

Justice Committee

Police and Fire Reform (Scotland) Bill

Response from the Chief Inspector of Fire and Rescue Authorities

You will recall that I gave evidence to the Committee on Tuesday 13 March in relation to the above Bill. During that session I was asked to comment on the rescue role of the Fire and Rescue Service.

Following on from that session, I would like to draw the Committee's attention to my Inquiry into the 2008 Galston Mine incident, which I have very recently submitted to Ministers and which was laid before Parliament on Thursday 29 March. Amongst other things the report considers, in detail, the matter of specialist rescue and makes specific recommendations to Ministers and the Service. Ministers are now considering their response to the report, but the pertinence to the Committee's scrutiny of the Bill and the questions I was asked is clear.

The specific wording of the two relevant recommendations is as follows:

Ongoing Development of Rescue Functions

150. The arrangements for providing an integrated 'blue light' emergency response are well documented. However, my review of this incident suggests that practical implementation is not properly embedded and requires further development. As part of the reform of the Service, there is an opportunity for the new Scottish Fire and Rescue Service to champion specialist rescue and joint working with the Scottish Ambulance Service and Scottish Police - with good links to voluntary sector rescue organisations, Strategic Coordinating Groups and local authority emergency planners. Part of that response might include a centre or centres of excellence for specialist rescue, including co-location and a close working and training relationship between staff, coordination of supervisory and strategic management and shared policy development.

The Fire and Rescue Framework published by Scottish Ministers should set out an expectation that the Scottish Fire and Rescue Service acts as a champion and coordinator of specialist rescue.

Legal definition of duty

152. Alongside the legal duties and expectations set out by Scottish Ministers, it must be open to the Service to define, within its community risk planning process, what it can and cannot reasonably be expected to do. The Service should use this definition to organise its response and, in particular, to ensure that commanders are well prepared to deal with unusual and difficult to define circumstances.

The Fire and Rescue Framework published by Scottish Ministers should direct the Scottish Fire and Rescue Service to define the parameters of

its operational functions, and should explicitly recognise the need to adapt and improvise in unusual and difficult to define circumstances. All of this should fall within the scope of the community risk planning which fire and rescue services undertake.

I thought that it might be useful to set out in more detail the thinking behind those recommendations.

Within the Inquiry report, I set out my view that multi-agency working between Scotland's emergency services at specialist rescue incidents is not as good as it could be, and that the relationship with voluntary bodies is weak. My recommendation is that the Fire and Rescue Service acts as a champion of specialist rescue and works with the other services and voluntary bodies – perhaps through a centre or centres of excellence. I believe that there is an opportunity to make very significant improvements in the provision and coordination of specialist rescue within Scotland if this were adopted. It would be helpful, I believe, if a general recognition of the rescue role and functions provided by Scotland's fire and rescue services could be made in a way which would support and encourage the new Service to take up that champion role.

The definition of duty part is very pertinent to the evidence I gave on 13 March. Importantly, I am trying to argue that, beyond a general recognition of the rescue function, to absolutely define in legislation a detailed range of duties for the Fire and Rescue Service may be counter-productive, as the key challenges arise when incidents are unusual and hard to define. This was the case at the Galston Mine incident. To be clear, I am arguing against any suggestion of changing the existing functions set within the 2005 Act and the Additional Functional Order but in favour of a much broader mandate. The specifics of planning for functions, excluding specific functions and preparing for the unusual and hard to define should be for the Service itself.

I would suggest that all of this can be dealt with through the provisions of the Fire and Rescue Framework – which would allow Ministers to set out their expectations of the new Service.

In summary, I am saying:

1. It would be appropriate to give a general recognition of the rescue role of the Fire and Rescue Service. That would, in one sense, recognise the reality on the ground but could support and encourage the Service if it were to take on a championing role;
2. It would be wrong to try to absolutely define a range of incidents types either in law or through guidance – definitions should rest with the Service itself as part of its risk planning process. Most importantly, the Service should plan and prepare for the unusual and hard to define.
3. This can be dealt with through the provisions of the Fire and Rescue Framework and by allowing Ministers to set appropriate expectations.

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