

# ESSEX POLICE, FIRE AND CRIME COMMISSIONER FIRE & RESCUE AUTHORITY

Essex County Fire & Rescue Service



Meeting	<b>Audit Committee</b>	Agenda Item	09
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Subject	<b>Overview of the Scheme of Governance</b>		
Type of Report:	Noting		

## RECOMMENDATIONS

That the Audit Committee notes the content of this report, seeking further clarity as may be required.

## BACKGROUND

The purpose of this report is to support the Audit Committee in exercising oversight of the Police, Fire and Crime Commissioner Fire and Rescue Authority's (PFCCFRA's) scheme of governance, by providing an overview of these arrangements.

It should be noted that operational decision making is exempt from these arrangements, sitting within the remit of the Chief Fire Officer / Chief Executive.

### Overview of the PFCCFRA's Scheme of Governance

The Policing and Crime Act 2017 enabled Police and Crime Commissioners to become responsible for the governance of fire and rescue authorities, subject to the approval of a business case by the Home Secretary. Following the successful submission of such a business case, the then Police and Crime Commissioner for Essex became the country's first Police, Fire and Crime Commissioner (PFCC) on 1 October 2017. Under these governance arrangements, a new corporation sole, the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (PFCCFRA), replaced the Essex Fire Authority. Unlike the Chief Constable, the Chief Fire Officer / Chief Executive is not currently a separate corporation sole, however it has been indicated as part of the fire reform white paper that these arrangements may be revised in future to bring them more in line with those in policing.

The functions of PFCCFRAs in England are set out primarily in the Fire and Rescue Services Act 2004, as amended by the Policing and Crime Act 2017. The Fire and Rescue National Framework for England sets out the priorities and objectives for all fire and rescue authorities in England, including PFCCFRAs.

The Essex Police, Fire and Crime Commissioner Fire and Rescue Authority ("the Authority") is responsible for ensuring that their business is conducted in accordance with the law and proper

standards of conduct, probity and professional competence, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Authority also has a duty to secure continuous improvement in the way in which their functions are exercised, having regard to a combination of economy, efficiency and effectiveness. In discharging this overall responsibility, the Authority is responsible for putting in place proper arrangements for the governance of their affairs and facilitating the effective exercise of their functions.

The following documents together set out how the Authority and Chief Fire Officer / Chief Executive make decisions, who else has the authority to make certain decisions, and how the business of the Authority is to be transacted:

- The **Fire and Rescue Plan** sets the strategic direction for the fire and rescue service and the objectives (outcomes) to be achieved.
- The Authority's **Constitution** describes the statutory framework within which the Authority and the Chief Fire Officer / Chief Executive operate and clarifies the way in which their relationship functions and how core principles will be implemented.
- **Codes of Conduct** and the **Code of Ethics** set out the standards of behaviour and integrity expected of the PFCC, Deputy PFCC and staff as well as the procedures to be followed in relation to the declaration of external interests, gifts and hospitality. The Core Code of Ethics is also reflected in the service's People Impact Assessment (PIA) process.
- The Commissioner's **Ethics and Integrity Framework** sets out the values and principles that guide the conduct of the PFCC, the Deputy PFCC and their staff, including those involved in the governance of the fire and rescue service. The Police, Fire and Crime Panel's Ethics and Integrity Sub-Committee scrutinises compliance with the Commissioner's Ethics and Integrity Framework and with the Core Code of Ethics. The service is currently also implementing a Cultural Maturity Model to measure the impact of implementing the Core Code of Ethics and to assess the service's values and behaviours.
- **Equality, diversity and inclusion objectives** are published on the Authority's website, and progress in delivering them is reported to the Strategic Board twice yearly.
- The **Scheme of Delegation** sets out the principles and processes underlying how decisions will be taken by the Authority, the Chief Fire Officer / Chief Executive and their staff.
- The **Medium-Term Financial Strategy (MTFS)** forms the basis of annual budgets and provides a framework for evaluating future investment proposals.
- **Financial and Procurement Regulations** govern the relationship between the Authority and the Chief Fire Officer / Chief Executive in relation to financial management and set out the roles and responsibilities of all parties involved in this.
- The Commissioner's **Decision-Making Policy** sets out the duties of the Commissioner and their staff in creating a robust audit trail of the decisions made by the Commissioner, the supporting evidence and the reasons for taking these decisions.
- The **Publication Scheme** ensures that relevant information is made readily available to local people.
- **Communications and Engagement Strategies** set out the Commissioner's arrangements for engaging with key stakeholders and ensuring that local people are involved in their work and decision making.
- The Commissioner's **Complaints and Expressions of Dissatisfaction Policy** sets out the duties of the Commissioner and their staff in dealing with complaints about the Commissioner, Deputy Commissioner, and staff of the PFCC involved in the governance of the Fire and Rescue Service (including the Chief Executive and Monitoring Officer). Policies and procedures setting out how complaints

relating to the Essex County Fire and Rescue Service will be dealt with are summarised in the service's [Speak Up, Speak Out](#) document.

- **Terms of Reference** describe how each of the Authority's various governance boards will transact their business.
- The Authority assesses its risks via the **Strategic Assessment of Risk (SAOR)** which, together with the Fire and Rescue Plan, informs the service's **Integrated Risk Management Plan (IRMP)**. National, regional, local and service-specific data is gathered from various sources in order that the service can assess current and predicted gaps in its core functions and respond accordingly. The Commissioner and the Chief Fire Officer / Chief Executive also maintain **Strategic Risk Registers, Risk Appetite Statements** and a **Risk Management Policy** which describe how risks are identified and managed and how risk management is embedded within the corporate governance arrangements of the Authority.

It is the responsibility of the Monitoring Officer, the Chief Financial Officer and the Chief Fire Officer / Chief Executive to ensure that the Commissioner, Deputy Commissioner, staff and officers are aware of the provisions and obligations of the various documents that comprise the scheme of governance and are able to comply with them. Where necessary, training will be provided to staff and officers to ensure such requirements can be complied with.

### *Decision Making Principles and Powers*

On 1 March 2019 the Commissioner launched the Fire and Rescue Plan 2019 – 2024. This statutory document sets out the Commissioner's strategic vision, priorities and objectives for the fire and rescue service over this period. Both the Commissioner and the Chief Fire Officer / Chief Executive must have regard to both the Plan and the Fire and Rescue National Framework for England in undertaking their day-to-day decision making and activities. The Fire and Rescue Plan is further supported and operationalised by the Integrated Risk Management Plan (IRMP) developed by the Chief Fire Officer / Chief Executive for the Authority's approval.

The Constitution sets out how the Authority will work, how decisions are made and the procedures that will be followed to ensure that decision making is efficient and transparent and that the Commissioner is accountable to local people. Some of these procedures are required by law, whilst others are a matter of choice for the Commissioner. The Constitution also sets out how the Commissioner will hold the Chief Fire Officer / Chief Executive to account and is available for public reference and scrutiny on the Commissioner's website.

Within the Constitution, the Commissioner has adopted the following principles of decision making:

- Proportionality (i.e. the action must be proportionate to the desired outcome)
- The presumption in favour of openness and transparency
- The need for consultation with interested parties
- The need to take account of relevant professional advice from appropriate officers
- The need for clarity of aims and desired outcomes
- The need to identify the range of options considered
- The need to give reasons and explanation for a decision
- The need to have due regard to the Government Security Classifications when considering disclosure of reports and documents supplied to the Commissioner by the Essex County Fire and Rescue Service

In addition, the Constitution specifies that the exercise of any delegated authority to take a decision on behalf of the Authority is subject to the person making the decision having first considered a written report prepared by the appropriate officer, and any decision taken being in accordance with the Authority's budget and policy framework, financial regulations and contract

standing orders and any condition imposed by the law, the Constitution and any relevant statutory guidance.

The Commissioner may make decisions at any time, though particular regulations and guidance apply to the making of decisions in the period immediately prior to an election. The Commissioner may also make arrangements for the delegation of certain functions in accordance with the Order that established the Authority.

The Police Reform and Social Responsibility Act 2011 permits the Commissioner to appoint a Deputy whose role is prescribed in a role profile set by the Commissioner and described within the Scheme of Delegation. The Scheme of Delegation sets out the powers and functions of the Commissioner that may, at the time of their publication, be exercised by the Deputy PFCC, the Chief Fire Officer / Chief Executive and other officers in order to ensure that day to day operational matters are attended to. In exercising these powers and functions, such officers must comply with all relevant statutory and regulatory requirements as well as relevant professional guidance.

The Commissioner delegates to their Deputy the authority to act in their absence, or in accordance with their direction, in the exercise of all their functions, except those which, under legislation, cannot be delegated, namely:

- Calculating a Council Tax requirement
- Approving the Fire and Rescue Plan and the Fire and Rescue Statement
- Approving the Integrated Risk Management Plan
- Appointing, suspending or dismissing the Chief Fire Officer / Chief Executive
- Holding the Chief Fire Officer / Chief Executive to account
- Approving a pay policy statement prepared for the purposes of section 38 of the Localism Act 2011
- Approving arrangements to enter into a reinforcement scheme under section 13 of the Fire and Rescue Services Act 2004
- Approving arrangements with other employers of firefighters under section 15 of the Fire and Rescue Services Act 2004
- Approving arrangements under section 16 of the Fire and Rescue Services Act 2004 (arrangements for discharge of functions by others)
- Approving plans, modifications to plans and additions to plans for the purpose of ensuring that:
  - So far as is reasonably practicable, the Authority is able to perform its fire and rescue functions if an emergency occurs, and
  - The Authority is able to perform its functions so far as necessary or desirable for the purpose of preventing an emergency, or reducing, controlling or mitigating the effects of an emergency, or taking other action in connection with it
- Approving arrangements for the cooperation of the Authority in relation to its fire and rescue functions with other general Category 1 responders and general Category 2 responders in respect of:
  - The performance of the Authority's duty as a fire and rescue authority under section 2 of the Civil Contingencies Act 2004, and
  - Any duties under subordinate legislation made in exercise of powers under that Act.

Within the Scheme of Delegation, the Commissioner has also designated as reserved matters the functions of:

- Approving the Medium-Term Financial Strategy, the Capital Financing Policy and the Treasury Management Strategy.
- Approving decisions on permanent savings in the budget to achieve the Commissioner's priorities.
- Approving the Estates Strategy.

- Making an order for the compulsory acquisition of land in accordance with the Acquisition of Land Act 1981.
- Acquisition of land in advance of requirements.
- Approving the IT / Technology Strategy.
- Confirming any order or the issue or grant of any permission, consent, licence or other determination which is the subject of a statutory right of objection that has been duly exercised.
- Approving decisions on the closure or re-location of fire stations.
- Reducing or varying, on a permanent basis, the number of fire appliances and the method used to crew the appliances.
- Approving Prevention, Protection and Response Strategies.
- Approving the Risk Management Policy and Strategy.
- Affixing documents with the common seal of the Commissioner as required by the Financial and Procurement Regulations.

The following functions may only be delegated to the Deputy Commissioner:

- Determining the Authority's priorities and objectives for the purposes of the Fire and Rescue Plan and the Fire and Rescue Statement
- Attending a meeting of the Police, Fire and Crime Plan in compliance with a requirement by the Panel to do so
- Appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014
- Deciding whether to enter into a liability limitation agreement under section 14 of the Local Audit and Accountability Act 2014
- Approving the People Strategy
- Approving the staff Code of Conduct.
- Approving the Staff Disciplinary and Grievance Policies
- Approving the Complaints and Compliments and Whistleblowing Policies
- Approving the Anti-Fraud and Corruption Strategy

The function of preparing and publishing an Integrated Risk Management Plan may only be delegated to the Chief Fire Officer / Chief Executive.

Amendments to the Local Government and Housing Act 1989 require the Authority to appoint an officer to discharge the functions of the Authority's Head of Paid Service under section 4(1)(a) of the Act, along with an officer to fulfil the duties of the Monitoring Officer set out in section 5 of the Act. Nothing in legislation precludes the Authority from appointing the same individual to perform both functions or prevents roles being shared across the Commissioner's policing and fire and rescue functions. The Chief Fire Officer / Chief Executive has been appointed as the Head of Paid Service, whilst the Chief Executive and Monitoring Officer to the PFCC has been designated the Monitoring Officer to the Authority.

The Authority is also required to appoint a person to be responsible for the proper administration of the Authority's financial affairs (Chief Finance Officer), who must be a member of an accountancy body specified in section 113 of the Local Government Finance Act 1988. The statutory responsibilities of the Chief Finance Officer are set out in Part 8 of the Local Government Finance Act 1998 and the Accounts and Audit Regulations 2015. The Chief Finance Officer cannot hold the role of Head of Paid Service or Monitoring Officer, nor vice versa.

These officers are known as "the statutory officers". The persons appointed as the Authority's statutory officers have certain powers and duties deriving from each of these statutory roles, particularly pertaining to the reporting of any potentially unlawful decisions or actions taken by the Authority. The delegations set out within the Scheme of Delegation are without prejudice to their ability to discharge these statutory roles. The statutory officers do not, therefore, rely on their

statutory powers and duties being specifically delegated to them within the Scheme of Delegation in order to carry these out.

The Monitoring Officer is responsible for preparing for the Authority's approval and keeping under review any delegations required to be issued, revoked or varied. The Scheme of Delegation may be varied by the Authority, in consultation with the Chief Fire Officer / Chief Executive, at any time.

As well as their duties to the Authority, the Chief Finance Officer has a personal fiduciary duty to local council taxpayers by virtue of their appointment as the person responsible for proper financial administration. These include requirements and formal powers to safeguard the lawfulness and propriety of expenditure as set out in sections 112 and 114 of the Local Government Finance Act 1988 (as amended by paragraph 188 of Schedule 16 to the Police Reform and Social Responsibility Act 2011) as well as the Accounts and Audit Regulations 2011.

Notwithstanding any delegations that may be in place, the Authority reserves the right to require that a specific matter is referred to them for a decision rather than being dealt with under the powers of delegation. Equally, delegation to officers does not preclude them from referring a matter to the Authority for a decision if the officer considers this appropriate; for example, on account of the sensitive nature of an issue or because the matter may have a significant financial or resource implication. It is understood by staff and officers that the Authority will particularly want to be involved in any decisions which may have a significant impact on the delivery of the Fire and Rescue Plan.

The only way in which the Authority will make a formal decision is via a decision report. A standard decision report template is used for the submission of information to support the Authority in their decision-making. Each decision is allocated a unique reference number and the details are recorded on an electronic register. This enables the PFCCFRA's decisions, and the reasons for them, to be properly recorded, published and scrutinised, including by the Police, Fire and Crime Panel.

The template requires that associated risks and mitigations are addressed within all decision reports, along with the financial and staffing implications of the proposal and any equality, diversity and inclusion considerations. All decision reports submitted to the Commissioner (or their Deputy, in their absence) are reviewed and signed in advance by the Chief Fire Officer / Chief Executive (in their capacity as the Head of Paid Service), the Monitoring Officer and Chief Finance Officer, in order to verify that the appropriate information and advice has been included. The Authority may be briefed on the content of a decision report via one of their standing governance boards, or through their monthly performance meetings with the Chief Fire Officer / Chief Executive.

All decisions made by the Authority are (unless they are protectively marked under the Government Security Classification Scheme) published on the Commissioner's website as soon as practicable after the decision is made and will be reported to the next meeting of the Essex Police, Fire and Crime Panel, which has a statutory role in scrutinising the decisions and actions taken by the Authority in discharging their functions. Where there is a need to share information that is protectively marked (for example, to support the Essex Police, Fire and Crime Panel in undertaking its statutory role), the Monitoring Officer, in consultation with other officers as appropriate, will determine the basis on which such information is to be made available.

Any joint working between the Authority and the separate corporations sole of the PFCC and / or Essex Police is expected to be governed by a formal agreement such as a contract or underpinned by a memorandum of understanding in accordance with published guidance on collaboration agreements, including the Statutory Guidance for Police Collaboration published by the Home Office. The cost of shared functions should be apportioned between the respective budgets based on agreed recharges in line with the relevant formal agreements.

*The Authority's Principal Governance Boards*

To ensure the effective administration of the Authority, several Boards have been created to provide advice and recommendations to the Authority. They have no decision-making powers. As set out above, a decision made by the Authority is only considered to be taken, and as such may only be acted on by officers, once the relevant decision report has been signed by the Commissioner or their Deputy.

The **Strategic Board** meets quarterly to, among other things:

- Provide governance and oversight of delivery of the Fire and Rescue Plan and Integrated Risk Management Plan (IRMP), and to approve in principle and provide strategic oversight of the other key policies and strategies governing the work of the fire and rescue service.
- Support alignment of the activities of the Essex County Fire and Rescue Service with the Essex Vision, Essex Emergency Services Collaboration Vision and other public sector transformation and collaboration programmes across greater Essex.
- Provide strategic oversight of the Medium-Term Financial Strategy and recommend to the Commissioner the use of the service's reserves.
- Provide strategic oversight of the capital programme.
- Advise on the management of strategic risks facing the Essex County Fire and Rescue Service.

The **Performance and Resources Board** meets monthly to review the Essex County Fire and Rescue Service's performance, ensure that budgeted resources (both human and financial) are closely aligned with fire and rescue priorities and to ensure that resources are effectively and efficiently being utilised.

The **Essex Emergency Services Collaboration Strategic Governance Board** meets bi-monthly to provide strategic governance and oversight of the Essex Emergency Services Collaboration Programme.

The **Audit Committee** meets at least four times a year to maintain an overview of the contract procedure rules, financial regulations, Code of Conduct and behaviour and to provide independent assurance to the Authority in accordance with the Revised Financial Management Code of Practice. The role of the Committee is to advise the Authority according to good governance principles and to facilitate the adoption by the Authority of appropriate risk management arrangements in accordance with proper practices and the associated control environment, as well as to oversee the financial reporting process.

Agendas, reports to and minutes of the meetings of the Authority's principal governance boards (unless protectively marked or restricted under paragraphs 1 and 4 of Part I of Schedule 12A of the Local Government Act 1972) are published on the Commissioner's website. A forward plan is also maintained and published for each of the Authority's principal governance boards. These in turn inform business planning processes within the Essex County Fire and Rescue Service (determining, for example, the scheduling of reports to the Senior Leadership Team and the service's wider internal governance structures).

Consultation with the public, partners, the third sector and other key stakeholders also feeds into the strategic planning cycle to ensure that their views influence the delivery of the Authority's priorities. The Commissioner and Deputy Commissioner work to an annual engagement plan including regular public meetings and other engagement activities with local communities and under-represented cohorts through various forums. Such engagements give the residents of Essex and other stakeholders regular opportunities to challenge the Commissioner as to how they are holding the Chief Fire Officer / Chief Executive to account for the delivery of the fire and rescue service. Often, the Commissioner and / or Deputy Commissioner are accompanied to such events by a senior officer of the Essex County Fire and Rescue Service. The notes of public meetings are published on the Commissioner's website. The Commissioner also commits to meeting at least annually with elected Members of each of the upper tier, unitary and district / borough / city councils in Essex, to update them on the Commissioner's activities and respond to any queries or concerns they may have. The Commissioner also meets at least quarterly with each of the fire and rescue service's representative bodies in order to brief them on strategic issues and to understand and respond as appropriate to any issues they may wish to raise.

### *Financial Matters*

The Authority is required to establish and hold a separate Fire Fund under section 4E of the Fire and Rescue Services Act 2004. The Authority receives all funding and income relating to fire and rescue in Essex, including the government grant and the precept. The allocation of this funding is for the Authority to determine, subject to the terms and conditions of any grants that may be awarded. The Authority's statutory officers will provide professional advice and recommendations in this regard. As such, the Authority sets the fire and rescue service's annual revenue budget, thereby determining the resource envelope within which the Chief Fire Officer / Chief Executive must operate. The Authority consults with the Chief Fire Officer / Chief Executive in planning the overall budget for the Essex County Fire and Rescue Service, meeting the statutory requirement set out in the Local Government Finance Act 1992 to achieve a balanced budget. There is no budget flexibility between the Police and Fire Funds.

The Chief Fire Officer / Chief Executive has day to day responsibility for the financial management of the fire and rescue service, within the framework of the agreed budget allocation and levels of authorisation, rules of virement and reporting arrangements set by the Authority within the Scheme of Delegation and the Financial and Procurement Regulations. It is the responsibility of the Chief Fire Officer / Chief Executive to ensure that the day-to-day management of the budget allocated to the fire and rescue service by the Authority meets the objectives and conditions made clear by the Authority when setting the annual budget as well as in key strategic documents, most notably the Fire and Rescue Plan.

The Authority develops and maintains a Medium-Term Financial Strategy (MTFS) which forms the basis of annual budgets and provides a framework for evaluating future proposals. The MTFS has regard to affordability across multiple years, the interdependencies between revenue budgets and capital investments, the role of reserves and the consideration of risks.

The Authority also approves an annual capital programme, having regard to CIPFA's Prudential Code for Capital Finance in Local Authorities. All capital expenditure incurred during the year must be in keeping with the approved capital programme. As with the annual revenue budget, the Authority delegates to the Chief Fire Officer / Chief Executive the day-to-day financial management of the capital programme within the authorised limits set out in the Financial and Procurement Regulations.

The Authority also approves an annual Treasury Management Strategy and the associated borrowing limits.

### *Asset Management*



The Authority owns and funds all the assets, land and buildings used by the Essex County Fire and Rescue Service, including all rights and liabilities which derive from that ownership. The Authority has overall responsibility for property and contracts but responsibility for the day-to-day management of such assets (including buildings maintenance) is delegated to the Chief Fire Officer / Chief Executive and is carried out by staff and contractors, as appropriate, on their behalf.

The acquisition and disposal of land and / or buildings requires the approval of the Authority in all instances. The Chief Fire Officer / Chief Executive may acquire or dispose of property other than land or buildings subject to the provisions of the Financial and Procurement Regulations. Property so acquired will still be owned by the Authority.

The Authority shall fund all capital purchases and all such expenditure shall be met from the Authority's bank accounts. Likewise, all income from the disposal of assets is due to the Authority. The service's Asset Management Programme Board exercises oversight and management of capital spend against budget.

### *Ensuring Environmental Sustainability*

Essex Police and the Essex County Fire and Rescue Service have adopted a joint Environment Strategy which sets out how they will work collaboratively with one another and with other blue light services to reduce their carbon footprints and achieve national targets around the reduction of greenhouse gas emissions. Delivery of this strategy will reduce both their environmental impact and their costs. The implementation of these objectives is also furthered by the Vehicle and Equipment Asset Management Strategy, and a Strategic Asset Management Plan (SAMP) is currently in development. The Director of Corporate Services has delegated responsibility for ensuring sustainability through the delivery of these strategies and plans.

Essex Police and the Essex County Fire and Rescue Service have also jointly sourced consultancy support to develop a Zero Emission Vehicle and Infrastructure Strategy, to set out a roadmap and action plan for transitioning to zero emission vehicles and the infrastructure required to support this. The approach agreed through this strategy will be reflected in the capital budget setting process at the earliest opportunity.

To assist in delivering these strategies, the T/ACC (Crime / Public Protection & Criminal Justice) for Essex Police and the Director of Corporate Services for the Essex County Fire and Rescue Service co-chair an Environmental Strategy Board through which policing and fire and rescue collaborate on a range of environmental and sustainability projects.

### *Information Governance*

The Authority appoints a Senior Information Risk Owner (SIRO) and Data Protection Officer (DPO). The SIRO sits at director level and is responsible for leading and fostering a culture that values, protects and uses information effectively. They have overall responsibility for developing and ensuring the consistent implementation of information governance, security and risk policies as well as risk assessment processes. The DPO advises the Authority on the practical application of, and compliance with, the Data Protection Act, the UK General Data Protection Regulation (UK GDPR) and Freedom of Information Act, in order to ensure that individual rights are protected, the statutory obligations placed on the Authority are met, and any associated risks and incidents are appropriately managed. An Information Governance Board is in place, chaired by the SIRO, which acts as the conduit between the Senior Leadership Team (SLT), Information Governance staff and the wider organisation.

The service has a range of policies and procedures designed to ensure the safe collection, storage, use and sharing of data, including a Data Protection Policy, Surveillance Policy and Procedure, Retention Schedule, Information Asset Register and a Record of the Organisation's Processing Activities (RoPA) involving personal data. A privacy notice is published on the Authority's website, and the service utilises a three-stage Data Protection Impact Assessment

(DPIA) where appropriate.

