delivery outcomes including the allocation of resources for the mitigation of risks;
- set out its management strategy and risk-based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005 in accordance with the principles of better regulation set out in the Statutory Code of Compliance for Regulators, and the Enforcement Concordat;
- cover at least a three-year time span and be reviewed and revised as often as it is necessary to ensure that the authority is able to deliver the requirements set out in this Framework;
- reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies and partners; and
- be easily accessible and publicly available.

### ii. Annual statement of assurance

The statement should outline the way in which the authority and its fire and rescue service has had regard – in the period covered by the document – to this National Framework, the Integrated Risk Management Plan and to any strategic plan (e.g. the Fire and Rescue Plan – see 4.10 below) prepared by the authority for that period. The authority must also provide assurance to their community and to government on financial, governance and operational matters. For PCC FRAs, this statement is subject to scrutiny by the Police, Fire and Crime Panel. The name of this statement differs across governance models (e.g. in the case of PCC FRAs it is called the ‘Fire and Rescue Statement’ and in Greater Manchester the ‘Fire and Rescue Declaration’).

### iii. Financial plans

A medium-term financial strategy, an efficiency plan and a reserves strategy. These can be combined or published separately. Please see section 5 for further details.

## PFCC FRAs

4.7 A police, fire and crime commissioner (PFCC) must additionally produce a **fire and rescue plan**. The plan should set out the fire and rescue authority’s strategic vision, priorities and objectives for their fire and rescue service over the period of the document in connection with the discharge of their functions. This plan can be revised as frequently as considered necessary but the Government’s expectation is that a plan should be produced and issued shortly after the PFCC takes office. In

developing this plan, the PFCC must make arrangements for obtaining the view of the community as they currently do in preparing their Police and Crime Plan. These views can cover both the Fire and Rescue Plan and the Integrated Risk Management Plan and so there is no need for separate consultations to be undertaken, although local areas can consult as often as they consider necessary. The Government's expectation is that this plan should inform the Integrated Risk Management Plan which should in turn outline how the PFCC's priorities will be met.

- 4.8 The PFCC must have regard to both the Fire and Rescue Plan and the Police and Crime Plan when carrying out their functions. The plans can be combined. Where a joint Police, Crime and Fire and Rescue Plan is developed, the plan must set out both policing and fire and rescue priorities and objectives. Such plans are subject to scrutiny by the Police, Fire and Crime Panel.
- 4.9 The function of preparing and issuing the Integrated Risk Management Plan may be delegated to the Chief Fire Officer – or Chief Officer where a single employer has been put in place – however, the plan must be approved by the PFCC as the fire and rescue authority.

### **National Fire Chiefs Council**

- 4.10 The NFCC brings together the operational leadership of the UK's fire and rescue services to provide co-ordinated professional, operational and technical leadership of the sector, advising and supporting central and local government, and other stakeholders.
- 4.11 The NFCC fulfils a multifaceted role that is reflected throughout this document and other national frameworks. The NFCC represents the sector in local and national structures, helping to develop national policies and strategies. The NFCC is the first line of operational advice to central and local government during major incidents. This is outlined within the National Coordination and Advisory Framework (NCAF), which fire and rescue services must proactively engage with.
- 4.12 The NFCC has a role to drive continuous improvement and development throughout the sector. Fire and rescue services should consult the NFCC for advice and support when developing improvement plans, particularly in response to inspections.
- 4.13 The expectation is that fire and rescue services in England engage with the NFCC and, in turn, that the NFCC works to support and represent every service.

