



Fire and Resilience Programme In-Service Management **Consultation**



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Summary

Scope of the consultation

Topic of this consultation:	Options for the In-Service Management of the Fire & Resilience Programme (FiReControl, Firelink and New Dimension)
Scope of this consultation:	Seeks views on which body should manage certain Fire & Resilience Programme functions as they become operational
Geographical scope:	England though arrangements need to recognise that Firelink covers Great Britain as a whole
Impact Assessment:	No Impact Assessment has been produced as none of the options have impacts on the private or third sector nor do they have significant additional costs on the public sector

Basic Information

To:	Local Authorities, Fire & Rescue Authorities, Regional Control Centres and Local Authority Controlled Companies
Body/bodies responsible for the consultation:	Department for Communities and Local Government
Duration:	12 weeks
Enquiries:	Anna Wadsworth Tel: 020 7944 5672 e-mail: fsed6@communities.gsi.gov.uk
How to respond:	Information on how to respond can be found on page 6
Additional ways to become involved:	
After the consultation:	Consultation will be considered by Government and an agreed policy will be announced in due course
Compliance with the Code of Practice on Consultation:	This complies with the code of practice on consultation. Further information can be found on page 7

Background

Getting to this stage:	A working group was established in 2008 to act as a central consultative group and provide expert advice. This included representatives from the Chief Fire Officers' Association (CFOA) and the Regional Control Centres There has also been discussions with key stakeholders including the Local Government Association and the Devolved Administrations
Previous engagement:	As above

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Section 1

Introduction

Purpose of consultation

1. The Department is working with the Fire and Rescue Service (FRS) to deliver the Fire and Resilience Programme, which will provide the FRS with the equipment, infrastructure and capability it needs to meet the challenges of the future.
2. When the Programme is completed, a number of functions will still need to be carried out at national level. This consultation paper seeks views on the Department's proposals for managing those functions.
3. Responses and comments, to be received by midday on 5 October 2009, should be sent to:

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After the consultation period

4. A feedback document will be produced which summarises:
 - the responses and comments received
 - the impact of the responses to the consultation on the proposals.
5. Please note that responses, including the names and addresses of respondents, will be made available to anyone who asks for them, unless confidentiality is specifically requested or disclosure would prejudice third parties.

The consultation criteria

6. The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations consisting of a document in electronic or printed form.
 - i. Formal consultation should take place at a stage when there is scope to influence the policy outcome.
 - ii. Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
 - iii. Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
 - iv. Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
 - v. Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
 - vi. Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
 - vii. Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.
7. The code does not have legal force, but is regarded as binding on UK departments and their agencies, unless ministers conclude that exceptional circumstances require a departure from it. The full consultation code may be viewed at:
www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html
8. Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process, please contact:

Communities and Local Government Consultation Co-ordinator
Zone 6/J10
Eland House
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SW1E 5DU

e-mail: consultationcoordinator@communities.gsi.gov.uk

Section 2

Background

9. The Fire and Resilience Programme has been set up to provide the FRS with the equipment, infrastructure and capability it needs to meet the challenges of the future, including an increased terrorist threat and the risks posed by major incidents such as flooding. It comprises three projects:
 - a. New Dimension – specialist equipment to fire and rescue authorities (FRAs) in England and Wales to deal with a range of incidents, including rescue from collapsed structures, mass decontamination, detection and identification of unknown potentially hazardous substances, and high-volume pumping.
 - b. Firelink – new digital radio and data-transfer equipment for FRAs in England, Scotland and Wales, which will enable them to communicate with one another and talk to other emergency services on the same secure network.
 - c. FiReControl – a network of nine interconnected regional control centres (RCCs), improving the capability and resilience of the FRAs' control and mobilisation function in England.
10. New Dimension is now virtually complete and transfer of ownership of the new assets from the Department to the FRAs is due to start during the current financial year. Firelink is being rolled out to all appliances during the course of this year. RCCs will progressively become operational over the next few years.
11. The Department has taken the lead in planning and implementing the Programme and is providing the £1bn investment required. Once the Programme is up and running, FRAs will be responsible for maintaining and operating the equipment both individually and through joint local authority controlled companies (LACCs) set up to manage the RCCs, with the Department funding the net additional costs of running the new systems.
12. However, there are a number of functions which will still need to be performed at a national level and arrangements have to be made for carrying these out. They can be broadly characterised as:
 - a. management of the service contracts with the suppliers
 - b. ensuring that the equipment is maintained and used in such a way that it remains interoperable and resilient at a national level (“national assurance”).

