



NOTTINGHAMSHIRE & CITY OF NOTTINGHAM FIRE & RESCUE AUTHORITY - POLICY & STRATEGY COMMITTEE

Date: Friday, 29 April 2016 **Time:** 10.00 am

Venue: Fire and Rescue Services HQ, Bestwood Lodge, Arnold Nottingham NG5 8PD

Members are requested to attend the above meeting to be held at the time, place and date mentioned to transact the following business

A handwritten signature in black ink, appearing to read "M. J. D. Carter".

Clerk to the Nottinghamshire and City of Nottingham Fire and Rescue Authority

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To consider excluding the public from the meeting during consideration of the remaining items in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information by virtue of Paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act. | |
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ANY COUNCILLOR WHO IS UNABLE TO ATTEND THE MEETING AND WISHES TO SUBMIT APOLOGIES SHOULD DO SO VIA THE PERSONAL ASSISTANT TO THE CHIEF FIRE OFFICER AT FIRE SERVICES HEADQUARTERS ON 0115 967 0880

**IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ABOVE,
PLEASE CONTACT THE CONSTITUTIONAL SERVICES OFFICER SHOWN ON THIS
AGENDA. IF POSSIBLE BEFORE THE DAY OF THE MEETING.**

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Agenda, reports and minutes for all public meetings can be viewed online at:- <http://committee.nottinghamcity.gov.uk/ieDocHome.aspx?bcr=1>



**NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM
FIRE AND RESCUE AUTHORITY**

**NOTTINGHAMSHIRE & CITY OF NOTTINGHAM FIRE & RESCUE AUTHORITY -
POLICY & STRATEGY**

**MINUTES of the meeting held at Fire and Rescue Services HQ, Bestwood
Lodge, Arnold Nottingham NG5 8PD on 29 January 2016 from 10.00 - 11.07**

Membership

Present

Councillor Darrell Pulk (Chair)
Councillor Chris Barnfather
Councillor Brian Grocock
Councillor Gordon Wheeler
Councillor Malcolm Wood
Councillor Yvonne Woodhead

Absent

Councillor Jon Collins
(substituted by Councillor Malcolm
Wood)

Colleagues, partners and others in attendance:

John Buckley	- Chief Fire Officer Nottinghamshire and City of Nottingham Fire & Rescue Service
Tracey Stevenson	- Senior Accountant Nottinghamshire and City of Nottingham Fire and Rescue Service
Ian Taylor	- Area Manager, Notts and City of Nottingham Fire and Rescue Service
Neil Timms	- Treasurer to the Authority
Malcolm Townroe	- Clerk and Monitoring Officer to the Authority
James Welbourn	- Governance Officer

25 APOLOGIES FOR ABSENCE

Cllr Jon Collins (substituted by Cllr Malcolm Wood).

26 DECLARATIONS OF INTERESTS

None.

27 MINUTES

The Committee confirmed the minutes of the meeting held on 13 November 2015 as a true record and they were signed by the Chair.

28 EMERGENCY SERVICES MOBILE COMMUNICATIONS PROGRAMME (ESMCP) FORMAL SIGN UP

John Buckley, Chief Fire Officer at Nottinghamshire Fire and Rescue Service introduced the report on the Emergency Services Mobile Communications Programme (ESMCP) formal sign up.

The following points were highlighted:

- (a) the contract for Airwave Solutions has already been extended and cannot readily be extended beyond 2020. Airwave is expensive, and the technology in this area has moved on;
- (b) there is some funding available from Government. Currently, there is a grant for Airwave, which will likely be removed;

Following questions from Councillors, further information was provided:

- (c) the Police are the biggest users of this type of software, and are funded similarly to the Fire Service;
- (d) Nottinghamshire Fire and Rescue will need to be fully connected to the Public Sector Network (PSN). In the last week, civil servants have said that funding will be available for this; the Autumn Statement mentioned £74 million would be available for the Department for Communities and Local Government (DCLG) to carry out work on the emergency service network;
- (e) all control rooms across the country have an integrated command communications system. Funding is available to upgrade these to work with the Public Sector Network;
- (f) since the adoption of Airwave 15 years ago technology has moved on considerably and now there are more cost effective and useful systems available;
- (g) when there is lots of activity involving blue light services, the Police have first call on the Airwave service;
- (h) those who live in rural areas might benefit the most from the ESMCP, as 4G technology will be rolled out in areas that don't currently receive it;
- (i) an Inter-Operability Board in Nottinghamshire allows communications between blue light services. At Officer level, there is a working group; this working group has enhanced relationships between officers of different services quite

considerably. The Police force is the bigger authority, but fire officers are leading on certain issues.

Any opportunities to move forward with decisions would still need to come back through the relevant Fire Authority committee;

RESOLVED to participate in the Emergency Services Mobile Communications Programme and direct the Chief Fire Officer to sign and return the attached documentation on behalf of the Fire Authority.

29 TRI-SERVICE CONTROL PROJECT UPDATE

John Buckley, Chief Fire Officer at Nottinghamshire Fire and Rescue Service introduced the Tri-Service Control Project update.

Following discussion and questions from members, the following information was highlighted:

- (a) the Tri-Service project is going to run into the next financial year; and this will bring costs. Some compensation has come back from the supplier.