## 5. ACHIEVING VALUE FOR MONEY

- 5.1 Fire and rescue authorities must manage their budgets and spend money properly and appropriately, and ensure the efficient and effective use of their resources, pursuing all feasible opportunities to keep costs down while discharging their core duties effectively. Fire and rescue authorities should regularly review the numbers and deployment of firefighters and other staff to ensure that their fire and rescue service has a workforce that is commensurate with the risks that they face.
- 5.2 Fire and rescue authorities must ensure that financial decisions are taken with the advice and guidance of the chief finance officer and that decisions are taken with an emphasis on delivering value for money to the public purse. Fire and rescue authorities should ensure that management of their finances is undertaken with regard to published guidance including those set out at Annex B.
- 5.3 Combined and Metropolitan Fire and Rescue Authorities should produce and publish a medium term financial plan, efficiency plan and a reserves strategy (see para 5.8 below). The efficiency plan and reserves strategy can form part of the medium term financial plan and do not need to be separate documents. Where fire and rescue is part of a County Council, Unitary Authority or Mayoral Body we expect that these requirements will be included within the parent authorities' documentation. In the case of London, the efficiency plan and reserves strategy will be produced by the London Fire Commissioner.
- 5.4 The medium term financial plan should include funding and spending plans for revenue and capital. The plan should take into account multiple years, the inter-dependencies of revenue budgets and capital investments, the role of reserves and the consideration of risks. It should have regard to affordability and also to CIPFA's Prudential Code for Capital Finance in Local Authorities. The strategy should be aligned with the fire and rescue authority's Integrated Risk Management Plan and – if appropriate – the Fire and Rescue Plan.
- 5.5 Local Authorities (including combined fire and rescue authorities) were required to produce robust, transparent and locally owned efficiency plans and publish them on their website in order to receive a four year funding settlement from 2016/17 to 2019/20. Each fire and rescue authority should publish an annual report on their progress against these efficiency plans, and publish any updated efficiency plan if produced. Again, this can form part of the medium term financial plan.

### Reserves

- 5.6 Sections 31A, 32, 42A and 43 of the Local Government Finance Act 1992 requires billing and precepting authorities to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement.
- 5.7 Fire and rescue authorities should establish a policy on reserves and provisions in consultation with their chief finance officer. General reserves should be held by the fire and rescue authority and managed to balance funding and spending priorities and to manage risks. This should be established as part of the medium-term financial planning process.



- 5.8 Each fire and rescue authority should publish their reserves strategy on their website, either as part of their medium term financial plan or in a separate reserves strategy document. The reserves strategy should include details of current and future planned reserve levels, setting out a total amount of reserves and the amount of each specific reserve that is held for each year. The reserves strategy should cover resource and capital reserves and provide information for the period of the medium term financial plan (and at least two years ahead).
- 5.9 Sufficient information should be provided to enable understanding of the purpose(s) for which each reserve is held and how holding each reserve supports the fire and rescue authority's medium term financial plan. The strategy should be set out in a way that is clear and understandable for members of the public, and should include:
- how the level of the general reserve has been set;
  - justification for holding a general reserve larger than five percent of budget; and
  - details of the activities or items to be funded from each earmarked reserve, and how these support the FRA's strategy to deliver a good quality service to the public. Where an earmarked reserve is intended to fund a number of projects or programmes (for example, a change or transformation reserve), details of each programme or project to be funded should be set out.
- 5.10 The information on each reserve should make clear how much of the funding falls into the following three categories:
- a. Funding for planned expenditure on projects and programmes over the period of the current medium term financial plan.
  - b. Funding for specific projects and programmes beyond the current planning period.
  - c. As a general contingency or resource to meet other expenditure needs held in accordance with sound principles of good financial management (e.g. insurance).

### **Commercial Transformation**

- 5.11 Each fire and rescue authority must demonstrate that it is achieving value for money for the goods and services it receives. Every fire and rescue authority should look at ways to improve its commercial practices including whether they can aggregate their procurement with other fire and rescue authorities and other local services (e.g. police) to achieve efficiencies.
- 5.12 Fire and rescue authorities must demonstrate and support national and local commercial transformation programmes where appropriate. Each fire and rescue authority should be able to demonstrate full awareness of the objectives to standardise requirements, aggregate demand and manage suppliers of products and services within their commercial arrangements.
- 5.13 Fire and rescue authorities must ensure that their commercial activities, be that the placement of new contracts or the use of existing contracts, is in line with their legal obligations, including but not limited to the Public Contracts Regulations, the Public Services (Social Value) Act 2012, the Modern Slavery Act 2015 and transparency commitments.