Information Sharing Agreements and Data Processing Contracts are in place to govern joint working arrangements between the Authority and other parties. A data processing schedule is in place for all contracts that involve personal data, and regular audits must be carried out to ensure that data is being processed in line with these contractual arrangements.

All staff are required to complete mandatory data protection training. Staff must complete induction training within one month of commencing their employment, which must include data protection and all the information policies and procedures relevant to their role. As of June 2023, 88.1% of all employees had completed data protection training, with a further 3% unable to do so due to long term sickness absence, maternity leave, being too new in post or some other similar reason.

Non-disclosure agreements are in place for anyone with access to personal data processed by the Authority who is not subject to an employment or supplier contract.

Reviews of the Authority's information governance arrangements feature periodically in the internal audit plan, which is subject to review by the Audit Committee, and any potential or actual data security breaches are reported, investigated and responded to in line with the requirements set out by the Information Commissioner's Office (ICO). Lessons learnt from, and the root causes of, breaches are analysed and shared with staff to support organisational learning and compliance, and inform reviews of training, policies and procedures.

### *Monitoring and Review*

In maintaining and reviewing the scheme of governance, the Authority and the Chief Fire Officer / Chief Executive place reliance on the work undertaken by Internal Audit and particularly on its independent opinion on the adequacy and effectiveness of the system of internal control. Reviews of the Authority's risk management arrangements feature periodically in the annual audit plan, which is subject to review by the Audit Committee. Corporate governance and risk management issues may also be identified through other reviews carried out by Internal Audit, in which case they will be raised through the relevant audit report.

A robust process is in place to track the implementation of recommendations and actions arising from internal audits, which is reported to the Audit Committee on a quarterly basis. The Head of Internal Audit also reports to the Audit Committee on a quarterly basis, drawing attention to any weaknesses in control identified.

External Audit is another essential element in ensuring public accountability and stewardship of public resources and the effectiveness of the Authority's governance arrangements, with the External Auditor's annual letter particularly providing comment on financial aspects of corporate governance, performance management and other elements of the system of internal control.

His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) also has a role to play in ensuring a robust scheme of governance. The role of HMICFRS is to promote the efficiency and effectiveness of police forces and fire and rescue services in England, Wales and Northern Ireland through a programme of inspections to ensure that accepted standards are met, good practice is disseminated, and performance is improved. HMICFRS reports allow the Authority, the Chief Fire Officer / Chief Executive, the public and other key stakeholders to compare the performance of the Essex County Fire and Rescue Service with other fire and rescue services. The Fire and Rescue National Framework for England requires the Authority to pay due regard to reports and recommendations made by HMICFRS and – if recommendations are made – to prepare, update and regularly publish an action plan detailing how recommendations are being actioned.

The Authority, supported by their statutory officers, carries out an annual review of the adequacy and effectiveness of the scheme of governance and prepares an Annual Governance Statement (AGS) that is scrutinised by the Audit Committee as part of the closure of accounts process. The AGS explains and evaluates how the Authority has complied with the scheme of governance throughout the year and describes how continuous improvement in the system of internal control will be achieved.

The individual documents that form the scheme of governance are subject to regular review and amendment as required in consultation with the relevant statutory officers. Amendments to the Constitution are also subject to consultation with the Essex Police, Fire and Crime Panel prior to their approval by the Authority. These regular reviews ensure that such documents remain aligned to the legislative framework, regulations and codes of practice governing fire and rescue services.

## **BENEFITS AND RISK IMPLICATIONS**

As set out above, the scheme of governance identifies the powers that may be exercised by the Commissioner, Deputy Commissioner, Chief Fire Officer / Chief Executive and their staff, along with the constraints on those powers. It clarifies how the relationships between these parties and others will work, and how statutory duties will be discharged. In the absence of such arrangements, or in the event of such arrangements being insufficiently clear, there is a risk of disputes between the parties and of decisions being made at inappropriate levels and potentially not in accordance with the statutory framework, thus leaving the Authority vulnerable to legal challenge.

## **FINANCIAL, EQUALITY & LEGAL IMPLICATIONS**

Covered within the main body of the report.