



**Essex Police, Fire and Crime Commissioner Fire and Rescue
Authority**

Decision Report

Report reference number: 002/2020
Government security classification: Not protectively marked
Title of report: Appointment of an Acting Chief Fire Officer
Area of county / stakeholders affected: Countywide
Report by: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)
Date of report: 30 January 2020
Enquiries to: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

1. Purpose of the report

The purposes of this report are to:

- Appoint the Deputy Chief Fire Officer as the Acting Chief Fire Officer during the period of the Chief Fire Officer / Chief Executive's long-term sickness absence and to delegate the associated functions to him during this time, and
- Designate the Acting Chief Fire Officer as the Head of Paid Service for the Essex County Fire and Rescue Service during this period, in order to ensure the Commissioner's continued compliance with statutory requirements.

2. Recommendations

- That the current secondment of the Deputy Chief Fire Officer, Rick Hylton, from Cambridgeshire Fire and Rescue Service be extended until June 2020, and the Assistant Director (HR) instructed to liaise with Cambridgeshire Fire and Rescue Service to finalise the details of this.
- That the Deputy Chief Fire Officer, Rick Hylton, is formally appointed as the Acting Chief Fire Officer with effect from 27 November 2019 until such time as the Chief

Fire Officer / Chief Executive returns to full time work following her current period of sickness absence.

- That, for the same period, all functions delegated to the Chief Fire Officer / Chief Executive in the Police, Fire and Crime Commissioner Fire and Rescue Authority's Scheme of Delegation are further delegated to the Deputy Chief Fire Officer, acting in the capacity as the Acting Chief Fire Officer.
- That the Deputy Chief Fire Officer, Rick Hylton, in the capacity as Acting Chief Fire Officer, is formally designated as the Essex County Fire and Rescue Service's Head of Paid Service for as long as the Chief Fire Officer / Chief Executive is unable to act in this capacity due to sickness absence.

3. Benefits of the proposal

The recommendations set out in this report ensure that, during the sickness absence of the Chief Fire Officer / Chief Executive, there continues to be a nominated individual with overall responsibility for leading and managing the Essex County Fire and Rescue Service, whom the Commissioner can hold to account for the delivery of these functions.

The recommendations also ensure the Commissioner's continued compliance with their statutory duty to designate one of their officers to be the Head of Paid Service, who will fulfil the duties outlined in section 4 of the Local Government and Housing Act 1989.

4. Background and proposal

The Chief Fire Officer / Chief Executive, Jo Turton, has unfortunately been absent from work due to sickness on account of a severe detachment of the retina since 27 November 2019. At Jo's request, and with the consent of the Commissioner, the Deputy Chief Fire Officer has been deputising for her since this time. It is now known that Jo will not be fit to return to work until at least the end of February 2020. Once she is fit to return to work, it is anticipated that a phased return will be required to support Jo as she resumes her duties.

As the current informal arrangements have now been in place for some time, and it is clear that these will be an ongoing requirement for the next several weeks, formal arrangements now need to be put in place to ensure clarity of responsibility for leading and managing the Essex County Fire and Rescue Service, and also to secure the Commissioner's continued compliance with their statutory duty to designate of their officers to be the Essex County Fire and Rescue Service's Head of Paid Service.

Recognising that it is currently unclear how long these arrangements will need to be in place for, the situation will be formally reviewed with the Essex County Fire and Rescue Service's HR team at the end of March 2020.

5. Alternative options considered and rejected

There is no statutory requirement to appoint a Chief Fire Officer, however there is an expectation that such an appointment will be made within both the Fire and Rescue National Framework for England and the Police, Fire and Crime Commissioner Fire and Rescue Authority's own Constitution. Consequently, it is not considered that there is any alternative to appointing an Acting Chief Fire Officer during the Chief Fire Officer / Chief Executive's long term sickness absence. Given current roles and responsibilities, and associated pay grades, the Deputy Chief Fire Officer is the natural choice for this role, however the Commissioner could appoint an alternative member of the Strategic

Leadership Team with a direct reporting line to the Chief Fire Officer / Chief Executive if they considered this to be more appropriate.

The Commissioner has a statutory duty to designate one of their officers to be the Head of Paid Service, who will fulfil the duties outlined in section 4 of the Local Government and Housing Act 1989. For this reason, there is not considered to be any alternative to the final recommendation set out in section 2 above.

6. Strategic priorities

Covering the role of the Chief Fire Officer / Chief Executive during her sickness absence is considered to be critical to the ongoing delivery of the Fire and Rescue Plan; development of the new Integrated Risk Management Plan (IRMP), and delivery of the recommendations arising from last year's inspection of the Essex County Fire and Rescue Service by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS).

7. Operational implications

The Deputy Chief Fire Officer and the Assistant Director (HR) have been consulted on the recommendations and details contained within this report. The Commissioner has also agreed the recommendations with Cllr. Reynolds, Chairman of the Cambridgeshire Fire and Rescue Authority, whom the Deputy Chief Fire Officer is currently on secondment from.