## Research and Development

- 5.14 Fire and rescue authorities should engage with national research and development programmes, including those overseen by the NFCC, unless there is a good reason not to.
- 5.15 Where fire and rescue services embark on research and development outside of any national programme, processes should be put in place to ensure it meets quality standards and, where possible and appropriate, is available to the sector to enable good practice to be shared.

## Trading

- 5.16 Fire and rescue authorities have the power to trade and make a profit but they must ensure that their commercial activities are performed in accordance with the requirements of the Local Government Act 2003, the Fire and Rescue Services Act 2004 (as amended by the Localism Act 2011), the Local Government Order 2009 and the Local Authorities (Goods and Services) Act 1970. Fire and rescue authorities must also ensure that such commercial activities are exercised through a company within the meaning of Part 5 of the Local Government and Housing Act 1989.
- 5.17 A trading company is a separate legal entity and elected members and officers should at all times be aware of potential conflicts of interest when carrying out their roles for their authorities, or when acting as directors of trading companies.
- 5.18 Fire and rescue authorities must ensure any actions taken in respect of their trading companies are considered against the requirements of competition law. Any financial assistance – in cash or in kind – given by an authority that establishes or participates in it, should be for a limited period, set against the expectation of later returns, and re-paid by those returns. Any assistance should be provided under a formal agreement with the company and must be entered into for a commercial purpose. Before entering into such an agreement, the authority should satisfy itself that it will achieve its objective, and the company should satisfy itself that it will meet its objective in terms of its business plan. The parties should consider any State Aid implications and obtain their own expert advice where necessary.

## 6. WORKFORCE

### People Strategy

- 6.1 Each fire and rescue authority should have in place a people strategy that has been designed in collaboration with the workforce. This should take into account the principles set out in the NFCC's people strategy and at a minimum cover:
- continuously improving the diversity of the workforce to ensure it represents the community it serves;
  - equality, cultural values and behaviours;
  - the various routes available in terms of recruitment, retention and progression;
  - flexible working;
  - professionalism, skills and leadership;
  - training opportunities;
  - health and safety, wellbeing, disabilities and support (e.g. mental health and physical support); and
  - tackling bullying, harassment and discrimination.
- 6.2 The Home Office collects and publishes a range of workforce data which fire and rescue authorities are required to provide. This includes workforce diversity, information on new joiners, reasons for leaving and firefighter injuries.

### Professional Standards

- 6.3 To enhance professionalism of fire and rescue services, a coherent and comprehensive set of professional standards across all areas of fire and rescue services' work will be developed, drawing on existing standards where appropriate. The development of new standards will be on an ongoing basis.
- 6.4 All fire and rescue authorities must implement the standards approved through this work and the inspectorate will have regard to these standards as part of their inspections.

### Fitness Principles

- 6.5 Firefighting is a physically demanding occupation and it is essential that firefighters have sufficient levels of fitness to enable them to carry out their tasks as safely and effectively as possible. As such, this requires higher levels of fitness than most other occupations and therefore there is a requirement for operational personnel to maintain levels of personal fitness. It is recognised that fitness levels may decline with age and whilst this may be mitigated by fitness training, diet and other lifestyle changes, it is acknowledged that there may be a general decline in fitness as a result of the ageing process.
- 6.6 Fire and rescue authorities have an important role in helping to ensure their firefighters remain fit and are supported in remaining in employment. Each fire and rescue authority must comply with the fitness principles set out at Annex C.