There is a real commitment from the suppliers and others to resolve the problems with the project;

- (b) the general performance of the system is stable and there haven't been outages for a significant period of time. Phase 1 of implementation is on the verge of closing;

- (c) the suppliers are not seeking any further payments; the money input from Fire and Rescue is going towards staffing costs.

Nottinghamshire Fire and Rescue are applying a degree of commercial pressure to get the project back on track; any delays from Fire and Rescue themselves are due to supporting this commercial pressure with staff;

- (d) the £220,000 from re-designated reserves should allow Nottinghamshire Fire and Rescue to support implementation, improvements and developments to the system for the next 12 months;

- (e) it would be useful for the Finance Committee to have the figures to date for the project, including costs and savings. John Buckley pointed out that the maintenance contract would be an immediate saving; in addition, savings are being made in other areas relating to the project, and staffing on control has been reduced. Further savings could possibly be made if collaboration with other services is explored.

RESOLVED to:

- (1) **note the update on the implementation of the Tri-Service Control system;**
- (2) **ask that a further update comes to next Policy and Strategy meeting.**

30 EXCLUSION OF THE PUBLIC

RESOLVED to exclude the public from the meeting during consideration of the remaining items in accordance with section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, as defined in paragraphs 1 & 3 of Part 1 of Schedule 12A of the Act.

31 PRINCE'S TRUST UPDATE

John Buckley, Chief Fire Officer, presented the Prince's Trust update.

RESOLVED to implement option 4, which is contained within the report, and to provide a follow-up report to relevant Fire committees.



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority
Policy and Strategy Committee

STATUTORY CHANGES TO PAY POLICY

Report of the Chief Fire Officer

Date: 29 April 2016

Purpose of Report:

To update Members on proposals affecting the application of the Service's Pay Policy as a result of statutory revisions.

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1. BACKGROUND

- 1.1 In 2015 the government commenced consultation on changes to public sector exit payments, and this has resulted in the publication of draft regulations. The main provisions of which set a cap of £95k on any payments relating to termination of employment and establish pay back provisions for certain employees returning to “similar” employment within the public sector within 12 months of an exit payment being received.
- 1.2 In the Chancellor’s 2015 Autumn Statement, the introduction of a National Living Wage was announced. This has become effective from 1 April 2016.
- 1.3 This paper sets out the likely implications of these statutory changes for the Service.

2. REPORT

- 2.1 In respect of the proposed changes to exit payments, draft regulations have been issued as part of the Small Business, Enterprise and Employment Act 2015 to facilitate legislation to regulate public sector exit payments.

RESTRICTIONS ON EXIT PAYMENTS

- 2.2 A £95k cap on exit payments will be introduced which will restrict payments linked to loss of employment or office, with certain exceptions. Most dismissals will be covered by the regulations, including payments arising from redundancy and those made via a settlement agreement. It will not include payments made in relation to incapacity or death as a result of accident, injury or illness; related to Firefighter fitness provisions; contractual leave not taken; contractual bonuses or court orders.
- 2.3 For the purposes of calculating payments which are in scope, payments will include (but are not restricted to):
 - Redundancy payments;
 - Compensation payments;
 - Actuarial (pension) strain;
 - Payments on voluntary exit;
 - Severance or ex-gratia payments;
 - Payment in lieu of notice;
 - Compensation under the terms of a contract.
- 2.4 If an employee has more than one public sector employment, and receive exit payments within 28 days in relation to any of these employments, the payments will be combined and the cap applied.

- 2.5 The draft regulations include a provision to enable a full council of a local authority (or equivalent body) to exercise powers to waive or relax the cap in relation to payments made by itself in line with guidance to be provided by the Treasury.
- 2.6 Due to the progress of the Enterprise Bill through Parliament, and changes to be applied to other statutory instruments to amend relevant pension provisions, it is anticipated that the implementation date for application of the cap on exit payments will be from October 2016.
- 2.7 It should be noted that further consultation commenced in February on further reforms to public sector exit payments, which may include setting limits on calculating exit payments at three weeks per year of service; capping the maximum number of months' salary that can be used when calculating redundancy payments to 15 months, setting a maximum salary for the calculation of exit payments eg £80k; tapering of lump sum compensation; removing or limiting employer funded "top up" pension payments. The consultation period on these proposals ends on 3 May 2016.

REPAYMENT OF EXIT PAYMENTS

- 2.8 Under the Repayment of Public Sector Exit Payments Regulations 2015, a person who has received a qualifying exit payment will be liable to repay all or part of the payment if they are subsequently re-employed in the public sector within 12 months.
- 2.9 The repayment provision will apply to those employees who have received in excess of £80k in remuneration (salary, wages or fee for service) within the preceding twelve months.
- 2.10 The repayment provision will be triggered when a qualifying employee who has received an exit payment returns to the public sector as an employee or enters into a relevant contract for services or becomes a holder of an office which is appointed by a public sector authority.
- 2.11 It will be the responsibility of the exit payee to notify the hiring authority of any exit payments received in previous public sector employment and to notify their previous employer (the Responsible Authority) of their new employment.
- 2.12 The Responsible Authority are responsible for implementing arrangements for the recovery of all or part of a qualifying exit payment and may not refuse, or delay making, relevant repayment arrangements. These arrangements must be put in place within three months of a return to the public sector.
- 2.13 The Hiring Authority may not permit a return to employment until the exit payee has repaid the payment amount or entered into relevant arrangements for repayment with the Responsible Authority. Any breach must be recorded and retained for a period of three years.