13. Arrangements for New Dimension are already in place. The service contract has been let to Vosper Thornycroft Critical Services and is managed by Firebuy Ltd, the national procurement body for the FRS. National assurance is provided by an Assurance Board, chaired by the Chief Fire Officers' Association (CFOA), on which the Local Government Association (LGA) and the Department are represented, and which is supported by a number of operational sub-committees. The national assurance arrangements are due to be reviewed in three years' time.
14. Arrangements now need to be made for the in-service management of Firelink and FiReControl. This involves a large number of different tasks, a high-level description of which is given in **Annex A**.
15. Unlike FiReControl, which is being provided only in England, Firelink covers the whole of Great Britain. The Devolved Administrations have not yet decided how they would like to deal with the in-service management of Firelink in Scotland and Wales. Our aim is therefore to develop arrangements which are flexible enough to be able to cover Firelink outside England should the Devolved Administrations wish to go down this route.

Section 3

Management of service contracts

16. For FiReControl, the service contract function relates predominantly to the core contract and service management activity, including refresh and re-procurement, and ensuring there is a sufficient corporate technical knowledge of the information and communications technology (ICT) infrastructure for effective management of the suppliers. The same is true of Firelink, but with the additional task of ensuring that the suppliers continue to provide the resilience of the base stations specified in the contract, as well as requirements to ensure the availability and system performance specified in service level agreements.
17. Although set up as separate projects, Firelink and FiReControl will together form a single communications network for England's FRAs, with FiReControl software running in Firelink hardware (in the case of mobile data terminals) and Firelink and FiReControl hardware and software housed together in RCCs. There is therefore a strong argument for managing the contract functions within a single organisation.
18. The Department has already entered into service contracts with EADS, who provide FiReControl, and Airwave, who provide Firelink. The Department can novate the contracts to another body, but only with the agreement of these suppliers. EADS is of the firm view that the FiReControl contracts should continue to be managed by an appropriately constituted and funded national body, fully guaranteed by Government. This view is understood since Government normally retains direct management capability over contracts of this scale and strategic importance.
19. The key options considered for the long-term management of these contracts have therefore fallen into two categories – placing with a Government department or with a non-departmental public body (NDPB). The Government could provide guarantees to another type of body, but it could not prudently do so, unless it were able to exercise a degree of control that would lead to the body being classed as an NDPB.
20. The Department has considered the detailed options set out below.

Continue with CLG

21. This is essentially the “do nothing” option, under which the Department would continue to be responsible for the management of the contracts. Since FiReControl and Firelink are replacing systems which are currently managed by the FRAs themselves, this would represent a major shift in responsibility for day-to-day operations from the FRS to the Department and would not be consistent with CLG’s role as a strategic department, focused on the development of national policy.
22. Even if the management of the contracts were out-sourced to a specialist organisation which was expert in the ICT field, the Department would need to go out to tender under the CLG contracts framework and put in place arrangements for monitoring the contract. It would also need to establish a structure that allowed suitable user representation in decision making, while providing the out-sourcing company with enough latitude to obtain appropriate efficiencies. CLG would therefore remain directly responsible for this function.

Establish a new NDPB

23. There is a strong policy presumption against setting up new NDPBs. It would also be time-consuming to set up a body from scratch, especially if it were to be a statutory NDPB, for which Parliamentary time would be needed.

Place with National Policing Improvement Agency

24. The National Policing Improvement Agency (NPIA), an NDPB of the Home Office, is responsible for a wide range of functions, including the customer management function with Airwave on behalf of the 54 police forces in Great Britain.
25. However, primary legislation would be needed to amend the objects of the NPIA to allow it to provide services for the FRS. Furthermore, while there might be benefits in its taking on in-service management of Firelink, which uses the same Airwave radio system as the police, there would be less advantage in its doing so for FiReControl. NPIA would not want to take on any work without commitment from all parties. Initial indications from stakeholders are that they would be concerned that this option may not result in their priorities and needs being properly reflected in the way the contracts were managed.

Use an existing NDPB (Firebuy) as the basis for a new organisation

26. Firebuy Ltd is a CLG-sponsored NDPB, responsible for carrying out national procurement on behalf of the FRS. This option would bring the current procurement function of Firebuy into what would effectively be a new arm's-length body that would also provide in-service management for the Fire and Resilience Programme.
27. Firebuy already manages the service contract for New Dimension. However, it would need to be restructured and completely refocused to take on management of the service contracts for Firelink and FiReControl, which is a much bigger task and requires new skills and resources. As part of the re-structuring, the body would need a new board and governance arrangements and other matters, such as location, would need to be reviewed.

Proposed solution

28. Given that carrying out the function either within or outsourced by the Department would not be a good fit with CLG's role as a strategic department, that the creation of a wholly new NDPB would be undesirable both on policy and timing grounds, and that using the NPIA would not only be outside its statutory remit, but may not meet fire specific requirements, the Department's preferred solution would be to use an existing NDPB, based on and incorporating Firebuy, to manage the service contracts for the Programme as well as continuing to deliver a national procurement function for the FRS. Like Firebuy, this would be a Companies Act company limited by guarantee rather than a statutory NDPB and the Department would use the company which is currently Firebuy Ltd as the company vehicle for the new NDPB.

Link with national procurement

29. The future of Firebuy has been considered as part of the Department's review of the National Procurement Strategy for the FRS. The outcome of this was announced by the Minister for the Fire and Rescue Service in a written statement to Parliament on 25 June (see **Annex B**).
30. There is a continuing need to drive procurement efficiency at a national level in the FRS, particularly in the light of targets for collaborative procurement set by the Government's Operational Efficiency Programme, and a national procurement body represents the best way to deliver fire-specific collaborative procurement.

31. The continuance of the national procurement function is not dependent on the proposal to bring it together with the management of service contracts for the Fire and Resilience Programme. But, in the light of experience over its first three years, Firebuy needs to change and develop if it is to fully deliver the expectations placed on it. The terms of office of Firebuy's current Board were recently extended to November 2009 to see the organisation through the review of FRS national procurement. The Department will, therefore, be advertising for members of a new Board over the summer, while at the same time consulting on arrangements for in-service management. The advertisement for applications will set out the potential role of the new organisation in relation to in-service management, but will make clear that this is subject to this consultation and does not in any way prejudice the outcome of the consultation itself. The results of the consultation will inform the latter stages of the Board appointments process.

Governance of the NDPB

32. The Department wants stakeholders to have a clearer and more formal role in the running of the new organisation. Although, in line with best practice, the chair and the majority of the non-executive directors should be appointed following open competition and subject to regulation by the Commissioner for Public Appointments, we propose that key stakeholders should be able to nominate candidates for the Board. This would be different from the position of *ex officio* members on the current Firebuy Board, since the appointments would be of individuals rather than holders of a particular position in an organisation. The appointments themselves will be made by the Secretary of State.
33. Given that the Department will be guaranteeing payments to suppliers under contracts novated from CLG to the new body, there may also be a case for CLG itself to be represented on the Board.
34. Firebuy currently has a Board consisting of ten members, including the chair. Three of the members are *ex officio* appointees – from the LGA, CFOA and the London Fire and Emergency Planning Authority (LFEPA), although the arrangement with LFEPA was time limited.
35. If the body is to be responsible for in-service management, there would also be advantage in having a member with direct experience of managing service contracts, as well as someone with professional experience of procurement. There would also be a need for financial expertise at Board level.

36. In addition to Board appointments giving the sector a more direct stake in the organisation, it will be necessary for the new body to have effective arrangements in place for stakeholder engagement. More formal arrangements than those developed for Firebuy are possible, such as the NPIA’s Programme Board for Airwave, which has a wide range of representatives including a strong operational constituent. User groups feed into the Board, providing an operational and local delivery perspective, and the Programme Board itself feeds in to the NPIA’s Operations Board.
37. **Views are invited in response to the following questions:**

Q1. Do you agree that the service contracts for Firelink and FiReControl should be managed by an NDPB based on and incorporating Firebuy? If not, what alternative would you propose?

Q2. Do you agree that the Board should include candidates nominated by key stakeholders? What other views do you have about the size and composition of the Board?

Q3. Do you agree that the NPIA model of stakeholder engagement for Airwave would be the right one for the new NDPB to follow in relation to the Fire and Resilience Programme? Do you have another model you would like to propose? How else can stakeholders be engaged?

Section 4

National assurance function

38. For FiReControl, the national assurance function includes: monitoring of RCC performance standards; sharing best practice; monitoring adherence to common ways of working including training standards and delivery; data management; ensuring security accreditation is maintained; and managing and coordinating user requests for changes or enhancements to functionality. For Firelink, it includes, in addition, the maintenance of the national “fleet map” (radio talk-groups) and procedures to be used in radio-communications.
39. There is a wider range of options for bodies to carry out the national assurance function than for the service contracts, as there is no constraint imposed by the need for it to be guaranteed by Government. Since it concerns operational matters, the Department believes that the sector itself should be offered the opportunity to take on responsibility for providing national assurance and to make its own proposals for doing so. However, as the Government has a strong interest in ensuring that the system remains interoperable and resilient, any proposals will need to be judged against specific criteria set out in paragraph 41 below. If the sector is unable to put forward proposals that meet the criteria or does not wish to for the time being, then as a fallback the Department proposes that national assurance should also be carried out by the NDPB managing the service contracts.
40. In consultation with stakeholders, the Department has already considered a number of options for how the sector might provide national assurance for Firelink and FiReControl. These include:
- a. **a lead RCC:** the assurance function would be passed to one of the LACCs set up to manage the RCCs or to LFEPA
 - b. **a joint LACC:** the assurance function would be placed with a joint LACC, formed by the eight LACCs set up to manage the RCCs and LFEPA
 - c. **CFOA:** this would be similar to the New Dimension assurance arrangements, although it would be a different scale and type of task, given that it concerns an essential part of core FRA business.

41. Aiming for a national assurance function led by the FRS would be consistent with the ambitions of both CLG and many within the sector to support the development of a more effective delivery model for the sector which places responsibility for national, operational decision making with the sector itself rather than with the Department. However, the Department has a strong interest in ensuring that the Programme in which it has invested heavily remains interoperable and resilient. The Department would therefore need to be assured that any sector-led assurance function would be able to:
- a. ensure the long-term maintenance of the core features of a national interoperable and resilient system, as specified in a memorandum of understanding with the Department
 - b. do so within an agreed cost
 - c. cover any shortfall in income from FRAs without recourse to the Department
 - d. accept responsibility for any liabilities arising from the operation of the national assurance scheme – e.g. as a result of guidance issued by the assurance body
 - e. ensure that operational considerations would drive decision making rather than political considerations.
42. If the sector is unable to take on this function, and meet the specified criteria, the Department proposes that the national assurance function should be carried out by the same body that manages the service contracts. This would still provide the sector with a strong say in the decisions made through representation on the Board and the arrangements for stakeholder engagement proposed in paragraphs 32-36 above. There are also practical advantages in managing the service contracts and national assurance together.

Q4. Do you agree that, if possible, the national assurance functions should be carried out by the sector itself? If so, what model would you propose? If not, what alternative would you propose?

Q5. Do you agree that if the sector is unwilling or unable to carry out the function in a way that meets the criteria set out in paragraph 41 of this consultation paper, it should be carried out by the NDPB which the Department proposes should manage the service contracts? If not, what alternative do you propose?

Q6. Do you have views on whether the national assurance and service contract management functions should be carried out by the same organisation on practical grounds?

Q7. Do you have any comments on the high-level description of functions listed at Annex A?

Section 5

Costs

43. The FiReControl Business Case includes £1m a year for in-service management. In addition, £1.3m a year will be needed for in-service management of Firelink and this has been taken into account in the net additional cost of running the Firelink system.
44. These costs will be met by FRAs as part of their contribution to the LACCs' who in turn pay the cost of the service contracts with EADS and Airwave. However, the Department will assist those FRAs which will be paying more than they do now for their control room facilities or radio-communications by paying grant to cover the net additional cost.
45. Under the proposals in this paper, the body managing the service contracts would receive payment from the LACCs to cover the cost of the service contracts and its own costs in managing them. A sector-led body which managed national assurance would need to make separate arrangements for billing FRAs or the LACCs to cover its costs.
46. No Impact Assessment has been produced as none of the options have impacts on the private or third sector nor do they have significant additional costs on the public sector. There are benefits relating to improved national resilience and interoperability within the FRS and across other blue light services.

Section 6

Transitional arrangements

47. The Airwave service contract is already in operation, as Firelink is currently being rolled out. This is being handled by the consultants managing the Firelink project on the Department's behalf. The FiReControl service contract and in-service management will need to be operated as soon as the NDPB is ready to take it on. Long-term arrangements for Firelink and FiReControl ought to be put in place leading up to Programme completion.
48. Work is now starting in the Department to develop in detail for Firelink and FiReControl:
 - a. a specification for the management of service contracts
 - b. a specification for the national assurance function
 - c. a transition plan to move from current project arrangements for each of the above to long-term management through the arrangements proposed in this paper.
49. This work will be carried out in collaboration with stakeholders.

Section 7

Summary of the consultation questions

50. A summary of the consultation questions is set out below:

- Q1. Do you agree that the service contracts for Firelink and FiReControl should be managed by an NDPB based on and incorporating Firebuy? If not, what alternative would you propose?**
- Q2. Do you agree that the Board should include candidates nominated by key stakeholders? What other views do you have about the size and composition of the Board?**
- Q3. Do you agree that the NPIA model of stakeholder engagement for Airwave would be the right one for the new NDPB to follow in relation to the Fire and Resilience Programme? Do you have another model you would like to propose? How else can stakeholders be engaged?**
- Q4. Do you agree that, if possible, the national assurance functions should be carried out by the sector itself? If so, what model would you propose? If not, what alternative would you propose?**
- Q5. Do you agree that if the sector is unwilling or unable to carry out the function in a way that meets the criteria set out in paragraph 41 of this consultation paper, it should be carried out by the NDPB which the Department proposes should manage the service contracts? If not, what alternative do you propose?**
- Q6. Do you have views on whether the national assurance and service contract management functions should be carried out by the same organisation on practical grounds?**
- Q7. Do you have any comments on the high-level description of functions listed at Annex A?**

Annex A

High-level description of in-service management functions

(1) Service contract management

(a) Commercial and contract management

Ensuring that existing national contracts with suppliers are managed effectively from the public sector client-side perspective, with a view to maximising value for money and minimising liabilities for the public purse.

(b) Service performance

Ensuring that the flow of services delivered by the main contractors for existing national contracts meet or exceed contracted standards everywhere. This would include:

- i. monitoring and analysing performance data to ensure requirements are met
- ii. meeting the contracted availability for coverage and service
- iii. monitoring and analysing call detail records and traffic usage reports to identify areas of cost saving within FRSs
- iv. analysing call detail records to identify areas for improved efficiency
- v. monitoring and analysing reported faults (incidents) to identify national trends and possible areas for improvement.

(c) Change management/upgrades

Ensuring that contractual changes and upgrades in relation to assets or services:

- i. take account of user requirements, including new or changed ones
- ii. are within a framework of agreement
- iii. are effectively managed and coordinated
- iv. maintain/improve performance standards and technical functionality
- v. maintain/improve geographical coverage
- vi. maintain/improve intra-FRS operability (where appropriate)
- vii. maintain details of the baseline configuration to assess impact of proposed changes.

(d) Procurement of new capabilities not part of the programme

Ensuring that the user requirement for any new capability for responding to large-scale incidents or events subsequent to the Fire and Resilience Programme is properly defined, including those arising from a new statutory duty, and that any associated procurement exercise is coordinated effectively.