## Re-engagement of Senior Officers

- 6.7 The re-appointment of principal fire officers to the same or similar posts within the same fire and rescue authority, a short time after they have retired, has caused concern in recent years and increases costs for taxpayers. These individuals very often receive their pension benefits on retirement (such as their tax free lump sum) and then return on favourable terms, including an increase in take-home pay through avoiding paying employee pension contributions.
- 6.8 Fire and rescue authorities must not re-appoint principal fire officers<sup>1</sup> after retirement to their previous, or a similar, post save for in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited.
- 6.9 In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a public vote of the elected members of the fire and rescue authority, or a publicised decision by the appropriate elected representative of the fire and rescue authority, taking into account the legislative requirements of PCC FRA Chief Fire Officer appointment procedures. The reason why the re-appointment was necessary in the interests of public safety, and alternative approaches were deemed not appropriate, must be published and the principal fire officer's pension must be abated until they cease to be employed by a fire and rescue authority.
- 6.10 To ensure greater fairness and the exchange of talent and ideas, all principal fire officer posts must be open to competition nationally, and fire and rescue authorities must take account of this in their workforce planning.
- 6.11 While the above requirements only extend to principal fire officers, we expect fire and rescue authorities to have regard to this principle when re-appointing at any level.

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<sup>1</sup> For the purpose of this Framework, Principal Officers refers to those officers at Brigade or Area Manager level, and above, or those with comparable responsibilities to those roles.

## 7. INSPECTION, INTERVENTION AND ACCOUNTABILITY

### Inspection

- 7.1 Independent inspection of fire and rescue authorities in England – and the fire and rescue service they oversee - is delivered by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). The chief fire and rescue inspector and inspectors of fire and rescue authorities in England have powers of inspection given to them by the Fire and Rescue Services Act 2004, as amended by the Policing and Crime Act 2017.
- 7.2 The inspectorate will provide a crucial assurance function to consider how effective and efficient fire and rescue authorities are, how well they manage their people and whether they are fulfilling their statutory obligations. The inspectorate will also highlight good practice and identify areas where improvement is needed so that remedial or constructive action can be taken. Alongside the inspectorate, other mechanisms exist for fire and rescue authorities to seek assurance or views on how they operate and/or the service they deliver, for example the Local Government Association's sector improvement support. The Government's expectation is that these mechanisms should complement inspection rather than duplicate or hinder it.
- 7.3 The Policing and Crime Act 2017 requires the chief fire and rescue inspector for England to publish an inspection programme setting out what inspections of fire and rescue authorities in England they propose to carry out, and an inspection framework setting out the manner in which inspections will be carried out, including the matters that will be inspected. The inspection framework and programme applies to every fire and rescue authority in England. The 2017 Act also requires the chief fire and rescue inspector for England to submit an annual report to the Secretary of State providing an assessment of the efficiency and effectiveness of fire and rescue authorities in England for the period in respect of which the report is prepared.
- 7.4 All fire and rescue authorities must cooperate with the inspectorate and its inspectors to enable them to deliver their statutory function. This includes providing relevant data and information to inform inspections. The Home Office and HMICFRS will work together to align data and information collections where possible to avoid duplication.
- 7.5 Fire and rescue authorities must give due regard to reports and recommendations made by HMICFRS and – if recommendations are made – prepare, update and regularly publish an action plan detailing how the recommendations are being actioned. If the fire and rescue authority does not propose to undertake any action as a result of a recommendation, reasons for this should be given. When forming an action plan, the fire and rescue authority could seek advice and support from other organisations, for example, the National Fire Chiefs Council and the Local Government Association; and, for those areas where a PFCC has responsibility for fire governance, the Association of Police and Crime Commissioners.

### Intervention

- 7.6 Section 22 of the Fire and Rescue Services Act 2004 gives powers to the Secretary of State to intervene should a fire and rescue authority fail, or be likely to fail, to act in accordance with this Framework. The Secretary of State is required to prepare a protocol about the exercise of these powers and to have regard to it when exercising the section 22 powers. The intervention protocol for these powers is attached at Annex D.

