



MINUTES

POLICE, FIRE AND CRIME COMMISSIONER FOR ESSEX AND ESSEX COUNTY FIRE & RESCUE SERVICE STRATEGIC BOARD

15 March 2021 10.00 – 12.20 pm - Teams Video Conference

Present:

Roger Hirst (RH)	Police, Fire and Crime Commissioner
Jane Gardner (JG)	Deputy Police, Fire and Crime Commissioner (Chair)
Pippa Brent-Isherwood (PBI)	Chief Executive, PFCC's Office
Jo Turton (JT)	
Rick Hylton (RHyl)	Chief Fire Officer
Moira Bruin (MB)	Deputy Chief Fire Officer
	Director of Operations, ECFRS
Dave Bill (DB)	Director of Prevention of Innovation, Risk & Future Development
Karl Edwards (KE)	Director of Corporate Services, ECFRS
Janet Perry (JP)	Strategic Head of Performance and Resources
Neil Cross (NC)	Chief Finance Officer, ECFRS
Jo Thornicroft (JTh)	Head of Performance & Scrutiny, PFCC's Office
Christine Butler (CHB)	Minutes, PFCC's Office
Julian Commons	HMICFRS (Observer)
Neil Fenwick	
James Durrant	

1. Welcome and apologies

- 1.1 JG is currently attending the ERG meeting on behalf of RH and will join later.
- 1.2 Julian Commons the Fire Liaison Officer from HMICFRS has joined the meeting today as an observer
- 1.3 Neil Fenwick has also joined the call today as an observer
- 1.4 RH will need to leave the meeting at 12.20 due a call with the Policing Minister. There is a very busy Agenda, but RH would like to conclude the meeting and any decisions in order that he is able to join the call.
- 1.5 There is an urgent item of extraordinary business concerning the Decision Sheet on Immediate Detriment, which is related to the Firefighter's Pension Scheme, which we will bring in under AOB. There have been an extensive number of documents that have been circulated in advance for this matter. RH intends to make a decision today. DB requested that he be excused from this section of the meeting as it directly impacts on him personally.

2. Minutes of the Previous Meeting

- 2.1 The minutes from the previous meeting were agreed for accuracy.
- 2.2 There were not any issues arising out of those Minutes which are not either captured on the Forward Plan, Action Log or Agenda for this meeting.

3. Action Log

JTh took the Board through the Action Log: -

- 29/19 A paper to come back to Strategic Board with the Balance Sheet and Reserves Review. There is a paper on reserves at this meeting and a meeting in the diary with RH for 1st April for the Balance Sheet. NC added that following the discussion at the forthcoming meeting he would report back to the Board. Remain Open.
- 23/20 Retirees Decision Sheet – this is in progress but not currently complete. Remain Open.
- 25/20 Budget and Precept – Action was to go to the PFCP. This is now complete. Propose Close.
- 26/20 Prevention Strategy Linkages – This was updated, and the Prevention Strategy signed off by Decision Sheet on 05.01.21. Propose Close.

4. Forward Plan

- 4.1 All the papers expected have been received for this meeting.

For the June Meeting: -

- The Review of the 2021 Annual Plan
- The Response Strategy
- The Annual Review of The Strategic Assessment of Risk
- The Annual IRMP Review
- The Estates Strategy
- The Control Room Project
- The Annual Trade Union Facilities Report

- 4.2 RH asked KE if the timescales would work with the Control Procurement. KE replied that it would.
- 4.3 NC said that the MTFP update is scheduled for later in the year for November but conscious that the Service is working on some updates through the budget process Would the Board prefer to see the paper at the June meeting? JP would like it to come to the June meeting due to the amount of work being done on it recently.

Action 1/21

JTh to add the MTFP update to the Forward plan for June.

JTh said that regarding the Balance Sheet, does this also need to be added to the Forward Plan? RH said that the scoping meeting needed to take place in the first instance. NC agreed.

The Forward Plan with amendments was agreed and RH thanked ECFRS for the papers being brought to the board.

5. The Annual Plan

- 5.1 RHy said that the paper sets out the clear direction in terms of the activities that the Service will undertake in 2021/22 to align to the IRMP to enable them to meet the ambitions set out in the Fire & Rescue Plan.
- 5.2 The Annual Plan has already been cleared through a series of Stakeholder sessions i.e. SLT back in November and the Extended Leadership Team, in which a task and finish group was formed to ensure that the activities are owned by the organisation and the people who will be looking to deliver them.
- 5.3 Progress will continue to be monitored through the Continuous Improvement Board and through the P&R Board
- 5.4 In the Annual Plan, attached in the appendices, is the rationale as to why any activities from 2021 have been carried over.
- 5.5 For next year, there will be the development of the Response Strategy which will be coming in June and will set out the final pillar, in terms of our Prevention & Protection and our Response Strategy. The Strategy will also show how we can manage our resources to ensure that we can respond in the event that our Prevention and Protection activities are not successful and also will set out the mitigation the Service needs to take to meet response times.
- 5.6 The Building Risk Review continues into next year as well as the Grenfell Action Plan.
- 5.7 The completion of the BA Upgrade which is linked to the investment given by the Commissioner around the operational training facilities will conclude next year.
- 5.8 The Estates Strategy will be coming to the Board in June and this will be linked into the upgrade of some of the Service's facilities as well as the Collaboration Agenda and where we can make better use of the facilities to align with Police and Ambulance colleagues.
- 5.9 The Digital and Data Strategy is on the agenda today. The investment in Digital and Data is a key enabler for the Service.
- 5.10 RHysaid that these are the five big areas of work that he would like to highlight to the Board that will go forward next year, and the activities clearly cover a much boarder range.
- 5.11 RHy is looking for the board today to sign off The Annual Plan.