- 2.14 If the exit payee refuses to enter into a repayment agreement or breaches the terms then the Hiring Authority may dismiss them, terminate a relevant contract for services or remove them from office. If none of these sanctions are applied, then they must record the reason for the decision and retain it for a period of three years.
- 2.15 The Regulations allow for the waiving of the whole or part of the requirement to repay an exit payment by agreement of a local authority (or fire authority) in relation to payments made by that authority and exercised in line with directions issued by the Treasury. In this case the decision must be recorded and retained for a three year period, and reported annually in the Authority's annual accounts.
- 2.16 The anticipated implementation date for the recovery of exit payments is May 2016.

IMPACT ON PAY POLICY

- 2.17 The proposed changes will directly impact upon the application of the Authority's Pay Policy (Section 5 "Re-engagement and Pension Abatement" and Section 6 "Severance Payments") and the Authority's Discretionary Compensation Payments Scheme Policy. Once the regulations have been finalised, these policies will be amended and brought before the Authority for approval.
- 2.18 The impact of the exit payment cap is most likely to affect those employees who are eligible to receive the early payment of pension benefits under the Local Government Pension Scheme (from age 55) or older employees with longer service who are currently eligible to receive up to 66 weeks' pay at their normal pay rates under existing compensation provisions.

NATIONAL LIVING WAGE

- 2.19 From 1 April 2016, a National Living Wage (NLW) of £7.20 an hour has been applied for employees aged over 25. It is the intention that the NLW will rise annually until it reaches £9.00 per hour by 2020.
- 2.20 The Authority, as part of its agreed Pay Policy, already applies the Living Wage calculated by the Living Wage Foundation. This is currently set at £7.85 per hour. There are no operational roles, and very few support (non-uniformed) roles, that are currently affected by this. The current policy applies the living wage to all roles (with the exception of Apprenticeship roles) and not just to those who are over 25 years of age.
- 2.21 There is no immediate impact arising from the implementation of the NLW as the Service already supplements national pay rates to bring them in line with the Living Wage. However over time this may change and the Authority will have to review current arrangements as statutory pay rates increase and, notionally, more employees are affected.

- 2.22 Currently only three Grade 1 employees are employed on an hourly rate of less than £7.85, however as the NLW increases it is likely that additional employees will fall within its scope. The national employers are currently reviewing national spinal column points to take into account the impact of the future NLW, and this is likely to impact upon national salary levels going forward. This may mean that the Service will need to review its grading structure to take into account any changes to national pay rates in due course.

NEXT STEPS

- 2.23 Clearly the issues within this report are sensitive and attract interest from Members, representative bodies and the general public. To ensure complete transparency it is proposed that the affected policies will be brought back to a future meeting of this Committee for comment, scrutiny and approval once the regulations are finalised.

3. FINANCIAL IMPLICATIONS

- 3.1 The proposed regulations covering restrictions to public sector exit payments and repayment of public sector exit payments are designed to reduce the cost of such payments across the public sector. For this Authority past exit payments have generally not been budgeted for where they have been part of a package of measures to reduce on-going costs. Savings generated in the year of the exit payment have been used to partially fund the cost, with the remainder funded from general or earmarked reserves. There would therefore be no budgetary savings arising from the implementation of these regulations however exit payments in the future will be lower than some previous exit payments have been at this Authority.
- 3.2 The National Minimum Wage regulations have no financial impact for the Authority currently, but may result in an increase in pay costs over time. This is not likely to be a significant impact due to the relatively few employees on the pay grades affected by these regulations.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

- 4.1 There are significant implications for existing pay policy arising from the changes to statutory regulations implemented during 2016, which are set out within the report.
- 4.2 These changes will be incorporated into revised local policies at the point at which the regulations are finalised and will be considered by the Policy and Strategy Committee at a later date.
- 4.3 In the interim period, if there are any exit payments which may exceed the £95k cap these will be referred to Policy and Strategy Committee by the Discretionary Compensation Payments Board for approval.

5. EQUALITIES IMPLICATIONS

- 5.1 An Equality Impact Assessment will be undertaken as part of the policy review once the full details of the regulations are published.
- 5.2 It is likely that the proposed changes to exit payments will impact upon older workers and/or those with long service as the current compensation scheme include these factors in determining an exit payment. It will particularly impact those employees over 55 who are eligible to receive early payment of pension under Local Government Pension Scheme regulations.
- 5.3 The application of the new National Living Wage adversely impacts upon employees below the age of 25, who do not fall within its scope. However, under current Service policy, the living wage is applied to all employees with the exception of apprentices.

6. CRIME AND DISORDER IMPLICATIONS

There no crime and disorder implications arising from this report.