(2) National assurance

(a) Asset management

Ensuring the continuing fitness for purpose of assets procured during the roll-out phases of the Programme, having regard to:

- i. existing operational requirements and the response to new ones
- ii. patterns of ownership
- iii. useful life
- iv. availability
- v. maintenance standards and regimes
- vi. compatibility and quality of replacement parts, software, etc
- vii. ease of use for personnel from around England (where appropriate)
- viii. regulatory and licensing issues (including radio spectrum).

(b) Resilience

Ensuring that minimum defined standards of resilience are maintained, especially in relation to large scale incidents or events, having regard to:

- i. capability management
- ii. system design, capacity and integrity
- iii. flexibility and scale of response
- iv. continuity of service, day to day
- v. changing risk profile to which the capability is meant to respond.

(c) Security

Ensuring that defined standards of security are maintained – physical, IT and personal. Assess changes to the system for its impact on accreditation and if necessary, undertake re-accreditation exercise. Review security accreditation.

(d) Operational consistency

Ensuring that mobilisation of resources across FRS and regional boundaries is supported and facilitated by coordinated and consistent approaches to:

- i. specification of roles and responsibilities (including those of CLG and RCC companies)
- ii. interpretation of obligations in the National Framework
- iii. concepts of operation
- iv. protocols and procedures
- v. safe methods of work
- vi. working practices, common data formats and standards, etc (where appropriate)
- vii. data management
- viii. fleet-mapping, call-signs and talk-groups
- ix. planning and logistics
- x. command and control
- xi. sharing best practice
- xii. mutual aid arrangements.

(e) Service performance

Monitoring of the RCCs against performance standards agreed in contracts between the RCCs and CLG.

(f) Training

Ensuring that FRS capabilities are maintained and that intra-FRS operability is supported (where appropriate) through common and consistent approaches to training.

Consider improvements in training and possible additional training courses to improve efficiency/use etc.

Consider changes in training requirements in relation to changes in risk profile (See 2 (b) v above).

(g) Cooperation with other responders

Ensuring that the effectiveness of response to large scale incidents and events is maximised by the FRS cooperating with other first responders – the police and ambulance services especially – through oversight of:

- i. participation in live and simulated exercises
- ii. coordinated management of suppliers on issues of common concern (e.g. capacity planning)
- iii. developing options for joint procurements in relation to the future acquisition of assets, services or capabilities.

Annex B

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

Written Ministerial Statement – 25 June 2009

Firebuy Ltd

The Parliamentary Under Secretary of State (Shahid Malik): I should like to inform the House that, in the light of our review of national procurement in the Fire and Rescue Service (FRS) in England, we propose to make a number of changes affecting Firebuy Ltd, the professional buying organisation for the Service.

Firebuy Ltd was established as a Non-Departmental Public Body on 30 March 2006 to deliver the 2005-2008 National Procurement Strategy for the FRS. Within the current arrangements, Firebuy has been effective in establishing national fire-specific procurement for vehicles and equipment and has delivered benefits for the Service.

There is a continuing need to drive procurement efficiency at a national level in the FRS, particularly in the light of targets for collaborative procurement set by the Government's Operational Efficiency Programme and we believe that a national procurement body represents the best way to deliver fire-specific collaborative procurement. This will be reflected in the revised National Procurement Strategy, which we intend to publish in July, taking account of responses to the consultation last year and the recommendations of the Operational Efficiency Programme.

However, going forward there is a need to consider the future role and structure of the body delivering FRS national procurement, particularly given that the Department must also make longer term provision for managing ongoing FiReControl and Firelink contracts. We propose, therefore, that Firebuy's functions should in future be carried out within a larger organisation, integrating national procurement with the management of the service contracts for the Fire & Resilience Programme (Firelink, FiReControl and New Dimension). Firebuy already performs this function in respect of New Dimension. More detailed proposals for in-service management of the Fire and Resilience Programme will be set out in a consultation paper, which we will publish shortly.

I am grateful to the current Chair and Board of Firebuy for the work they have done and for agreeing to have had their terms of office extended to November 2009 while the review was under way. A new Board for the NDPB will be required from that date to reflect the new role of the organisation. Recruitment of the Board will commence in the Summer of 2009, including representation from the key stakeholders.

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