Questions

- 5.12 RH said the cover note that was included was the cover note for SLT, the board would need a cover note. RHy apologised for a typo for "P&R Board" which should state "Strategic Board" to sign off.
- 5.13 JP said that regarding the Decision Sheet, she feels that the Service are doing a disservice against themselves in terms of workforce engagement and EDI. There could be a lot more expansion in this area as opposed to saying nothing. RHy will refresh that page when amending the Decision Sheet.

Action 2/21

RHy to amend typo in The Annual Plan from "P&R Board" to "Strategic Board" to sign off and expand on information in the Annual Plan Decision Sheet regarding workforce engagement and EDI.

- 5.14 RH is pleased to hear that we will be receiving quarterly updates to P&R so that we can track this and in terms of quarterly updates can RAG rating be included? RHy confirmed that they can be included in the P&R reports. Lucy Clayton has a sophisticated system that links into Microsoft Teams which can ensure that continued reporting flows through and if there is anything more that RH wishes to see at P&R that the Service are not capturing, then RHy is more than happy to pick them up.
- 5.15 RH regarding new activities on the Plan, do we have finish dates for them? There is a Section about what would be carried over from 20/21 but are there some activities that are expected to be carried over for 21/22? Managing expectations would be helpful. RHy replied that there is a section at the back which shows the activities which are being carried over into next year. Everything else in the Plan will be completed by 31st March 2022, which RH confirmed.
- 5.16 RH said that as procurement was being looked at by Barkers, there is not much information in this Plan. KE replied that Barkers have just completed their review and the report was finalised last Friday. There are several recommendations that Barkers have put forward and those the Service built with them.
- 5.17 The Change Plan for procurement is over the next 6-12 months and it is KE's intention to bring that to both SLT and P&R for approval in terms of the approach that the Service will be taking around procurement.
- 5.18 RH is conscious of the fact that there is potential to change the Annual Plan, does that require a Change Control Notice, how to the Service monitor how the plan moves through the year? RHy replied that new activities will be included in the Plan, at which point the Plan will also need to be reviewed to ensure that it is deliverable.
- 5.19 RHy said that the Change Control process is something that JTh and RHy discussed previously and this needs to be a more sophisticated system. This year the Annual Plan was about the Service learning and the Plan has shifted during the year. RHy suggested working through the Change Control process at the next P&R Board in terms of managing the Plan. The Change Control process that enables the Service to continue to have the freedom and flexibility it needs to work and that RH is better sighted on it in the future. RH asked for a brief paper regarding managing the Change Control process in the first quarter to the P&R board. RHy said that this would be in the form of Exception Report clarifying what has been added and removed of the Plan.

Action 3/21

RHy to provide a brief paper in the first quarter of reporting on the Annual Plan to P&R board outlining the Change Control Process.

- 5.20 JP asked about the productivity part in the finance section, it talks of linking productivity with finances, is this new and have we had thoughts on how we are going to do that? NC replied that we are at the learning stage where we need to think about how we are going to develop it and implement it. JP would be happy to assist with this in respect of unit costing etc.
- 5.21 RHy confirmed to JP that the Service knows what the productivity improvement looks like, it is just how it is quantified is the part that needs to be looked at. JP has experience in this area to assist.

RH confirmed that the Board are very happy with the Annual Plan and endorse it.

6. Future Change Program

DB took the Board through the paper.

- 6.1 The key item is the amount of work to this program and, as the Service are going through, there will be a lot more that can be added and to and expand the Future Change program.
- 6.2 The Service are looking at areas in which to identify collaboration activities going forward with other organisations, with other regional Fire and Rescue Services.
- 6.3 Looking forward through the financial years, there are elements that are coming up that the Service are aware of to be added to the Future Change Program. Hopefully this work is complimented by the Programme Board which has been established within the region and which RHy chairs the and DB attends to represent the Service. DB also heads up the Regional Operations Group and via that group and via TEAMS others are able to add their own too, for example if others are doing an exercise as part of their IRMP, they are sharing the work that they do as they go. Hopefully this will identify areas that other FRS are working on going forward. DB has a meeting this Thursday.

Questions

- 6.4 RH said that he would like to understand this better, how does this result in budget items? This is a very good programme of work. RH can see how it is drawn together but how does it move forward for September/October time, regarding understanding what we need to spend on new items. DB replied that the Service are more aware than they have in the past about needing to renew certain items i.e. bigger ticket items. Also it is enabling the Service to be able to add to this programme i.e. from an operational aspect for example if the Ariel ladder platforms are due for renewal, then this is something that can be highlighted 2 years in advance and understanding when it is due and looking at it the year beforehand, gives the Service an opportunity to review it and look further opportunities. Also, it is making the Service more aware of Contract renewals and being able to highlight those well in advance and looking for collaboration activities and program the activities in advance.
- 6.5 RH said that having done horizon scanning and having seen it coming and understanding that the work needs to be done, if it incurs new expenditure, where does the Service go with that? RHy majority of that work will be referred through the Asset Board by DB and majority of that work will be in and around Capital Board which NC set up and Chairs. That is the route that directly feeds into the budget.
- 6.6 JP asked that in terms of the MTFs, does that feed through, is this normal expenditure and therefore it is already in the MTFs, but where there is anything exceptional, we do need to play into the MTFs. NC agreed with JP and feels that from a budgetary prospective, at the early stages of the budget process the Service will ensure that this is scheduled in so that when finance are gauging what the budget looks like, there will be areas of priority spend and increases that come from this that can be flagged at the earliest opportunity.

RH said that the Future Change Programme was note and endorsed.

7. The Reserves Strategy

NC talked to the Board regarding the Strategy.