- 7.7 The 2004 Act allows the Secretary of State, by order, to require the fire and rescue authority to do something; to stop doing something; or not to do something in order to ensure the fire and rescue authority acts in accordance with this Framework. An order could be made if the Secretary of State considers it would promote public safety or the economy, efficiency and effectiveness of the relevant fire and rescue authority. Before any such order is made the Secretary of State must give the authority an opportunity to make representations about the order proposed.
- 7.8 Use of this power is a last resort and intervention would only be considered if there was clear evidence that an authority was failing to act in accordance with the Framework, and that the failure was sufficiently serious as to warrant Government intervention. The expectation is that the fire and rescue authority should put in place remedial measures to overcome any concerns, seeking sector-led support as appropriate.
- 7.9 The Secretary of State also has other powers of intervention (for example, under section 15 of the Local Government Act 1999) but the Protocol on Central Government Intervention Action for Fire and Rescue Authorities at Annex D relates solely to ensuring fire and rescue authorities act in accordance with the National Framework.

## **Accountability**

- 7.10 Fire and rescue authorities are expected to have governance and accountability arrangements in place covering issues such as financial management and transparency, complaints and discipline arrangements, and compliance with the seven principles of public life.<sup>2</sup>
- 7.11 Each fire and rescue authority must hold the individual who has responsibility for managing the fire and rescue service – an operational or non-operational Chief Fire Officer – to account for the delivery of the fire and rescue service and the functions of persons under their direction and control. In London, the Mayor of London must hold the London Fire Commissioner, as fire and rescue authority for Greater London, to account for the exercise of the Commissioner's functions.
- 7.12 In demonstrating their accountability to communities for the service they provide, fire and rescue authorities need to:
- be transparent and accountable to their communities for their decisions and actions;
  - provide the opportunity for communities to help to plan their local service through effective consultation and involvement; and
  - have scrutiny arrangements in place that reflect the high standard communities expect for an important public safety service.

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<sup>2</sup> Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; and Leadership

## Assurance and scrutiny

7.13 More broadly, a Police, Fire and Crime Panel will perform a scrutiny function, providing both support and challenge to the PFCC on the exercise of their functions and scrutiny of their Fire and Rescue Plan and Fire and Rescue Statement (see Section 4). The powers, responsibilities and membership requirements of PFCCs are set out in the Police Reform and Social Responsibility Act 2011 and apply in relation to fire as they do policing.

## Transparency

7.14 Each fire and rescue authority must comply with their statutory transparency requirements. The nature of the requirements is dependent on the legal basis of the authority; for example, combined fire and rescue authorities would be subject to the Local Authority Transparency Code 2015 while PCC FRAs must comply with requirements under section 11 of the Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Specified Information) Order 2011. All fire and rescue authorities should therefore publish certain information, including: senior salaries; register of interests; staffing; income and expenditure; property; rights and liabilities; and decisions of significant public interest. Fire and rescue authorities must make their communities aware of how they can access data and information on their performance.

7.15 Furthermore, section 26 of the Fire and Rescue Services Act 2004 states that a fire and rescue authority must:

- a) submit to the Secretary of State any reports and returns that are required; and
- b) give the Secretary of State any information with respect to its functions that are required.

7.16 Fire and rescue authorities also have a responsibility to provide regular data to the Home Office as stipulated by MHCLG's Single Data List process. The data supplied are the source for the official and national statistics published by the Home Office and are used for the purposes of policy development across a range of organisations including Government as well as providing a publicly available national overview of activity by fire and rescue services.