7. LEGAL IMPLICATIONS

- 7.1 The changes set out in this report are covered by statutory regulations, namely:
- The Public Sector Exit Payment Regulations 2016
 - The Repayment of Public Sector Exit Payment Regulations 2015
 - The National Minimum Wage (Amendment) Regulations 2016
- 7.2 Whilst there are discretions within the exit payment regulations to waive or reduce the statutory cap or exit payment reimbursement arrangements, the responsible authority must record and publish its decision not to apply the cap or repayment arrangements in their Annual Report and Accounts.
- 7.3 There is a penalty for employers who do not apply the National Living Wage regulations. The penalty for non-payment will be 200% of the amount owed, unless the arrears are paid within 14 days. The maximum fine for non-payment will be £20,000 per worker.

8. RISK MANAGEMENT IMPLICATIONS

The revision of internal pay policies will mitigate the risk of non-compliance with the statutory regulations governing public sector exit payments and the national living wage.

9. RECOMMENDATIONS

It is recommended that Members:

- 9.1 Note the contents of this report.
- 9.2 Agree to receive the policies which are affected by the legislative changes for revision and approval.

10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

None.

John Buckley
CHIEF FIRE OFFICER

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NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority
Policy and Strategy Committee

REVIEW OF THE LOCAL CODE OF CORPORATE GOVERNANCE

Report of the Chief Fire Officer

Date: 29 April 2016

Purpose of Report:

To provide Members with a review of the local Code of Corporate Governance following an interim review to highlight key, current and future challenges to the Authority's governance arrangements.

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1. BACKGROUND

- 1.1 Each year the Authority is required to include an Annual Governance Statement in its Statement of Accounts. This statement reviews the governance arrangements and comments on any challenges for those arrangements going forward.
- 1.2 Previous 'Annual Governance Review' reports have centred upon the financial aspects and this latest report seeks to update Members to proposed amendments and updates to the approach taken in previous years.
- 1.3 The introduction of the Annual Statement of Assurance in recent years to Nottinghamshire Fire and Rescue Service (NFRS), has also placed a requirement upon the Authority to report upon the operational, financial and governance arrangements it has in place. Clearly this presents some potential for duplication within the organisation.
- 1.4 Governance information is central to the transparency arrangements within a public body and this information is made routinely available, for example, by the Service website and the established publication scheme.
- 1.5 Following the outcomes of the national consultation on wider emergency service collaboration, future governance arrangements of the Authority will need to be considered and this report highlights a range of current and future challenges to the existing provisions.

2. REPORT

- 2.1 The Authority previously approved and adopted a code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE framework "Delivering Good Governance in Local Government".
- 2.2 The Annual Governance Statement sets out how NFRS complies with the code and also meets the requirements of Regulation 4(2) of the Accounts and Audit Regulations 2003 as amended by the Accounts and Audit Regulations 2015 in relation to the publication of an annual governance statement.
- 2.3 The CIPFA/SOLACE framework is in the process of being updated, and when published there will be a full review of its implications by officers with any proposed changes presented to a future Policy and Strategy Committee for consideration by Members.
- 2.4 The current local Code of Corporate Governance is attached at Appendix A and is considered fit for purpose pending the revised CIPFA/SOLACE guidance.

- 2.5 The annual review of governance has been carried out and the results will be included in the Annual Governance Statement, which will be presented to the Fire Authority for approval in September and included in the Authority's Statement of Accounts. The review shows that over the past year a number of notable changes and events have taken place which directly impact upon governance arrangements for the Authority. These include:
- Changes to the Principal Management Team, reducing from four to three Officers and the consequent wider changes to responsibilities for Officers within the Strategic Leadership Team (SLT), notably the Finance, People and Procurement roles;
 - Staff have attended three winter conferences with Principal Officers to engage the wider workforce and discuss future challenges facing the Service to deliver high quality services; an engaged and motivated workforce; within a framework of financial stability and strong governance;
 - The Authority also recruited to the post of independent Treasurer and with this appointment retained experience and continuity of knowledge;
 - The completion of a Peer Challenge also saw the themes of Leadership and Governance specifically examined and reported upon.
- 2.6 A range of key future challenges identified in the review include:
- Reductions in central government grant will mean the Authority will be required to make significant savings, whilst continuing to maintain a service which meets public expectations;
 - As of 5th January, the Home Office is now lead government department for Fire and Rescue;
 - The Police and Crime Bill is demonstrating clear intention from central government on local emergency services collaboration, and for the future role of the Police and Crime Commissioners;
 - Proposals for an inspectorate to be created within the Home Office.
- 2.7 The Finance and Corporate Support teams are working to ensure that duplication of effort around the organisation's governance reporting arrangements are removed and the Authority continues to meet its statutory obligations. Members can be reassured that initial meetings and work has commenced.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

There are no human resources or learning and development implications arising directly from this report.

5. EQUALITIES IMPLICATIONS

Equalities is a core value of the Authority and it is evident from the review of the governance framework that equalities issues are properly addressed within it.

6. CRIME AND DISORDER IMPLICATIONS

There are no crime and disorder implications arising directly from this report.

7. LEGAL IMPLICATIONS

There is a requirement under Regulation 4(2) of the Accounts and Audit Regulations 2003 as amended by the Accounts and Audit Regulations 2015 in relation to the publication of an Annual Governance Statement.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 The governance framework of the Authority is the framework of systems and processes which direct and control all decision making and policy development within the organisation, these include the creation and maintenance of strategic and corporate risk registers.
- 8.2 It is important therefore to review this regularly to ensure that this framework remains sufficiently robust and compliant with the CIPFA/SOLACE code. The risk of not doing so is that the organisation could fail to set proper objectives and adequately monitor its success.
- 8.3 The current arrangements for governance as agreed within the Authority's constitution contributes to the management of risk within the organisation, as this ensures Members are suitably informed of the framework in place and provided with timely and sufficient information to apply scrutiny.

9. RECOMMENDATIONS

It is recommended that Members:

- 9.1 Ratify the use of the current local Code of Corporate Governance as the basis for the 2015/16 Annual Governance Statement; and,
- 9.2 Agree to receive further reports once the revised CIPFA/SOLACE framework has been produced and considered by Officers.

10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

None.

John Buckley
CHIEF FIRE OFFICER



NOTTINGHAMSHIRE

Fire & Rescue Service

Creating Safer Communities

**NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND
RESCUE AUTHORITY**

LOCAL CODE ON CORPORATE GOVERNANCE

AIMS OF THE LOCAL CODE ON CORPORATE GOVERNANCE

Nottinghamshire and City of Nottingham Fire and Rescue Authority and its Officers are committed to ensuring that it has an excellent system of corporate governance. The Authority embraces the principles of good governance: openness, inclusivity, integrity and accountability.

The Authority is dependent on its Members and Officers in delivering excellent corporate governance, and requires them to conduct themselves in accordance with the high standards expected by the citizens of Nottinghamshire. The Service will respond positively to the recommendations of external audit and statutory inspectors and implement agreed actions effectively.

AIMS

The Authority is committed to delivering excellent corporate governance in all aspects of its work, including:

1. Focusing on the community

The Authority and its Officers will:

- Work for and with our communities;
- Exercise leadership in our local communities;
- Contribute to and promote the well-being of our communities.

2. Arrangements for service delivery

The Authority and its Officers will:

- Aim to improve its services to local communities;
- Ensure that its policies are implemented;
- Act upon its decisions.

3. The structures and processes in place

The Authority and its Officers will maintain effective political and managerial structures and processes to govern decision making and the exercise of authority within the organisation.

4. Managing risk and establishing internal control

The Authority and its Officers will establish and maintain a strategy, framework and processes to manage risk and demonstrate effective internal control.

5. Maintaining standards of conduct

The Authority will work to ensure that high standards of behaviour are shown by its Members, Officers and agents. The Service has drawn together a detailed framework for establishing excellent corporate governance as set out in this statement. Compliance with the framework will be monitored each year and reported to the Combined Fire Authority as part of the Annual Review of Governance and Annual Governance Statement.



NOTTINGHAMSHIRE

Fire & Rescue Service

Creating Safer Communities

LOCAL CODE ON CORPORATE GOVERNANCE

LOCAL CODE ON CORPORATE GOVERNANCE

Nottinghamshire and City of Nottingham Fire and Rescue Authority is committed to ensuring that it has an excellent system of corporate governance and embraces the core principles of good governance:

1. Focusing on the purpose of the organisation and on outcomes for the community and creating and implementing a vision for the local area.
2. Members and Officers working together to achieve a common purpose with clearly defined functions and roles.
3. Promoting values for the organisation and demonstrating the values of good governance through upholding high standards of conduct and behaviour.
4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.
5. Developing the capacity and capability of Members and Officers to be effective.
6. Engaging with local people and other stakeholders to ensure robust public accountability.

Governance is about how local government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. By publishing this Local Code on Corporate Governance the Authority is demonstrating its commitment to achieving these aims.

The Authority, in embracing the core principles, will contribute to leadership for Nottinghamshire by providing a vision for our Fire and Rescue Service and leading by example in the way it makes decisions, and implements those decisions.

The Authority will produce an annual governance statement in order to report publicly on the extent to which it complies with the core principles including how it has monitored the effectiveness of its governance arrangements in the year, and on any planned changes in the coming period. This complies with the Accounts and Audit Regulations 2015.

The Service's Chief Fire Officer will be responsible for overseeing the implementation and monitoring of the Local Code on Corporate Governance, reviewing its operation in practice and recommending any changes that may be necessary to maintain it and ensure its effectiveness in practice. The Chief Fire Officer and Strategic Directors will be responsible for ensuring that Officers in their departments are aware of and embrace the principles of good corporate governance set out in this Code.

The core principles have been translated into a framework which seeks to ensure that they are fully integrated in the conduct of the Service's business and establishes a means of demonstrating compliance. The framework is based on the SOLACE/CIPFA 2007 publication "Delivering Good Governance in Local Government".

The authority will respond positively to the recommendations of external audit and statutory inspectors in respect of corporate governance and implement agreed actions effectively.

THE CORE PRINCIPLES - FRAMEWORK

1. Focusing on the purpose of the service and on outcomes for the community and creating and implementing a vision for the local area, by:

- a. Exercising strategic leadership by developing and clearly communicating the Service's purpose and vision and its intended outcomes for citizens and service users. To achieve this, the Authority will:
 - i) Develop and promote the Service's purpose and vision
 - ii) Review on a regular basis the Service's vision for the area and its implication for the Service's governance arrangements
 - iii) Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners
 - iv) Produce a Statement of Assurance and a Statement of Accounts, by the 30 September each year
- b. Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning. To achieve this, the Authority will:
 - i) Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available.
 - ii) Put in place effective arrangements to identify and deal with failure in service delivery.
- c. Ensuring that the Authority makes best use of resources and that tax payers and service users receive excellent value for money. To achieve this, the Authority will:
 - i) Ensure that Value for Money principles are embedded in its procurement policies and procedures.

Examples of how the Authority demonstrates commitment to this core principle:

- Local Code on Corporate Governance;
- Partnership protocols;
- Annual financial statements;
- Annual business plan;
- Performance management framework;
- Customer Comments Procedure.

2. Members and Officers working together to achieve a common purpose with clearly defined functions and roles, by

- a. Ensuring effective leadership throughout the Service and being clear about the boundaries that exist between Officer and Members functions and of the roles and responsibilities of the scrutiny function. To achieve this, the Authority will:
 - i) Set out a clear statement of the respective roles and responsibilities of the Principal Officer Team and the Service's approach towards putting this in to practice.
- b. Ensuring that a constructive working relationship exists between Elected Members and Officers and that the responsibilities of Members and Officers are carried out to a high standard. To achieve this, the Authority will:

- i) Determine a scheme of delegation and reserve powers within the Members remit including a formal schedule of those matters specifically reserved for collective decision of the Authority, taking account of relevant legislation, and ensure that it is monitored and updated when required.
 - ii) Make the Chief Fire Officer responsible and accountable to the Authority for all aspects of operational management.
 - iii) Develop protocols to ensure that the Chair of the Fire Authority and Chief Fire Officer negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained.
 - iv) Make the Authority's Section 151 Officer responsible to the Authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.
 - v) Make the Clerk to the Fire Authority responsible to the Authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.
- c. Ensuring relationships between the Authority, its partners and the public are clear so that each knows what to expect of the other. To achieve this, the Authority will:
 - i) Develop protocols to ensure effective communication between Members and Officers in their respective roles
 - ii) Set out the terms and conditions for remuneration of Members and Officers and an effective structure for managing the process, including an effective remuneration panel if required
 - iii) Ensure that effective mechanisms exist to monitor service delivery
 - iv) Ensure that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated
 - v) When working in partnership, ensure that Members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the Authority
 - vi) When working in partnership ensure that there is clarity about the legal status of the partnership and ensure that representatives of organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions

Examples of how the Service could demonstrate its commitment to this core principle:

- The Authority's Standing Orders;
 - Records of decisions and supporting materials;
 - Conditions of employment;
 - Scheme of delegation;
 - Job descriptions/specification;
 - Member/Officer protocol;
 - Corporate plans;
 - Budgets;
 - Protocols for partnership working including an assessment toolkit and exit strategies.
- 3. **Promoting values for the Service and demonstrating the values of good governance through upholding high standards of conduct and behaviour, by**

- a. Ensuring the Authority's Members and Officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance. To achieve this, the Authority will:
 - i) Ensure that the Authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect
 - ii) Ensure that standards of conduct and personal behaviour expected of Members and Officers, of work between Members and Officers and between the Authority, its partners and the community are defined and communicated through codes of conduct and protocols
 - iii) Put in place arrangements to ensure that Members and Officers of the Authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice
- b. Ensuring that organisational values are put into practice and are effective. To achieve this the Authority will:
 - i) Develop and maintain shared values including leadership values for both the Authority Members and Officers reflecting public expectations, and communicate these with Members, officers, the community and partners
 - ii) Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice
 - iii) Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the Authority
 - iv) In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively

Examples of how the Service could demonstrate its commitment to this core principle:

- Codes of conduct;
- Performance appraisal;
- Customer Comments procedures;
- Anti-fraud and –corruption policy;
- Standing Orders;
- Financial Regulations;
- Regular reporting to Full Authority;
- Decision-making practices;
- Gifts and hospitality policy;
- Protocols for partnership working.

4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk, by

- a. Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny. To achieve this the Authority will:
 - i) Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the Authority's performance overall

- ii) Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based
 - iii) Put in place arrangements to safeguard Members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice
 - iv) Develop and maintain an effective Performance Committee which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a committee
 - v) Ensure that effective, transparent and accessible arrangements are in place for dealing with Customer comments
- b. Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs. To achieve this the Authority will:
 - i) Ensure that those making decisions for the Authority are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications
 - ii) Ensure that proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately
- c. Ensuring that an effective risk management system is in place. To achieve this the Authority will:
 - i) Ensure that risk management is embedded into the culture of the Authority, with Members and Officers at all levels recognising that risk management is part of their jobs
 - ii) Ensure that effective arrangements for whistleblowing are in place to which officers, staff and all those contracting with or appointed by the Authority have access
- d. Using their legal powers to the full benefit of the citizens and communities in their area. To achieve this the Authority will:
 - i) Actively recognise the limits of lawful activity placed on them by, for example, the ultra vires doctrine but also strive to utilise their powers to the full benefit of their communities
 - ii) Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on authorities by public law
 - iii) Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice – into their procedures and decision-making processes

Examples of how the Service could demonstrate its commitment to this core principle:

- Members' code of conduct;
- Training for committee Members;
- Publication of minutes of Strategic Leadership Team and Executive Delivery Team meetings within the service;
- Customer Comments procedure;

- Risk management protocol;
- Standing orders and financial regulations;
- Whistleblowing policy;
- Monitoring officer provisions.

5. Developing the capacity and capability of Members and Officers to be effective, by

- a. Making sure that Members and Officers have the skills, knowledge, experience and resources they need to perform well in their roles. To achieve this the Authority will:
 - i) Provide induction programmes tailored to individual needs and opportunities for Members and Officers to update their knowledge on a regular basis
 - ii) Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the Authority
- b. Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group. To achieve this the Authority will:
 - i) Assess the skills required by Members and Officers and make a commitment to develop those skills to enable roles to be carried out effectively
 - ii) Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed
 - iii) Ensure that effective arrangements are in place for reviewing the performance of the Strategic Leadership Team as a whole and of individual Members and agreeing an action plan which might, for example, aim to address any training or development needs
- c. Encouraging new talent for membership of the Authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal. To achieve this the Authority will:
 - i) Ensure that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the Authority
 - ii) Ensure that career structures are in place for Members and Officers to encourage participation and development

Examples of how the Service could demonstrate its commitment to this core principle:

- Training and development plans;
- Induction programme;
- Personal development reviews;
- Update courses/information;
- Succession planning;
- Provision and maintenance of the Members' Handbook.

6. Engaging with local people and other stakeholders to ensure robust public accountability, by

- a. Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships. To achieve this the Authority will:
 - i) Make clear to themselves, all officers and the community to whom they are accountable and for what
 - ii) Consider those institutional stakeholders to whom the Authority is accountable and assess the effectiveness of the relationships and any changes required
- b. Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the Authority, in partnership or by commissioning. To achieve this the Authority will:
 - i) Ensure clear channels of communication are in place with all sections of the community and other stakeholders, and put in place monitoring arrangements and ensure that they operate effectively
 - ii) Hold meetings that are open to the public unless there are good reasons for confidentiality
 - iii) Ensure that arrangements are in place to enable the Authority to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands
 - iv) Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users about including a feedback mechanism for those consultees to demonstrate what has changed as a result
 - v) On an three year basis, publish a community safety plan which will be updated annually, giving information on the Authorities vision, strategy, plans and as well as information about its outcomes achievements the in the previous period
 - vi) Ensure that the Authority as a whole is open and accessible to the community, service users and its officers and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so
- c. Making the best of human resources by taking an active and planned approach to meet responsibility to officers. To achieve this the Authority will:
 - i) Develop and maintain a clear policy on how officers and their representatives are consulted and involved in decision making

Examples of how the Service could demonstrate its commitment to this core principle:

- Annual Statement of Assurance;
- Consultation Framework
- Partnership framework;
- Community Safety Plan (IRMP);
- Standing Orders.

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NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority
Policy and Strategy Committee

CONSULTATION FRAMEWORK

Report of the Chief Fire Officer

Date: 29 April 2016

Purpose of Report:

To present the outcomes of the consultation framework review.

CONTACT OFFICER

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1. BACKGROUND

- 1.1 The National Framework for Fire and Rescue Services in England sets a key priority for Fire and Rescue Authorities to be “accountable to communities for the service they provide”. In respect of meeting this requirement there is a specific requirement in relation to consultation around the Fire Authority’s integrated risk management plan (IRMP).
- 1.2 In particular the Framework states that the Fire Authority’s IRMP “must” “reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies and partners.”
- 1.3 Whilst IRMP is an important and pivotal process by which the Fire Authority engages with the public, the changing environment in which the Service now operates means that the Service may have to consult on more specific aspects of changes to service delivery in future years. Therefore it would be wise now for Members to agree the reviewed consultation framework with which Officers can operate to ensure all expectations are met.
- 1.4 In 2013 a member and officer task and finish group met to look at the impact of the National Framework on Consultation and also considered the Code of Practice on Consultation issued by the Government in July 2008.
- 1.5 As an outcome, a consultation framework was produced entitled the Nottinghamshire and City of Nottingham Fire and Rescue Authority Consultation Framework. This document was accepted by Fire Authority on 22 February 2013 and can be found at:
http://www.notts-fire.gov.uk/Documents/Consultation_Framework.pdf

2. REPORT

- 2.1 Community consultation exercises are often very emotive and members will recall the number of petitions that the Authority has received in recent years, for example, in response to proposed changes to the operational fleet available within the county.
- 2.2 Members will also be fully aware of the research and evidence that is made available to the Authority, workforce and the general public on which any proposals are based and on which members may need to make decisions. These previous experiences have ensured that a clear framework is maintained and seeks to encourage community engagement with Nottinghamshire Fire and Rescue Service (NFRS).
- 2.3 A consistent observation from previous consultations has been the number of respondents to proposals in comparison to the total population and that this is less than ideal, but generally reflective of consultation activity beyond the fire and rescue sector.

