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| Meeting | Strategic Board | Agenda Item | 8 |
| Meeting Date | 15 March 2021 | | |
| Report Author: | AM J. Palmer | | |
| Presented By | ACFO M. Bruin | | |
| Subject | Enforcement Policy | | |
| Type of Report: | Decision | | |

RECOMMENDATIONS

It is recommended that this Policy be approved as the document to support enforcement activities under the Regulatory Reform Fire Safety Order.

BACKGROUND

The key driver behind this policy is to for us as an organisation to ensure a more efficient and effective delivery of fire protection to better protect the built environment additionally, following the HMICFRS inspection it was highlighted that the Protection function needed reform to meet the demands and challenges of Protection in a Post Grenfell world. The enforcement policy sets out our approach to utilising all the powers available to us as the enforcing agency under the Regulatory Reform Fire Safety Order (RRO). The revised document (appendix A) was due for review in January 2021, it was decided that in order that it is fit for purpose, considering the areas outlined above, this review would be brought forward and included as part of the Protection Improvement Plan (PIP). It is recognised that a robust enforcement policy lays the foundation for effective compliance with the RRO and that as responsible enforcers we should lay out clearly the parameters in which enforcement could be considered a viable option for ECFRS. As part of the PIP ECFRS developed and devised a new Risk Based Inspection Programme that highlighted the areas of greatest risk in which we would inspect and focus our resources on. This policy also supports the Protection Strategy that was developed to drive improvements within the protection arena. In order that we ensure the risk to the public is minimised we needed to develop an enforcement policy that is flexible enough to meet the needs of the public and the changing landscape of the built environment yet robust enough to ensure we are complying with our role under the RRO.

The key areas of reform that will be delivered as part of this policy is an increased emphasis on enforcement. In order to support that, in this review, we have explicitly called out that we will not hesitate to robustly enforce, we have added in a key function

that we will use all the available powers at our disposal to ensure compliance. To support responsible persons, we have identified what they can expect of us and equally what we would expect of them. We have also outlined the steps around when we would enforce and the criteria, we would look to utilise in ensuring a swift and decisive response under The Order. The revised policy gives examples of what may be considered a lesser breach of the order but equally how, why, and when we would enforce. It also clearly outlines to the business community the powers we have available to us and sets the expectations we would expect. In order to further deliver this increased engagement with the business communities we will work with the Essex Chamber of Commerce to deliver a communications strategy that supports our business to understand expectations and what they can expect of us in the event of non-compliance and why.

In order that our teams are supported and provide a consistent approach to enforcement and deliver the robustness that is set out in the policy. We will.

- Expand our quality assurance process. To include not only the quality of the audit carried out but the effectiveness and a review around the outcome.
- Deliver quality assurance at multiple levels in the team.
- Office managers and Delivery managers will routinely quality assure their own teams.
- Office managers and Delivery managers will routinely quality assure the work of teams from other areas of the department to ensure a standardised approach.
- Enforcement is a standing agenda item on the quarterly Prevention and Protection board attended by the head of protection and the delivery managers where the process is reviewed, monitored and action taken to ensure a consistent approach in line with the enforcement policy.

OPTIONS AND ANALYSIS

The areas of specific consideration in the review of this policy were:

- The need to ensure we use all the powers available to us under the order.
- The need to set out clearly the escalation routes from informal to formal enforcement.
- The need to protect the public.
- The need to clearly state the strategic intent of ECFRS to become more focussed on early enforcement where it is deemed appropriate.
- The need to comply with the Concordat of Good Enforcement
- The desire to publicise our enforcement approach and share best practice with the sector.
- The need to be robust enough to ensure public safety yet equally flexible enough to meet the changing landscape considering expected future legislation changes.

BENEFITS AND RISK IMPLICATIONS

Benefits

- Consistency of approach
- Fair and transparent process
- Assurance provided to SLT and the OPFCC that enforcement will be carried out where appropriate.

- Clarity of approach for our business communities so they know what is expected of a responsible person.
- Improved public safety.

Risk Implications

- Increased financial impact due to greater levels of enforcement.
- To rigid an approach to enforcement.
- Perception in the business communities that we will enforce before working with responsible persons.

EQUALITY AND DIVERSITY IMPLICATIONS

ECFRS must ensure that enforcement is carried out in an equitable and fair manner which does not unduly impact on any particular group. This policy has been subject to a People Impact Assessment

WORKFORCE ENGAGEMENT

Protection staff (who will be working to this policy) have carried out the review. All staff will be advised once the review is complete and agreed.

FINANCIAL IMPLICATIONS

There is the potential for an increase in financial liability due to an increase in enforcement. This can be offset to a certain extent by cost recovery. The increase in liability should not be a barrier to enforcing where required.

LEGAL IMPLICATIONS

We have a legal requirement under the RRO to enforce non-compliance of the order. This policy review sets out clearly how we will ensure we meet that obligation.

HEALTH AND SAFETY IMPLICATIONS

Failure to sufficiently enforce the RRO could lead to unsafe premises which has the impact of creating unsafe conditions for the people that live, work and travel in Essex. This review will mitigate that affect so far as is reasonably practicable.