## 8. TIMESCALE AND SCOPE

### Timescales

- 8.1 This Framework has an open-ended duration. The Secretary of State continues to be responsible for keeping the terms of the Framework under review under section 21(3) of the Fire and Rescue Services Act 2004 and is required under section 25 to prepare a biennial report to Parliament on the extent to which fire and rescue authorities are acting in accordance with the Framework.

### Scope

- 8.2 The Framework covers England only. It does not apply to Northern Ireland, Scotland or Wales where responsibility for fire and rescue is devolved.



Annex A - Requirements on Fire and Rescue Authorities in England

	Metropolitan FRA	Combined FRA	County/unitary FRA	PFCC FRA	London	Mayor led FRA
<b>Overall responsibility for fire and rescue functions</b>	FRA	FRA	FRA/ council committee	PFCC	London Fire Commissioner	Mayor
<b>Who scrutinises decision making?</b>	FRA	FRA	FRA/ council committee	Police, Fire and Crime Panel	London Assembly	Mayor (or specific committee if created)
<b>Need to identify priorities and objectives?</b>	No	No	No	Yes ('Fire and Rescue Plan')	Yes	Yes (Greater Manchester (GM): 'local risk plan')
<b>Need to provide an assessment of all foreseeable fire and rescue related risk and how those risks will be mitigated?</b>	Yes ('IRMP')	Yes ('IRMP')	Yes ('IRMP')	Yes ('IRMP')	Yes ('IRMP' – 'London Safety Plan')	Yes (GM: 'local risk plan')
<b>Need to produce an annual assurance statement about compliance with the National Framework?</b>	Yes ('National Framework Annual Statement of Assurance')	Yes ('National Framework Annual Statement of Assurance')	Yes ('National Framework Annual Statement of Assurance')	Yes ('Fire and Rescue Statement')	Yes	Yes (GM: 'fire and rescue declaration')
<b>Need to produce a medium term financial plan ('MTFP')?</b>	Yes	Yes	Yes – part of parent authority's documentation.	Yes	Yes – part of parent authority's documentation.	Yes – part of parent authority's documentation.
<b>Need to produce an efficiency plan? (This can be part of the 'MTFP')</b>	Yes	Yes	Yes – part of parent authority's documentation.	Yes	Yes – part of parent authority's documentation.	Yes – part of parent authority's documentation.
<b>Need to produce a reserves strategy? (This can be part of the 'MTFP')</b>	Yes	Yes	Yes – part of parent authority's documentation.	Yes	Yes – part of parent authority's documentation.	Yes – part of parent authority's documentation
<b>Service subject to HMICFRS inspection?</b>	Yes	Yes	Yes	Yes	Yes	Yes

**Annex B - Published Financial Guidance** (see Chapter 5)

- The Accounts and Audit Regulations 2015 issued by the Ministry for Housing, Communities and Local Government which sets the financial reporting framework for local government bodies, including fire and rescue authorities.
- The Code of Practice on Local Authority Accounting in the United Kingdom issued by CIPFA /LASAAC, which constitutes proper practices for local government bodies, including fire and rescue authorities.
- The Public Sector Internal Audit Standards (PSIAS) issued by CIPFA as the relevant internal audit standards setter for local government and the fire and rescue service.
- Local Government Application Note for the United Kingdom Public Sector Internal Audit Standards issued by CIPFA.
- Delivering Good Governance in Local Government: Framework issued by CIPFA/SOLACE.
- Statement on the Role of the Chief Financial Officer in Public Service Organisations issued by CIPFA.
- Standing Guide to the Commissioning of Local Authority Work and Services issued by CIPFA.
- Prudential Code for Capital Finance in Local Authorities issued by CIPFA.
- Treasury Management in the Public Services: Code of Practice and Cross Sectoral Guidance Notes issued by CIPFA.
- Audit Committees: Practical Guidance for Local Authorities and Police issued by CIPFA.
- Position Statement on Audit Committees in Local Authorities and Police issued by CIPFA.
- Statutory guidance for local authorities on the framework for flexible use of capital receipts issued by the Ministry for Housing, Communities and Local Government.
- Local Authority Accounting Panel (LAAP) and CIPFA bulletins that provide topical guidance on specific issues and accounting developments.

## Annex C - Fitness Principles

Fire and rescue authorities have an important role in helping to ensure their firefighters remain fit and are supported in remaining in employment. Each fire and rescue authority must:

- have a process of fitness assessment and development to ensure that operational personnel are enabled to maintain the standards of personal fitness required in order to perform their role safely;
- ensure that no individual will automatically face dismissal if they fall below the standards required and cannot be deployed operationally;
- ensure that all operational personnel will be provided with support to maintain their levels of fitness for the duration of their career;
- consider where operational personnel have fallen below the fitness standards required whether an individual is able to continue on full operational duties or should be stood down, taking into account the advice provided by the authority's occupational health provider. In making this decision, the safety and well-being of the individual will be the key issue;
- commit to providing a minimum of 6 months of development and support to enable individuals who have fallen below the required fitness standards to regain the necessary levels of fitness;
- refer an individual to occupational health where underlying medical reasons are identified that restrict/prevent someone from achieving the necessary fitness; and ensure that individual receives the necessary support to facilitate a return to operational duties; and
- fully explore opportunities to enable the individual to remain in employment including through reasonable adjustment and redeployment in role where it appears the medical condition does not allow a return to operational duties.

In those circumstances where there are no such opportunities and suitable alternative employment is either unavailable or, where available, is not agreed by the individual, then the fire and rescue authority will commence an assessment for ill-health retirement through the Independent Qualified Medical Practitioner process.

If no underlying medical issues are identified, and following a programme of development and support it becomes apparent that an individual will be unable to regain the necessary levels of fitness, then a fire and rescue authority will fully explore opportunities for reasonable adjustments and/or suitable alternative employment. In those circumstances where there are no opportunities for reasonable adjustments or suitable alternative employment, the fire and rescue authority will in the case of an employee aged at least 55, consider commencement of the authority initiated early retirement process for it to determine whether the individual should be retired with an authority initiated early retirement pension.

## **Annex D - Protocol on Central Government Intervention Action for Fire and Rescue Authorities**

### **Introduction**

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

### **Role of partners in supporting fire and rescue authorities at risk**

6. HMICFRS will play a leading role in identifying any fire and rescue authority that is failing, or is likely to fail, in providing efficiency, effectiveness and leadership for the public. 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 key bodies,<sup>3</sup> identify at an early stage serious risks to performance or the requirement to act in accordance with the Framework<sup>4</sup>. 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.

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<sup>3</sup> This could refer to fire and rescue authorities, the relevant professional leadership including the National Fire Chiefs Council, other sector-owned bodies, inspection bodies and HMICFRS in particular, and/or government departments

<sup>4</sup> There is a joint initiative by the LGA and NFCC, "Sector Support", to adapt the previous process of Peer Review or Peer Challenge to create a mechanism to support FRSs to improve. This specifically includes a provision for those services/authorities that may be at risk of failing.

7. 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**

8. No intervention would be considered unless there was clear evidence that an authority was failing to act in accordance with the Framework and that the failure was sufficiently serious as to require Government intervention.
9. 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.
10. The Secretary of State has a range of powers including to request information about a fire and rescue authority's functions<sup>5</sup> and conferring on a fire and rescue authority functions relating to emergencies<sup>6</sup>. Inspection powers – powers to obtain information and access premises – are also held by HMICFRS' inspectors.<sup>7</sup>

### **What happens upon statutory intervention?**

11. 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.
12. The form or extent of any formal intervention will be a matter for determination on a case by case basis, taking into account 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.

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<sup>5</sup> Section 26 of the 2004 Act

<sup>6</sup> Section 9 of the 2004 Act

<sup>7</sup> Section 28 of the 2004 Act





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