



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

### Decision Report

**Report reference number:** 071/2021

**Government security classification:** Not protectively marked

**Title of report:** Appointment of an Acting Chief Fire Officer / Chief Executive

**Area of county / stakeholders affected:** Countywide

**Report by:** Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

**Date of report:** 19 October 2021

**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 / Chief Executive 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 Deputy Chief Fire Officer, Rick Hylton, is formally appointed as the Acting Chief Fire Officer / Chief Executive with effect from 6 September 2021 until 31 December 2021 inclusive.
- That, for the same period, all functions delegated to the Chief Fire Officer / Chief Executive through 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 / Chief Executive.

- That the Deputy Chief Fire Officer, Rick Hylton, in the capacity as Acting Chief Fire Officer / Chief Executive, is formally designated as the Police, Fire and Crime Commissioner Fire and Rescue Authority's Head of Paid Service for the period 6 September 2021 until 31 December 2021 inclusive.

### **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 illness since 6 September 2021 and is currently signed off unfit for work until 4 January 2022. Mrs. Turton had previously advised the Commissioner of her intention to retire on 31 December 2021, and a recruitment process to appoint a successor has been completed, pending a successful Confirmation Hearing of the Police, Fire and Crime Panel currently scheduled for 29 October 2021.

Given that it is not sadly anticipated that Mrs. Turton will be able to return to her duties prior to her planned retirement, 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 until the new Chief Fire Officer / Chief Executive formally takes up their role, and also to secure the Commissioner's continued compliance with their statutory duty to designate one of their officers to be the Essex County Fire and Rescue Service's Head of Paid Service.

It is currently envisaged that, subject to a successful Confirmation Hearing, the new Chief Fire Officer / Chief Executive will take up the role on 1 January 2022. Should this not prove possible for any reason, the position will be reviewed and a further decision report submitted recommending an extension of these arrangements if appropriate.

### **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 / Chief Executive to cover the substantive post holder's long-term sickness absence.

Given current roles and responsibilities and associated pay grades – along with the fact that the Deputy Chief Fire Officer is the Commissioner's preferred candidate for the role of Chief Fire Officer / Chief Executive with effect from January 2022 - 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 and the Integrated Risk Management Plan (IRMP), and also to securing a positive outcome from the next inspection of the Essex County Fire and Rescue Service by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), the fieldwork for which commenced in September 2021. It is also considered essential to cover this role during the budget-setting activities that the service is currently engaged in.

## **7. Operational implications**

The Deputy Chief Fire Officer has been consulted on the recommendations contained within this report.

## **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 6 September 2021, 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 / Chief Executive, the post of Deputy Chief Fire Officer will not be covered. This will create additional pressures both on him and on other members of the Strategic Leadership Team (SLT) and may 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 / Chief Executive through their regular Performance Meetings as well as through the Commissioner's formal governance structure.

Any personal development and support needs will also be discussed between the Commissioner and the Acting Chief Fire Officer / Chief Executive through their regular Performance 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, along with the Deputy's current position as the preferred candidate for the substantive role. It should also be noted that this risk was not realised when the Deputy Chief Fire Officer was previously asked to cover long-term sickness absence in 2019.

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. Moreover, 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 decision report will be made available to the Police, Fire and Crime 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. Brent-Isherwood

Date: 19 October 2021

Chief Finance Officer

Sign:



Print: N Cross.....

Date: 20 October 2021 .....

### 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

**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: 

Print: Roger Hirst. PFCC

Date signed: 21/10/2021

**I do not agree the recommendations to this report because:**

.....  
.....

Sign: ..... (PFCC / DPFCC)

Print: .....