- 7.1 The Reserves Strategy has been pulled together and the Service are looking to agreeing the expected position for this financial year end and also to agree the Reserves Strategy for further publication.
- 7.2 Within the Strategy, the reserve categories have been highlighted. The unusable reserves which are those items that arise are more for year-end accounting adjustments. The key figures relate to the revaluation reserve and pension reserve, but these are not useable for the year end accounts.
- 7.3 Regarding our usable reserves starting with the general reserves, an estimate has been done of what those look like for this year and next year is based on the latest forecast and the budget position.
- 7.4 Within the Strategy, it states that 3% is a sensible level of general reserves. There is a summary table showing the impacts of 1% change in some key financial measures (eg. Staff costs / Employers NI and non-pay costs), which helps to give some context to this conclusion. The National Framework Guidance is 5%, we anticipate being around 4.5% in 2020/21, moving to just over 3% in 2021/22 based on our budget position.
- 7.5 NC said that it is important to recognise that if the Service are in the position whereby general reserves are utilised and go below the 3% in a specific year, then these will need to be topped up in future years to bring it back to the 3%.
- 7.6 The paper then looks at the earmarked reserves, which has been split into three categories. One relates to contingent earmarked reserves which relates to specific risk based contingencies (e.g. Costs with a significant incident / unknown legal fees).
- 7.7 Another category of earmarked reserve are those for specific purpose, (e.g. the Covid grant or operational training with Decision Sheets or information to support those level of spends). The third one relates to productivity with the main one being innovation and transformation and there is a specific table that breaks this down further. There is also “invest to save” where managers can supply bids to make further improvements in the service.
- 7.8 The 2024 table shows our reserves moving from £10.5m as at last year end to £4.4m by 2024. It would be expected that the contingency reserves would remain unchanged as the events are unknown. The Service are drawing down on some of the innovation, transformation and productivity earmarked reserves and there is some specific reserve usage within that period.
- 7.9 When the budget paper was submitted, the forecast for use of reserves in the year 2021-22 is higher than that paper and some of those represent some of the items today on the Digital and Data Strategy. For example. £1.8m was in the original budget paper and this has moved to £4.2m within this paper.
- 7.10 The Capital Receipts Reserve currently sits at £8.5m and has not been utilised over recent years. The table reflects the day crew housing that the Service are in the process of selling for the day crew conversion. NC is expecting £1.6m receipts potentially before the end of this financial year with the remaining £5.6m within the next year.
- 7.11 There are a few items that are highlighted to use the Capital Receipts on. Those items are Shoeburyness Fire Station, major capital projects, potential service workshops collaboration and the ICT Digital and Data Strategy which the numbers of this Strategy reconcile with.

- 7.12 It is also important to note that when it comes to utilising the reserves the Services wants to ensure that it has an appropriate Business Case in place and it is written into this document that a Decision Sheet will be required to be signed off by the Commissioner in regards to the reserves.
- 7.13 Regarding cash flow, there are substantial reserves although there are outstanding loans etc within the Service, this must be borne in mind in terms of future spend and as part of the balance sheet work that has been done. The Balance Sheet and Cash Flow will start to be reported through to the P&R Board on a regular basis in the new financial year (expected on a quarterly basis).

Questions

- 7.14 RH said this was big step forward in respect of transparency. RH noted the point around the Digital and Data Strategy having an impact on this and asked if there was a need for this paper to be amended to bring in alignment with the Digital & Data Strategy as it is a significant sum? As we know about the change and it will be discussed further in the Agenda. NC said that the numbers for the Digital and Data Strategy are embedded and reconciled in the Reserves Strategy. The Capital Receipts Reserve reflects what KE has put forward in the Digital and Data Strategy. The use of the Innovation and Transformation Reserve amounts that is seen on page 7 are reflective of what is in the Digital and Data Strategy.
- 7.15 RH confirmed with NC that if the Commissioner agrees the Digital and Data Strategy, then the figures will not need to be amended in the Reserves Strategy. NC confirmed that was correct.
- 7.16 JP said that the Reserves Strategy was a good piece and very thorough of work and NC has worked very hard on this. JP said that the part of the earmarked reserves that does not fall into the Contingency Reserve, if we get to the point where the general reserve falls below 3%, you could argue that it is those two reserves together falling below 3% would mean that more needs to be put into the General Reserve. How would this be managed? as in effect this is for contingency items. NC confirmed that they are trying to make the Contingency more specific and should the reserve general balance fall below 3% there would be an opportunity to review and reallocate as JP mentioned. JP feels that it is good to see them clearly and it highlights the risk as well, but it can be address at a later stage if needed. RH said that there was a big improvement in the transparency.
- 7.17 NC confirmed to agree the position regarding the reserves held by the authority as of the coming year end in order that they can reflected at year end in the Annual Accounts. Also, to review and agree the Reserve Strategy in order that it can be published.
- 7.18 RH asked if the Decision Sheet had been received. JTh confirmed that it has been received to review but this has not been completed.

RH confirmed that NC is proposing that it is endorsed and a Decision Sheet brought forward to adopt it, NC said that was correct.

8. Enforcement Policy

- 8.1 MB requested approval from the board for the review policy which sits under the Protection Strategy which previously came through the Board.
- 8.2 The policy outlines all the powers of enforcement available to the service. This shows escalation routes which are involved for enforcement and how we resource the activity. It focuses on strengthening our enforcement capability and also focuses on earlier enforcement where it is appropriate and in the risk that is prevented to send a strong message.

- 8.3 The Policy shows our intention to engage with our business community and will be doing this initially through the Essex Chamber of Commerce. It also covers the NFCC principals of good enforcement. The policy has been subject to a People Impact Assessment, which is significant, due to the activity that is covered in the Policy. Much of the enforcement activity has been focused on premises at takeaway shops i.e. flats above kitchen and a large proportion of these are owned by minority ethnic owners. We need to ensure that we are not impacting a particular group of people for anything other than the best reasons.
- 8.4 RH welcomed the documents and is very conscious of the need to hone our capabilities in the light of Grenfell and there has been a lot of work happening in the Service to get us in a better place where we have better enforcement skills. Having this Policy in its much improved state, it gives more power to the activity and RH appreciated the clarity on enforcement and on public information, clearer routes and with examples of what action needs to be taken and what that means for the people that are responsible for it. This is not a comfortable place for many of our employees, many firefighters did not join up to do enforcement, it is hard edged prevention. RH very much appreciates the papers on educating the public, which will help with our public support.
- 8.5 JTh thanked MB for the early sight of the document to allow discussions with Jim Palmer.
- 8.6 RH asked if a Decision Sheet was needed as would it raise the profile of the paper and get it out there for scrutiny by the PFC Panel which would be helpful. JT replied that regarding the Decision Sheet and the opportunity it would raise in terms of awareness and scrutiny, given that we know the interest of the members of the Panel in this issue the public issue, a Decision Sheet would be very helpful. JT would be very supportive. PBI agreed with the approach.

RH said that we endorse the Policy as it stands, with a recommendation is that it goes forward with a Decision Sheet to come forward to the Police Fire & Crime Commissioner to approve.

9. Vehicle Equipment and Asset Management 2021 - 2026

- 9.1 RHy said that this Strategy aligns far better than the previous one with the Fire and Rescue Plan and has been through some extensive consultation insofar as ensuring that the vehicle and equipment in this strategy are maintained and delivered fit for purpose and aligning with the current IRMP. That process has been undertaken which identified that the current set of vehicles were fit for purpose in terms of being aligned to meet the strategic assessment of risk.
- 9.2 There are a series of KPIs that have been developed to ensure that the Service continues to meet the effective delivery of the fleet and equipment. Greater flexibility has also been built in around lifecycles of fire engines. There is an aspiration and need to think about the Service's green footprint and the fire engines are certainly an area where improvements can be made as technology catches up and becomes less cost prohibitive than it does at the moment.
- 9.3 This current strategy designs out some of the older appliances that have got less safety equipment on them compared to the new ones. This strategy would see that all of ECFRS Fire Engines carry the latest safety equipment in order that the crews are being transported around in the safest possible way but when the technology comes along for greener fire engines and it becomes more comprehensive, the Service can take advantage of this.
- 9.4 It is important to note that this transported through to 2026, would see the Service benchmark all of its fire engines with the latest safety equipment.
- 9.5 RHy gave thanks to Peter Warner and the fleet and equipment Services team who have put a lot of work into doing this with tight timescales and current context and uncertainty of fleet.

The workforce is very committed to providing the very best they can to the Service. RH asked RHy to pass on his thanks to the team as well. This is a very good document which puts the Service into a good place and teases out the collaboration and focuses on what we can do better going forward.

Questions

- 9.6 JP said that looking at section 8.2 it states that this is clearly lined up with the work that NC has been doing in terms of the MTFS and it is aligned. NC agreed, the table at the back represents the baseline Capital Plan and if there any deviations from any of those baseline Capital Plans, some further Business cases can be expected to come forward in that regard.

RH noted that a Decision Sheet has been brought forward. RH confirmed that this has been looked at in some detail. This is very much endorsed.

10. Digital & Data Strategy

- 10.1 KE said that back in October 2019, the Board signed off approval of £4.4m for the implementation of an ICT transformation business case. Over the course of 2019/20 a number of activities have been delivered that were in the original business case. Some of the items were, transferring to Windows10, rolled out laptops and new desktop technology, network improvements and have started to prepare progression for applications to the Cloud and well as rolling out office 365 for remote working.
- 10.2 Many of the activities were outlined in the original business case. As technology move forward quite rapidly, the Service have revisited that business case and looked to put together the Service's Digital and Data Strategy. Although this takes out the main thread of the original Business Case, but it builds a new business Strategy which takes the Service forward with Data and technology and Data and Digital to transform the Service over the next four years.
- 10.3 There has been extensive engagement with people and feedback points around the Digital and Data Strategy but it is clear that one of the obvious things that we would like to move forward is the building of a full data migration warehouse. It brings all our data together in one place to bring better consistency and better decision making and will drive productivity and efficiency.
- 10.4 The Business Case that has been presented today covers the five main strategic points in the business model that was provided to us which was the HM Treasury Model Business case. That Business case covers all of the priorities within the Fire and Rescue plan and how the Digital and Data Strategy aligns itself to supporting those priorities i.e., our new network capabilities, our changes to front line technologies, the rollout of new devices and infrastructure and security that needs to be applied to ensure that our ICT systems are safe and secure.
- 10.5 Of the £4.4m from the original Business Case. £1.2m of those were internal staff costs which took it to £3.1m. £0.8m was spent on delivering activities of moving from Windows 7 to Windows 10 which is £2.3m. To deliver the new Digital and Data Strategy over the four year plan an additional £1.5 is required, which will take us back to £4.7m in total. This does align to the earmarked Strategy Reserves too.
- 10.6 KE is looking for approval of the business case in order for the Service to take forward and Continue to deliver the Data and Digital Strategy activities. The Governance surrounding this will be brought to the Performance and Resources Board where the Board can be updated with quarter milestones.

- 10.7 RH thanked KE for his work. RH questioned that KE stated that the total amount was £4.7m where on page 22 says £4.8m. Is that a tweak since the paper was finished? To confirm that the ask from this board today is for an incremental £1.3. KE confirmed that was correct. The increases are £4.7 in terms of the total amount and £1.5 incremental. JP said that it is 1.6. RH confirmed that we are approving an expenditure of £1.5m beyond what was approved last October. NC confirmed that this has been built into our plans and reserves strategies and we are also to be able to afford this. JP would like to confirm for the minutes that it is £1.6m as it is rounded up from £1.586m.
- 10.8 RH asked how likely this figure would be to change again. KE replied that many of the activities within the plan are fairly futureproof and obviously it depends on the change of technology solutions and if new and better improved technology solutions come to light during the terms of the strategy then we would want to follow the latest technology. The original Strategy was to replace a very out of date infrastructure, the Service would like to keep up to date with technology and will come back to the Board at that time.
- 10.9 JP asked if there is a contingency set aside for future costs, RE replied that the Business Case is based on the best level of knowledge that is currently known as they currently exist. There is no contingency for any future changes.
- 10.10 PBI confirmed that we will need to sign off the Decision Sheet with the Business Case appended. Decision Sheet to say that approval of the Business Case attached. RH confirmed that we are agreeing the £1.568m increase in spend and recommending that a Decision Sheet come forward to approve this Business case as proposed for signature by the PFCC.**
- 10.11 PBI asked that the Decision Sheets coming forward particularly those agreeing new Policies to please bear in mind the pre-election period starts at Friday 19th March at 12.01am. PBI asked for them to be done quickly in order to process. As all the papers have already been published the PFCC would not be doing anything in contravention of the election period. PBI added that if the Decisions Sheets were not processed by then, the draft Minutes should be published to reflect that those decisions in principal have been made at this meeting.

11. Draft Environment Strategy

RHy talked the Board through the Strategy.

- 11.1 RH this is very important piece of work that has been looked at for over a year on how we are going to take this forward, particularly aligning to ensure that this can be done shoulder to shoulder.
- 11.2 RHy said that this Strategy came about a year ago when ECFRS were looking at what EP were doing and was there an opportunity to collaborate and do things differently.
- 11.3 This Strategy is based on the Service's mission to beat the government target of zero net greenhouse gases by 2030. Clearly a big challenge for the Service. On page 17, set out is the joint efforts that are being made and some very good progress with both ECFRS and Essex Police at 40% since 2008 and ourselves down by 28%.
- 11.4 Stagewise it is a challenge for fire together with Fire engines and the move forward to invest in technology that see us to further reduce the carbon footprint.
- 11.5 Hy said that it is a useful document that brings together both ECFRS and Essex Police in terms of sharing that joint ambition and RHy is asking today that the Board approve that Strategy so that it can be built into the Plan moving forward between ECFRS and Essex Police. Essex Police will take their decision through their own governance structures.

Action 4/21

- JTh said that in the Environment Strategy figure 10 on page 9 should say Essex Police and not Essex Fire and County Rescue Service. RHy will make the amendment.
- 11.6 RH said that he appreciates this document coming forward and it is an excellent document. RH is pleased with the collaboration with Essex Police.
- 11.7 JP said that the Board have just seen the vehicle and asset Management Strategy and asked if the two Strategies were well aligned. RHy said that was correct.
- 11.8 RH asked regarding electric fire trucks. RHy said that in the short terms there are some opportunities in terms of the smaller fleet and looking how to do that and the Service may be able to pilot this in a particular area aligned to policing. It is also that infrastructure that the Service need to put into to enable that. There is a Decision Sheet to be signed off today.
- 11.9 RH asked if there was any information on which company would come up first with an electric fire tender. RHy said that LFB have one now but very expensive and would say that it will be truck company that will come forward first. RHy would imagine that we will begin to see them in waste industries first which will begin to lead the way. When the opportunity is there, the Service will look to capitalise on it. Neil Fenwick (NF) believed it was a partnership with MAN and Mercedes but will confirm this later today.
- 11.10 JP asked regarding the Decision Sheet, again can the EDI section please be expanded and put some more positive information. RHy we clearly do need to think about this but unsure where this fits in the Environment Strategy. RHy asked JP to please email him with any areas to expand and he will have the document amended. JP said that it was a generic comment, not significant but to follow through. RHy said that he would add the generic line and resubmit the Decision Sheet for signing. RH agreed.

Action 5/21

- RHY to add a generic line to expand the EDI section on the Environment Strategy
- 11.11 **RH clarified that the Environment Strategy Decision Sheet, the Vehicle and Fleet Asset Management Decision Sheet and the Annual Plan Decision Sheet are done, available subject to amendments. RH approved and add the Commissioners signature with the slight tweak for the Environmental Strategy so that can be done today.**
- 11.12 PBI said as a backstop there is a Statutory Officers meeting tomorrow where Decision Sheets are gone through, if there are any other Decision Sheets could be available for tomorrow afternoon that would be very helpful.
- 11.13 RH said that we are still waiting for the Reserves Strategy Decision Sheet, Digital & Data Strategy Decision Sheet and the Enforcement Strategy Paper.

12. Gender Pay Policy

- 12.1 KE said this and the Pay Policy Statement are both Annual Statutory Reports that the Service needs to publish onto the website.
- 12.2 The highlights from this year's Gender Pay Gap is that ECFRS are in a very good position with the mean pay gap showing at 2.4% which nationally benchmarked against other FRS's which does place us in a very good position as does our median centile being at 7.7%.
- 12.3 The area of comparison would be against last year's Gender pay Gap Report. That is a significant reduction around the Mean Gender Pay Gap area which was a reduction this year

by 4.9%. KE would like to quantify the reasons behind that reduction is mainly around the data calculations. This year a great deal of time and scrutiny has been spent going through the data which builds the Gender Pay Gap Reporting element and then applying the formula correctly. The Service have commissioned and worked with an external company, Expert HR, who have assisted as an organisation to review the Gender pay gap reporting formula and data. ECFRS have also worked with other FRS looking at their Gender Pay Gap Reports which has made this Policy more accurate in its reporting and Data and the calculation is more accurate than it has been previously.

- 12.4 In terms of gender representation in pay quartiles, the Service has 18 more women in full employee positions and 40 less men considered as full-time employee position than this time last year. There has also been a reduction of women in the lower pay quartiles and an increase in the three upper quartiles. Overall, that has put us in a better position by decreasing the gender pay gap to be a much more representative pay gap of us as an organisation, public sector and the fire sector as a whole.
- 12.5 Going forward we will much more confident around the reporting given that there has been a large proportion scrutinising and looking at the data in terms of exactly what was being included and what is in the legislative requirements as well. These are the areas which we have used Expert HR for to ensure that we were compliant with all legislation.
- 12.6 RH thanked KE and said that this is good news story. KE said that there are always improvements to do and there are a number of actions that have been included in the report around continual improvement plans so that we do not rest on our laurels in terms of this being a positive step in the right direction as the aim is to reduce this further.
- 12.7 It is important that some of those key areas are focused on over the next year with improvements that can be further made.
- 12.8 RH said that the paper reflects the underlying reality and underlying level of work. There is a significant commitment to cultural change in the Fire and Rescue Plan and this improvement shows the fruits of the efforts that have been made over the last years to get where it needs to be. There is still some work to be done and backwards movements would certainly not want to be seen. There is a very strong momentum behind the Diversity and Inclusion Program and to see it reflected in this Policy is encouraging.
- 12.9 PBI does not believe that this needs a Decision Sheet. RH may wish to put through as a Decision Sheet in order to publicise the good progress that has been made but it is not a requirement. JT said that this will be published on the website in any event if a Decision Sheet is not needed.
- 12.10 JG asked if a Decision sheet had been done last year. PBI is unsure but need to check. JTh according to the Decision Sheet log – we have not previously had a Decision Sheet for the Gender Pay Gap Report. RH said that The Gender Pay Gap Report could do ahead and be published. RH this needs to publish by 19th March.

13. Pay Policy Statement

- 13.1 KE said that this paper was very much in line with the LGA Pay Policy & practice for Local Authorities Guidelines. This has been incorporated and laid out in that format. It is around being accountable and transparent around all things relating to pay. This paper sets out what our Pay Policy is and the breakdown of the different bracketed earnings by role.
- 13.2 RH said that this was very clear and are adhering to national best practice. There were reasonable pay awards last year of 2% for Grey Book and Brigade Managers, and 2.75 % for

Green book and we know that this year is going to be a lot more challenging. KE will ensure that a Decision Sheet is done for this one.

Action 6/21

Pay Policy Statement – KE to complete a Decision sheet.

- 13.3 RH asked for confirmation that the one-off payment has been approved. JT agreed and it has gone out to staff. The Extended Leadership Team were informed ahead of the payroll the middle of last week. The £100 recognition payment was communicated to the Managers Briefing that the payment would be in this month's pay run.
- 13.4 NC said that it was under the option for the Gold command vehicle. RH agreed the amendment.

Action 6/21

Pay Policy Statement – Gold Command Vehicle. the wording needs to be tweaked as there is not a private use element and there is not an option, but this will be rectified

AOB

Immediate Detriment.

Dave Bill left the meeting.

RH referred to his preamble of the meeting and welcomed the immediate detriment papers that have been put forward regarding the ECFRS potential pension recipients. RH acknowledged that there has been a lot of work surrounding this. There was a meeting in September with various meetings and discussions since then, including various exchanges of papers, and 1:1 meeting with the Chief Fire Officer as well as discussions with statutory officers. External legal advice has also been obtained from our retained legal advisors Capsticks and expert Counsel from Wilberforce Chambers. RH has had time to scrutinise this in detail as well as papers from the Local Government Association and from the Home office. RH very much welcomed the draft Decision Sheet which has been tabled at this meeting.

It was noted that the Authority regrets the fact that this has come up as urgent business and the Rep Bodies have not been able to be sighted on these papers before they have come to the Strategic Board, however, there have been discussions with the Rep Bodies, particularly via the Pension Board which Dave Bill chairs, where this issue has been well discussed. The Board is therefore aware of the views of the Rep Bodies., however the Rep Bodies will need to be properly sighted on any decision which may come out of this meeting.

At RH's request, JT introduced the Decision Sheet. There has been an enormous amount of work that has gone into the production of this final draft decision sheet that is in front of the Board today and thanks to all those involved. JT said that James Durrant (Pensions Manager) would be available to join this meeting if required for specific technical advice.

JT said that the purpose of this draft Decision Sheet is to look to confirm the Authority's approach to the remedy of Immediate Detriment arising from the McCloud/Sergeant Judgement. The report attempts to set out and fully acknowledges the invidious position that the Authority finds itself in with the risk of proceeding with the remedy versus the risks of not proceeding with the remedy. The recommendation of the Statutory Officers is at this stage not to proceed with the remedy however, in recognition of the Authority's desire to proceed, an alternative option is included in the paper to set out how that could be achieved if the Authority wished to proceed. The report sets out in considerable detail the background, the current position, and the legal position and identifies the risks. All the

references in the report to legal advice, guidance notes and briefing notes etc are set out at Appendices at the end of the document.

RH agreed that JT gave a good summary of where we currently are and that we are in an invidious position. RH recognises the difficult position that Statutory Officers have been in too and noted that our legal advisors have clarified that this is a decision for the Essex Police Fire and Crime Commissioner Fire and Rescue Authority only and not statutory officers, the Home Office, Courts or the LGA and RH would like to refine it and make the decision today.

RH welcomed the enormous amount of hard work that has gone into getting us to this position where we understand this position extremely well. RH welcomed the Decision Sheet in its current format and had a couple of items to note. Firstly, in the format, at the end where there is a box for the PFCC's decision, one of the boxes has been cut off. This needs to be reformatted and enlarged in order that the PFCC can articulate the rationale for his decision on the Decision Sheet.

The following comments could either be included in the PFCC's comments and / or incorporated by "tweaking" the introduction / Decision of the Authority slightly. RH explained why he is minded taking forward this decision to implement Immediate Detriment notwithstanding the advice of his statutory officers. RH acknowledged the ruling of the Court of Appeal in 2018, the Home Office Guidance published in August 2020, and the ruling of the Employment Appeals Tribunal in February this year which placed reliance on the Equality Act 2010 and ruled in favour of the pension beneficiaries. RH wished for the Decision Sheet to acknowledge these factors, either in the section for RH to write in, or it can be in the front section setting out the decision of Authority.

RH would like to reflect that, in the Fire and Rescue Plan, it states that we have a commitment to a supportive culture. It is important to support those members of the Service that have worked for 30 years in service to the public of Essex and have earned their pension. RH would like to put them in a position to claim a full pension at the point at which they want to retire. RH would also like to note that he believes this to be entirely in line with the Nolan Principles of behaviour in public life. It is one of those principles that people in RH's position should show leadership as well as being open, transparent and accountable. This is a situation in which RH needs to show precisely such leadership; this is what the Nolan Principles are there for. RH also stated that in his own Code of Conduct, which goes slightly beyond the Nolan Principles, there are requirements to treat people with respect and this is one of those elements where RH needs to treat his statutory officers with respect but in particular needs to treat the long serving members of the Fire and Rescue Service in this regard. RH would like for those points to be teased out.

One point for RH to make in the decision section is that RH notes that the Counsel has pointed out that RH has both the power and duty to act in this regard. Not to act at this juncture after so many legal rulings and with government guidance in place, whilst acknowledging that the government guidance is incomplete, RH feels would not be exercising his duty properly.

RH said that he had items for discussion: -

Points made regarding stayed claims and those that are existing stayed claimants. RH would like clarification. RH does not regard the issue as to whether someone has already initiated court proceedings or tribunal proceedings as being material. We are looking at treating our employees fairly and that does not require them to take us to court. RH does not see a differential there.

Regarding Counsel's Opinion around the issue of those who have already retired and are on a full pension - albeit on one which is not the one which they might have chosen under the DCU scheme - RH said that those people are in receipt of a good pension and therefore he does not think that this needs to be revisited at this time, whilst acknowledging statutory officers'

and Counsel's advice to wait until we have more clarity around how to treat those people, and notwithstanding the points that have been made in the legal advice which of course opens a risk of further discrimination claims from those who have retired. RH feels that it is unlikely that the process will be significantly disrupted by that because we have committed nationally to reviewing those people who have already retired when clarity is received about the final details of the scheme. This will be a tidying up exercise not an immediate entitlement exercise. It is moot as to whether there is any detriment or not, that would have to be explored. The immediate detriment is to those who cannot now retire unless RH makes this decision.

The other point which has been raised by lawyers is the tax liability issue and the issue of the difficulty of later recovering payments that may have been made that may have been spent. RH recognises these risks, but they are outweighed by the benefits of enabling our long serving workforce to enjoy the benefits that they are entitled to.

RH also pointed out that Counsel wishes to avoid interim measures to avoid further complications, but that this is not a decision for Counsel.

RH drew attention to the end of Section 10 where it was stated that it is advice of officers that the Commissioner's wishes are not currently enacted. This is not about the wishes of the Commissioner; this is about the enablement of long serving employees to claim their pension. If, however it was said that it is the advice of statutory officers that we must wait for further guidance from central government then RH would understand.

RH considered that the auditor's issue was well dealt with within the discussion in the report.

Questions

6.2 – RH would like to understand better what Counsel means when said it advises that "FPS 2015 membership is therefore deleted" but there is a point well made by the Legal Counsel that we may need to refer back to that depending on how the legal judgements yet to come and the governments legalisation actually falls out. We believe on statements to date that the government legislation will enact the entitlement to legacy scheme benefits. This is not known as yet. If "deleted" means "that you can't have both" RH would agree, but if "deleted" means "and we are not going to know what the other one would have been anymore" then RH feels that we will need to reflect on that and will need to continue some shadow tracking of what benefits would have been.

RH stated that Counsel makes a bold statement regarding not acting being the lowest risk option for the Commissioner. RH does not think that it is question that he asked. RH is not looking for the solution, which is the lowest risk for the Commissioner, RH is looking for the best solution for the long serving employees to claim their earned benefits. That may involve a higher level of risk to Commissioner than not doing so and that is a risk RH is prepared to take.

RH is minded as the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority to decide to provide an entitlement in pensions to those currently suffering immediate detriment from the changes in pension provision which has been ruled against by the Court of Appeal at this time, with immediate effect, for those who retire as from now until the government legislation clarifying these issues is passed.

RH would welcome debate and comment.

JT said that, in terms of RH's request around the introduction being "tweaked" to give a wider understanding of RH's position, JT agreed to extending the introduction and also leaving a larger comment box for his narrative.

JT asked colleagues for further clarification on the stayed claims position.

JT said that in terms of item 6.2 regarding deletion, it would be helpful for us as a board if we can have clarification on the question to include the position in the report and, in terms of the section 10 (the reference to the wishes of the Authority not currently being enacted), JT also agrees to rephrasing.

JT was also happy to pick up the issue regarding the statement about lowest risk from Counsel.

JT thanked RH for his recognition and acceptance of the very difficult position that the statutory officers have been in whilst moving this Decision Sheet forward.