8. Financial implications

In consequence of the recommendations set out above, the Deputy Chief Fire Officer will receive an uplift of £1,500 per month gross. As this appointment is to be made with effect from 27 November 2019, payment will be backdated to this date.

9. Legal implications

In accordance with the Fire and Rescue National Framework for England, the Commissioner appoints a Chief Fire Officer who is responsible for managing the fire and rescue service. This role does not have to be operational but includes managing the personnel, services and equipment secured in their capacity as the Police, Fire and Crime Commissioner 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 relevant enactments. The Commissioner must hold this person to account for the exercise of their functions and the functions of persons under their direction and control.

The Commissioner also has a statutory duty to designate one of their officers to be the Head of Paid Service, who will fulfil the duties outlined in section 4 of the Local Government and Housing Act 1989. Under legislation, the Head of Paid Service may or may not be the same person as the Chief Fire Officer, however the current Scheme of Delegation delegates this role to the Chief Fire Officer / Chief Executive.

10. Staffing implications

The recommendations set out in this report only directly impact the Deputy Chief Fire Officer. It should be noted that, whilst he is acting up into the role of Acting Chief Fire Officer, the post of Deputy Chief Fire Officer will not be covered. This will create additional pressures on other members of the Strategic Leadership Team (SLT) and may also

impact on the pace of delivery in some priority areas. Relative priorities will be discussed and agreed on an ongoing basis between the Commissioner and the Acting Chief Fire Officer through their regular 1:1 meetings as well as through the PFCC's formal governance structure. Any personal development and support needs will also be discussed between the Commissioner and the Acting Chief Fire Officer through their regular 1:1 meetings.

11. Equality and Diversity implications

It is not considered that there are any equality and diversity implications arising from this decision.

12. Risks

There is a risk that one or more alternative members of the Strategic Leadership Team with a direct reporting line to the Chief Fire Officer / Chief Executive may object to not having been offered the opportunity proposed in this report for the Deputy Chief Fire Officer. The risk of this is considered to be low, given that there is a natural hierarchy within the establishment which places the Deputy Chief Fire Officer second to the Chief Fire Officer / Chief Executive, and that this is a relatively short term opportunity, creating an immediate need for action, arising out of unplanned sickness absence as opposed to a foreseen vacancy, cover for which could have been more proactively planned for.

There are considered to be much greater risks associated with failing to implement the recommendations set out in this report, as there would be no individual clearly designated with responsibility for leading and managing the Essex County Fire and Rescue Service, whom the Commissioner can hold to account for the discharge of these functions, and also because there would be no nominated individual able to act as the Essex County Fire and Rescue Service's Head of Paid Service, as required under the Local Government and Housing Act 1989.

13. Governance Boards

This decision does not fall within the terms of reference of any of the Commissioner's governance boards as it relates to an individual staffing matter.

The Essex Police, Fire and Crime Panel has been verbally advised of this decision at its last meeting and this decision report will be made available to the Panel for its scrutiny.

14. Background papers

None

Decision Process

Step 1A - Chief Fire Officer Comments

(The Chief Fire Officer is asked in their capacity as the Head of Paid Service to comment on the proposal.)

In the Chief Fire Officer / Chief Executive's absence, the Deputy Chief Fire Officer has not been asked to comment on this decision report due to the conflict of interest. However he is aware of its existence.

Sign:

Date:.....

Step 1B – Consultation with representative bodies

(The Chief Fire Officer is to set out the consultation that has been undertaken with the representative bodies)

N/A.....

Step 2 - Statutory Officer Review

The report will be reviewed by the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority's ("the Commissioner's") Monitoring Officer and Chief Finance Officer prior to review and sign off by the Commissioner or their Deputy.

Monitoring Officer

Sign: 

Print: P. BEAS-BREWSTER

Date: 30 JANUARY 2020

Chief Finance Officer

Sign: 

Print: NEIL CROSS

Date: 30 JANUARY 2020

Step 3 - 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)

.....
..... N/A

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

Step 4 - Redaction

If the report is for publication, is redaction required:

- 1 Of Decision Sheet YES/NO
- 2 Of Appendix YES/NO N/A

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

.....
..... N/A

Date redaction carried out:

If redaction is required, the Chief Finance Officer or the Monitoring Officer are to sign off that redaction has been completed.

Sign:

Print:

Date signed:

Step 5 - Decision by the Police, Fire and Crime Commissioner or Deputy Police, Fire and Crime Commissioner

I agree the recommendations to this report:

Sign: *R.C. Hirst* (PFCC / DPFCC)

Print: *R.C. HIRST*

Date signed: *31/1/20*

I do not agree the recommendations to this report because:

.....
.....

Sign: (PFCC / DPFCC)

Print:

Date signed: