

Government & Politics

Tenth anniversary of the 2004 Acts

Pete Murphy and **Kirsten Greenhalgh** look at how relations with government have changed since the 2004 Fire and Rescue Services Act and the 2004 Civil Contingencies Act

The two acts followed an unprecedented period of upheaval in the industry and a period of volatile and deteriorating relations between central government and the fire community. The authors look back at this pivotal time and the relationship that has subsequently developed between the Service and government and ponder whether a 'benign neglect' of the Service has returned to characterise the relationship.

To understand the significance and impact of the 2004 acts you have to appreciate that both acts essentially replaced arrangements and institutions that had been designed and implemented in the 1940s. You also have to remember that they were preceded by nearly five years of turbulent and deteriorating relationships primarily as a result of the second national fire dispute which lasted from July 1998 to June 2003.

Following its success at the general election the new labour government's mantra for the public services was 'modernisation'. The Fire and Rescue Services Act replaced the 1947 Fire Services Act and gave little indication in its title of the extent of the changes it unleashed, while the Civil Contingencies Act replaced the 1948 Civil Defence Act.

Notwithstanding the 1974 re-organisation, which stemmed from the wider local government reorganisation, in the second half of the 20th century, when the Fire Service was the responsibility of the Home Office, there was in reality little reform of the Fire Service despite periodic complaints that it needed both structural and financial re-organisation.

We have always characterised the relationship between central government and the Fire Service during this period as one of 'benign neglect', as criminal justice, immigration, the prisons or the security services always seemed to dominate the policy and media agendas of successive home secretaries and fire services were content to accept a low profile. It is also a reasonable characterisation of the majority of relationships between local fire services and local fire authorities at the time, and the local fire services collectively with the Local Government Association and its predecessors.

Modernisation and Second Fire Service Strike

However, in 2001, during the New Labour

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'modernisation' era, responsibility for the fire and rescue services was transferred from the Home Office to the short-lived (2001–2002) Department for Transport, Local Government and the Regions and then to the Office of the Deputy Prime Minister under John Prescott in May 2002. This was also the period of the national dispute when the Service generally felt itself to be under constant attack by the government.

The dispute was originally sparked in July 1998, when the national employers sent a letter to the employees informing them that the employers were seeking a more flexible negotiating framework for the Service. This was coincidentally the same day the government published the white paper on Modern Local Government: *In Touch with the People* (DETR 1998), which introduced local government modernisation and led directly to the duty of Best Value and the requirement to continually improve public services.

The dispute essentially revolved around the general principle of devolved determination of pay and conditions. It quickly became synonymous with 'modernisation', and eventually resulted in new national negotiating machinery when it was formally resolved in June 2003, nearly five years after it started.

While local government was embracing modernisation as being about creating public value, co-producing policy, improving performance and collaborative working, the Fire Service perceived modernisation to be primarily about terms and conditions.

There were of course good reasons for this view. At the end of 2002 the Bain Review had reported: "We did not realise until we started this review just how much potential for reform exists in the current fire service. We were surprised at the extent to which the fire service has fallen behind best practice in the public and private sector... The fire service needs to be changed from top to bottom and every aspect of its work reformed to bring it into line with best practice at the start of the 21st century." (Bain *et al* 2002 p. ii).

The subsequent white paper, *Our Fire and Rescue Services*, was equally forthright promising, "a radical overhaul of fire institutions to achieve strategic direction, service improvement and the provision of professional advice," but also warned that the

government would, “take powers to determine the number and composition of new pay negotiating bodies for England including a separate body for middle managers” (ODPM 2003 p. 9).

Add to that mix the ‘regional’ agenda that John Prescott was vigorously promoting in everything he did at the time and you start to get a picture of a confused, disorientated and essentially defensive fire community becoming highly sceptical if not cynical about the intentions of the government of the day.

It was also a Service that was starting to feel a little isolated from its key collaborators as the other emergency services and wider local service deliverers started to move on from arguing about the need for ‘modernisation’, and began embracing the new era of co-production of policy, and demonstrating improved performance and a willingness to embrace collaborative working. If 2004 was not the nadir in relationships between the government and the fire community then it was pretty close.

2004 Acts

2004 was, however, the first step on a long road back to what eventually became a more trusting and mutually respectful working relationship between the Service and the last government, and for that matter with the general public.

The first decade of the 21st century saw an unprecedented series of major hazards, emergencies and domestic disasters that, as ever, saw the emergency services at their operational best. They also tested the new principals, institutions and frameworks of the Civil Contingencies Act. The response from the Service went a long way to restoring, not only the Service’s reputation with the public, but also its reputation with the government.

During the same period the co-production, collaboration and partnerships agenda that emerged for local service delivery was based on Local Strategic Partnerships, Local Area Agreements and Community Safety Partnerships also helped to create a closer dialogue between the Service and its key stakeholders national and local.

Nationally in 2005 responsibility for the Service shifted to the Department of Communities and Local Government with a series of more emollient secretaries of state, fire ministers (including ex-firefighter Jim Fitzpatrick), and a dedicated team of senior civil servants supplemented by direct secondments from the Service. The regional agenda inevitably started to fade and having introduced the new integrated staff development arrangements the Service started to focus on the new Integrated Risk Management Planning process and the performance management agenda where considerable guidance and advice, technical



Photo by Sean Vatcher: www.firephotos.co.uk

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assistance and capacity building was forthcoming from the government.

Chief Fire and Rescue Adviser

To the relief of all parties the second series of Comprehensive Performance Assessments for Fire and Rescue Services demonstrated considerable Service improvement and in February 2007 the Fire Minister Angela Smith announced a new unit to be headed by a Chief Fire and Rescue Adviser to be appointed from within the Service.

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Sir Ken Knight was duly unveiled to, “provide ministers and civil servants with independent professional advice on fire and rescue issues” and relations between the Service and central government were clearly on a much better footing. Both parties had become less entrenched and the significantly improved relations between central and local government was helping to re-enforce an improving mutually supportive relationship between the government and the Service.

Some of the impossibly unrealistic targets (equality targets were a particular example) that had crept into and undermined the first National Framework in 2004/5 were replaced in the second framework in 2008, which was produced in an improving atmosphere of co-operation and consultation if not full co-production. In May 2010 the Service therefore waved farewell to the previous government with a fondness and at least a grudging respect that would have been unimaginable in 2004.

The new coalition government in 2010 initially appointed a Fire Minister of its own who had at least some experience of a fire authority and embarked on what it clearly assumed was a populist, Service-friendly agenda. In his first speech to the annual conference Bob Neil announced a strategic review of the National Framework – questioning even the need for a framework – as the government espoused localism and the DCLG promoted sector-led rather than top down improvement. The Audit Commission’s abolition was announced and the 2010 spending review promised to eliminate the structural imbalance in government debt prior to the next general election.

Policy Based Evidence Making

In a foretaste of what was to come, however, the Open Government White Papers of 2011 and 2012 made no mention of the fire and rescue services and successive financial statements have either capped or effectively frozen the resources available to the Service as the era of austerity in the public services lengthened.

On the contrary, the DCLG has produced ‘policy based evidence making’, reducing its research capacity and announcing the withdrawal of support for the national fire statistics database.

A ‘threadbare’ new National Framework was issued in July 2012 which identified responsibilities for services and authorities but was noticeably absent on commitment and resources from central government. In September Bob Neil was appointed Deputy Leader of the Conservative Party for Local Government and was replaced by Brandon Lewis, who has been strongly supportive of reducing central government funding to local authorities.

“Eric Pickles has consistently proved a more combative Secretary of State than even John Prescott and he has shown little sympathy for local government or for the Fire Service”

Knight Review

Sir Ken Knight was asked to do his valedictory review around efficiencies. His report (Knight 2013) in 2013 appears to have disappointed both the government and the Service, although it did provide the Secretary of State with some initial headlines with which to bash the Service. Despite the experience of the Emergency Services College, the Fire Service College has been sold off and national and regional infrastructure and resources have generally been reduced for both civil contingencies and across front line services. This became obvious in the widespread flooding incidents last winter which found the Prime Minister out of touch with what was happening on the ground.

As the government enters the final year of office before the 2015 general election, there is a general and palpable sense of drift and distance in the relationship between the government and the Service. The new National Framework and the Knight Review re-emphasised this distance as expectations of authorities and services were both unrealistic and were not matched by commitments or support from government.

Fire services appear to be more confident about arrangements for emergency planning and response at the local levels than they are about national arrangements and there are clear gaps and weaknesses in regional infrastructure as demonstrated in the recent floods. On the other hand relations with local authorities and other local stakeholders appear to be improving as the future financial outlook gets more challenging for all involved (LGA 2014).

Ten years on from the 2004 acts it would be tempting to suggest the relationship with central government is returning to one of ‘benign neglect’, unfortunately it sometimes feels more like straightforward neglect.

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