PBI advised that, in terms of items 6.2 and clarification regarding Stayed Claims, these are technical issues for James Durrant to advise on as he is closer to this detail. The way that the matter has been dealt with today has been very helpful. There has been very great clarity that RH has brought in terms of his thinking and rationale for this decision and the acknowledgement that this is a very difficult position for both RH as the Authority and for the statutory officers advising during the process is appreciated.

JP said that, looking at the risk section, should there be more clarity regarding the risk of not proceeding. It does come in at the end, but JP asked if it should say more so it is more balanced. RH feels that this is an item for the statutory officers. He understood why it had been drafted as it has so, although RH would welcome an amendment, it is not necessary in order for him to take the decision.

NC noted that RH acknowledged the audit position on page 7, and NC would recommend that the auditors are engaged in regard to this. This is in order that the legal advice is clarified with Grant Thornton to ensure that we would know what they are going to conclude. RH agreed that we should engage with Grant Thornton, but RH said that does not feel this needs to be done before this decision is made. RH acknowledged that there may be consequences as Grant Thornton could take a variety of different positions; for example they may wish to qualify the accounts on that basis, but an account qualification on this issue would not prevent the PFCC for the county from making this decision.

JP said that, regarding the publication of this document, as it has our legal advice in this and the risks we are identifying, are we inviting risks if we publish as it is? RH stated that he would welcome as much openness and transparency as possible. PBI clarified that, at the moment, it is not marked as "not for publication" on the grounds that it legally professionally privileged. In terms of the transparency and scrutiny of the decision, she agreed that this was important, and that we can look at developing a version for the public domain, made available for scrutiny of the Panel. JP thanked PBI. RH would like to have a reacted version published. PBI agreed.

James Durrant (JD) joined the meeting at 12.03.

RH said to JD that the Board have two issues of details that it would like further clarification on. One is the position of stayed claimants. RH said that his position is that, if we do this, it should not make a difference if someone is already in a legal process or not and, therefore, we should be dealing with stayed claimants in the same way as non-claimants and both of them having entitlements. The other issue is regarding 6.2. ("FPS membership is therefore deleted"). RH said that we do not want to be paying two pensions so, if that is what it means that is fine, but if it means that we are not going to monitor their entitlements any longer, that could be an issue given that, whilst RH feels that we are most likely to be in the situation that it will be the Legacy Scheme entitlement that wins the day, we do not know this yet and we need to be able to monitor what the 2015 scheme entitlement would have been.

JD said that, regarding 6.2, the Service does not want to pay two pensions, and this would need to be reviewed again when the full remedy is complete in 2023. JD agreed that the Service should hold onto the 2015 data. JD agreed to amend the wording to reflect this at the request of RH.

JD said that, regarding stayed claimants, the first one is coming up to retirement age in May this year. JD is not really sure on the position but if the decision is to apply to both then that is what will be done. RH said that the question was whether we could, as the sheet as it is refers to it being an issue. RH said that we should do both and this should be clarified in the decision making. RH asked if he should write this in or whether it needs to be put into the body of the text? PBI said that we might need to clarify after this meeting and ensure that it is reflected accurately in the Decision Report. Her understanding was that these claims have been going on for some time and the point that was being made by Counsel was that those cases are already part of a class action of a number of claims against various FRAs including ECFRS, and what Counsel is questioning is the impact of us effectively taking them out of the stayed claims and dealing with them separately and the precedent that would create for those that remained in the class action. RH stated it is not for us to take them out of the class action. We will deal with them and if they wish to withdraw from the class action they can, however if they don't then they continue going to court and if there is a difference in the payment then we will sort it out afterwards. RH understood from James, this can be done and would put the ball back into the court of the claimants.

RH asked JT if this answered her queries. JT responded that this does in terms of the Decision Sheet but agreed with PBI's point about a further clarification to include in the Decision Sheet on the position around stayed claimants. RH is reluctant to defer this until further legal advice has been sought, as there is already a lot of legal advice. JT is unsure of the significance of this in terms of the decision. JT's understanding is that it is a risk to be aware of and wanted a steer on the significance of this in terms of this decision. If colleagues could give clarity on this, it would be helpful. JD said that he is not sure of the legal process in terms of whether people accepting an immediate detriment payment also need to drop their claim or not. RH said that it is covered off in the waiver letter. In response to a question, PBI stated that she is unable to advise further other than to repeat her earlier comments and what is pointed out in the report and Counsel's advice around clarifying with the Solicitor dealing with the stayed claims the destination of those claims and the potential impact before making any payments. PBI presumes that such individuals will also take their own legal advice and that it is also for them to take advice on their own personal position before accepting payments.

RH said that this is covered by the waiver letter which makes it clear that this is an offer which they can accept or not and that it would be their decision not to accept this offer and to go ahead with a class action against the Essex PFCCFRA. This has been dealt with extensively in our legal views that we have, and RH is minded to go ahead and make this decision based on the information that is to hand, and is reluctant to wait any longer. A lot of work has been done on this. There have been three separate references backed to our legal advisors and they have not come back to say that this mission critical.

JG asked RH how we are going to turn this around and in what timescale. RH feels that we are there, and JT's comments have been very helpful, and RH has not heard from other statutory officers that they differ from JT's acceptance of the two changes that we talked about. With those amendments and with an extension of the section offsetting out why RH is making the decision, RH would welcome if the Decision Sheet could be back in its final form, in order for RH to complete the section and turn it round before Friday 19th at 0.01am. The Decision Sheet therefore needs to be published by 17.30 on Thursday evening. RH would like to have it completed by Wednesday evening. JT would like to speak to other statutory officers but does not think that the amendments that are being made are significant changes to the report. The report will be with RH by Wednesday 17th March at midday.