

PFCC Decision Report

Report reference number: 104/19

Classification: Not protectively marked

Title of report:

Essex Emergency Services Collaboration Strategic Governance Board Terms of Reference

Area of county / stakeholders affected:

Essex Police
Essex County Fire and Rescue Service
East of England Ambulance Service Trust
Countywide

Report by:

Pippa Brent-Isherwood (Chief Executive and Monitoring Officer to the PFCC)

Date of report: 5 July 2019

Enquiries to:

Pippa Brent-Isherwood (Chief Executive and Monitoring Officer to the PFCC)

1. Purpose of the report

To approve updated Terms of Reference for the Essex Emergency Services Collaboration Strategic Governance Board.

2. Recommendations

- 1) That the updated Terms of Reference for the Essex Emergency Services Collaboration Strategic Governance Board attached at Appendix 1 are approved.
- 2) That the updated Terms of Reference for the Essex Emergency Services Collaboration Strategic Governance Board are included as an additional schedule to the PFCC's Constitution.

3. Benefits of the proposal

The updated Terms of Reference seek to respond to the findings of an internal audit of the Commissioner's current governance arrangements, described in greater detail in section 4 below.

The proposed new Terms of Reference also enact the move from monthly to bi-monthly meetings of the Board, agreed in principle at its last meeting.

4. Background and proposal

The Local Business Case (LBC) for Joint Governance of Police and Fire & Rescue Services in Essex highlighted (on p.7) that “Research consistently shows fragmented governance acts as a barrier to effective collaboration.” The LBC recognised that, “Delivering this ambitious programme for Essex would require a step-change in governance to enable greater accountability, accelerate collaboration, and enable an integrated approach to community safety and maximising the use of assets.” However it is questionable whether we have yet designed and delivered an entirely “de-fragmented” governance framework around the Essex collaboration programme. The scrutiny arrangements put in place in respect of the police force have largely been replicated in respect of the fire and rescue service, with additional Governance and Programme Boards established to oversee the collaboration programme. However these still feel like three stand-alone sets of arrangements rather than an integrated governance model. An internal audit of the Commissioner’s governance arrangements carried out in early 2018 found that, “while changes had been made to align governance arrangements and there had been progress towards this, there could be improved clarity of responsibility and accountability between the various boards and committees, including whether delegated authorities and escalation routes are clearly defined.” This, it was concluded, created a risk that decisions would be made at an inappropriate level or that issues may not be escalated appropriately.

The audit found that the Essex Emergency Services Collaboration Strategic Governance Board (SGB) “enables the PFCC to provide strategic governance and oversight of the Emergency Service Collaboration Programme, but not its relationship to the main internal Boards.” Auditors noted that the terms of reference for the SGB do not currently clarify the quorum, reporting or escalation requirements.

The Terms of Reference for the SGB were last reviewed in January 2018. Since that time, all three of the organisations involved in the programme have experienced changes of Chief Officer; Essex Police also has a new Deputy Chief Constable and the Essex County Fire and Rescue Service has a new Service Leadership Team. A Star Chamber, co-chaired by the Chief Constable and Chief Fire Officer, has recently been implemented which appears, at this relatively early stage, to be driving greater momentum and shared ownership of joint initiatives within the programme. However there are still reasonably frequent occurrences of items and papers being added to the agenda for the SGB without the appropriate Chief Officer(s) being briefed in advance. This indicates that the work plan for the SGB is not yet fully integrated with the governance and sign-off processes within the force and service. There is also currently a lack of clarity as to how proposals for new collaboration projects and programmes are brought forward, via the three organisations’ own governance arrangements, to the SGB.

Finally, at its last meeting, the SGB discussed the frequency of meetings and agreed to reduce to bi-monthly with effect from September. New Terms of Reference (attached at Appendix 1) have therefore been drafted, both to reflect this change and to respond to other issues identified.

5. Alternative options considered and rejected

As the SGB has already agreed in principle to reduce its meeting frequency from monthly to bi-monthly, some element of revision to the Terms of Reference is required to action this as a minimum.

Other elements of the review may either be accepted, rejected or amended, however it should be noted that, should any elements arising out of the internal audit not be progressed, compensatory actions will need to be identified in response.

6. Strategic Priorities

The updated Terms of Reference attached at Appendix 1 are intended to help expedite delivery of the Local Business Case.

The Police and Crime Plan references greater collaboration between police and fire and rescue services, as well as closer working with local authorities, Community Safety Partnerships, criminal justice agencies, health partners and the voluntary and community sector.

The Fire and Rescue Plan also includes a specific priority around collaboration, with supporting actions to progress the Local Business Case and to work together with Essex Police and the East of England Ambulance Service NHS Trust to explore and develop further opportunities to collaborate.

7. Operational implications

There are no operational implications arising for any of the three organisations as a result of this report.

8. Financial implications

There are no financial implications arising for any of the three organisations as a result of this report.

9. Legal implications

The Policing and Crime Act 2017 ("the Act") allows collaboration agreements (agreements in writing setting out how the parties to the agreement will work together in discharging their functions) to be made between an ambulance trust and / or a fire and rescue body and / or a police body. Collaboration agreements may make provision about the use of powers to make arrangements for the exercise of a party's functions by another party and / or to exercise functions jointly with another party.

An emergency service is not required to enter into a collaboration agreement if it is of the view that the proposed collaboration would have an adverse effect on public safety, its efficiency or effectiveness. In addition, the Act does not require an ambulance trust in England to enter into a collaboration agreement that would, in the view of that trust, have an adverse effect on its ability to exercise any of its functions other than its of providing an emergency ambulance service, or on the wider National Health Service.

A collaboration agreement must make provision for any party to withdraw from the agreement where it is no longer in the interests of its efficiency or effectiveness. A collaboration agreement may also be varied by agreement of all parties to the agreement or replaced by a subsequent collaboration agreement.

None of the above prevents any agency other than an ambulance trust, fire and rescue body or a police body being party to such a collaboration agreement.

10. Staffing implications

There are no staffing implications arising for any of the three organisations as a result of this report.

11. Equality and Diversity implications

There are no equality and diversity implications arising for any of the three organisations as a result of this report.

12. Risks

Approving the updated Terms of Reference attached at Appendix 1 should assist in mitigating two risks currently identified on the collaboration programme's risk register:

- EESCR0001 – Lack of buy-in to the collaboration programme
- EESCR0005 – Relationships between stakeholders break down

13. Governance Boards

The updated Terms of Reference were agreed in principle, subject to two minor amendments, by the SGB at its meeting on 5 July 2019. These amendments have been incorporated into the final version attached for approval at Appendix 1.

At this meeting, the PFCC also requested that the Terms of Reference for the Collaboration Strategic Governance Board be added as an additional schedule to the PFCC's Constitution.

14. Background papers

Appendix 1 - Essex Emergency Services Collaboration Strategic Governance Board Terms of Reference (June 2019)

Governance – Transition – Internal audit report 10.17/18 (15 November 2018)

Report Approval

The report will be signed off by the OPFCC Chief Executive and Treasurer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O.

Sign: [Signature]

Print: P. Bevan - [Signature]

Date: 5 June 2019

Chief Finance Officer / Treasurer

Sign: [Signature]

Print: Azra Gafar

Date: 5/7/19

Publication

Is the report for publication?

YES
NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

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If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet? YES NO 2. Of Appendix? YES NO

If 'YES', please provide details of required redaction:

.....
.....

Date redaction carried out:

Treasurer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

Sign:

Print:

Chief Executive/Treasurer

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: *Jane Gardner*

Print: *JANE GARDNER*

PFCC/Deputy PFCC

Date signed: *5 JULY 2019*

I do not agree the recommendations to this report because:

.....
.....
.....

Sign:

Print:

PFCC/Deputy PFCC

Date signed:

Essex Emergency Services Collaboration Strategic Governance Board

Terms of Reference

Membership:

- Police, Fire and Crime Commissioner (PFCC) (Chair)
- Deputy Police, Fire and Crime Commissioner (DPFCC) (Vice Chair)
- Chief Constable
- Chief Fire Officer / Chief Executive
- Head of Operations Mid and South Essex (EEAST)
- Chief Executive to the PFCC & Monitoring Officer to the PFCC and ECFRS
- PFCC's Section 151 Officer
- Interim Collaboration Programme Lead
- Executive Project Support (Emergency Services Collaboration Programme) (secretariat)

Substitutions will be accepted, so long as they are appropriately briefed and mandated to represent the view of their organisation at the meeting.

Additional attendees may be invited to individual meetings by the Commissioner to support agenda discussions. An "open chair" will be available for colleagues attending as observers to the meeting, to support their personal development, at the discretion of the Chair.

Attendance at meetings and quorum

Members of the Board are expected to attend all meetings wherever possible. Where this is not possible, a named substitute may be sent on their behalf, who must be appropriately briefed to represent the standing member.

At least one representative from each participating agency (EP / ECFRS / EEAST), as well as the PFCC or their Deputy, must be present for the meeting to be deemed quorate.

The meetings will be held in private.

Purpose:

- To provide collective ownership, strategic governance and oversight of the Essex Emergency Services Collaboration Programme, including in relation to finance and resourcing decisions.
- To maximise the effectiveness and efficiency of police, fire and rescue and ambulance services within Essex through a programme of strategic and operational collaboration.
- To review business cases relating to potential emergency services collaboration projects and provide recommendations to the PFCC as to whether these should be progressed, taking into account existing collaboration agreements and other arrangements for co-operation as well as the desirability of the respective parties taking a consistent approach.

- To provide oversight and management of strategic risks pertaining to the Essex Emergency Services Collaboration Programme.

Decision making:

The Board makes recommendations to the PFCC but has no executive decision-making powers. Final decisions in relation to the Essex Emergency Services Collaboration programme are made by the PFCC via the decision sheet process or, where appropriate, Chief Officers under existing schemes of delegation and consent. Where the latter is the case, these decisions must have due regard to the strategic direction set by the Strategic Governance Board and will be reported into the Strategic Governance Board.

Recommendations to the PFCC are to be formulated by the Board on the basis of consensus wherever possible. Where there is divergence of opinion between members of the Board, this is to be made clear to the PFCC when the matter is referred to them for decision.

Stakeholder engagement:

It is recognised that collaboration proposals relating to Enabling Services will also require the active involvement and consent of the Chief Constable of Kent Police and the Kent Police and Crime Commissioner, who are equal partners in the current Police Shared Services Directorate and the wider 7 Force collaboration programme. Responsibility for engaging Kent colleagues in this regard will sit with the Chief Constable and PFCC respectively.

The Chief Officers of Essex Police, the Essex County Fire and Rescue Service and the East of England Ambulance Service NHS Trust will ensure that the recognised representative bodies of their respective organisations are sighted on all programme work being considered or undertaken, on behalf of their membership.

Any formal consultation with staff required as a result of the collaboration programme will be undertaken by the relevant Chief Officers.

Gateway process for approval of project business cases:

Suggestions to progress additional collaboration initiatives across two or more of the organisations represented within the Essex Emergency Services Collaboration Programme will be raised in the first instance at the Collaboration Programme Board for authorisation to progress discussions within the relevant organisations.

Subject to the Programme Board authorising progression to the next stage, proposals will be developed into a Project Initiation Document (PID) (setting out the scope of the project idea, including the mandate, options, outcomes and benefits pathway), to be presented to the relevant Chief Officer teams as follows:

- Essex Police Chief Officer Group (COG)
- Essex County Fire and Rescue Service Leadership Team (SLT)
- EEAST Senior Management Team (SMT)

Subject to the relevant internal governance bodies being content to progress to the next stage of proposal development, the relevant Chief Officers will appoint work-stream leads (project managers) who will be responsible for the development of a Strategic Outline Case (SOC) (including the resourcing requirements, project organisation structure, quality register, risks and issues register, and communications strategy) to be presented to the Strategic Governance Board for consideration and approval in principle. ***No collaboration proposals will be considered by the Strategic Governance Board without first going through this process.***

As set out above, the Board makes recommendations to the PFCC but has no executive decision-making powers. Final decisions as to whether proposed collaboration initiatives are to be progressed are made by the PFCC via the decision sheet process or, where appropriate, Chief Officers under existing schemes of delegation and consent. Where the latter is the case, these decisions must have due regard to the strategic direction set by the Strategic Governance Board and will be reported into the Strategic Governance Board.

Meeting frequency:

The Board shall meet bi-monthly. The calendar of meetings shall be agreed at the start of each year. Unless otherwise agreed, formal notice of each meeting confirming the venue, time and date together with the agenda of items to be discussed and the associated papers will be forwarded to each member of the Board, any other person required to attend and all other appropriate persons determined by the Chair, no later than five working days before the date of the meeting.

Further meetings outside of the normal cycle of the Board can be convened at the request of the Chair or any of its members, subject to agreement by the Chair. Any meetings held outside the normal cycle of meetings should be convened with a minimum notice of five working days. Extraordinary or urgent meetings may be held with less notice but should be for exceptional matters only, subject to the Chair's agreement and quorum requirements. In this case the agenda and any supporting papers will be sent Board members and to other attendees at the same time as the meeting notice is sent out.

Oral reports will not be accepted for substantive agenda items except in very exceptional cases, at the discretion of the Chair.

Secretariat:

The Executive Project Support (Emergency Services Collaboration Programme) will provide the secretariat to the Board.

Programme Board:

The Strategic Governance Board (SGB) will be supported by the Essex Emergency Services Collaboration Programme Board (see separate Programme Board Terms of Reference). The Programme Board will provide reports into the Strategic Governance Board on progress against the collaboration work streams, as well as draft business cases, resource

considerations and recommendations for decisions. The Programme Board is also the owner of the Collaboration Risk Register and will report to each meeting of the SGB on new, emerging and changing risks facing the programme and the mitigations put in place in response.

Review

The Terms of Reference of this Board will be reviewed on an annual basis.