- 2.4 Consultation seeks to balance both the qualitative as well as quantitative value of responses, however, future exercises will aim to attract as many views as it can and assure members that the framework satisfies the duties of the Authority.
- 2.5 A review of the 2013 consultation framework has now been conducted by officers, the content of the framework is considered to still be fit for purpose. The approach and methods of consultation are still deemed to be relevant and given that previous consultation processes have been held up as best practice by Nottingham Trent University, this report does not propose to make changes to the framework at this stage.
- 2.6 The framework continues to be based upon the good practice principles of consultation previously set by Government. These ensure that any process conducted will stand up to external scrutiny and have recently been supported by a Government update to guidance to public bodies who are required to formally consult, including:
- Consultations should be clear and concise;
 - Consultations should have a purpose;
 - Consultations should be informative;
 - Consultations are only part of a process of engagement;
 - Consultations should last for a proportionate amount of time;
 - Consultations should be targeted;
 - Consultations should take account of the groups being consulted;
 - Consultations should be agreed before publication;
 - Consultation should facilitate scrutiny;
 - Government responses to consultations should be published in a timely fashion;
 - Consultation exercises should not generally be launched during local or national election periods.
- 2.7 Previously NFRS have used Opinion Research Services (ORS) to assist in consultation exercises as they held a central contract for consultation with the Fire and Rescue Service Consultation Association (FSCA). Since the FSCA no longer exists there will be a need to re-tender for consultation providers.
- 2.8 The tender process is already underway and will aim to support the framework as a clear goal and assure the Authority that the measures in place are open, transparent and robust.

3. FINANCIAL IMPLICATIONS

The Fire Authority has an annual budget set aside for consultation and depending on the nature and extent of any in-year consultation, this is regularly reviewed.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

There are no specific human resources or learning and development implications arising from this report.

5. EQUALITIES IMPLICATIONS

This report is an update to an existing Authority approach to consultation already in place and therefore does not require any additional assessment, however, the Authority will need to demonstrate that it has engaged with all sections of the community affected by any future, specific proposals and therefore would require an equality impact assessment to be completed at that stage.

6. CRIME AND DISORDER IMPLICATIONS

There are no crime and disorder implications arising from this report.

7. LEGAL IMPLICATIONS

The duty to consult the public is contained within the National Framework which is issued under Part 3, Section 21 of the Fire and Rescue Services Act 2004. Although this specifically relates to IRMP, effective consultation will serve to demonstrate accountability to communities.

8. RISK MANAGEMENT IMPLICATIONS

Effective consultation mitigates risk to the Fire Authority in a number of ways, but specifically:

- Demonstrates to the Secretary of State accountability and engagement with the community, thus removing the risk of Ministerial intervention;
- Reduces the risk of legal challenge, such as judicial review, over any proposals and changes the Authority may make as a result of consultation.
- Maintains full transparency to communities and the high level of public confidence in the Fire and Rescue Service.

9. RECOMMENDATIONS

That Members note the outcomes of the review of the consultation framework and continue to support its use.

10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

None.

John Buckley
CHIEF FIRE OFFICER

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NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority
Policy and Strategy Committee

DONATION OF 'END OF LIFE' FIRE APPLIANCES

Report of the Chief Fire Officer

Date: 29 April 2016

Purpose of Report:

To request that Members give consideration to the donation of two 'end of life' fire appliances to volunteer fire services in two rural locations in Croatia.

CONTACT OFFICER

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1. BACKGROUND

- 1.1 For a number of years the Authority has supported various voluntary operations to give an extended life to fire appliances that are considered to be at the end of their useful life within the UK, and no longer fit for purpose.
- 1.2 This support has resulted in a number of appliances being donated and transported overseas for a second life in disadvantaged countries around the world. Last year a similar project delivered an appliance to Croatia and two to Nepal.
- 1.3 This report brings forward a request to donate a further two appliances which will be transported to Croatia to be used by volunteer firefighters. The current vehicles they have in use are over 35 years old and are significantly substandard when compared to UK appliances that are ready for disposal.

2. REPORT

- 2.1 A small number of employees, both past and present, have volunteered their time, resources and energy to support a number of overseas colleagues by way of securing appliances and equipment considered to be at the end of their useful life within the UK Fire and Rescue Services.
- 2.2 Recent projects have led to the overseas delivery of both fire appliances and ambulances together with a significant amount of spare parts and operational equipment. This gives the vehicles and equipment a second lease of life for use in disadvantaged countries, and makes a significant impact on those local communities.
- 2.3 This latest project involves 6 NFRS volunteers and seeks to provide a pair of Dennis Sabre fire appliances to two sparsely populated rural communities in Varazdin County Croatia. At present the two areas are covered by volunteer firefighters with existing appliances that are over 35 years old.
- 2.4 In total the volunteer firefighters provide critical fire cover to 15 villages with a total population of approximately 5,700 people. The cover provided in such a rural location is critical to the safety and protection of the area.
- 2.5 As well as the two vehicles, a quantity of obsolete equipment has also been secured from other UK fire and rescue services, and it is proposed that this will be transported on the appliances.
- 2.6 On arrival in Croatia the appliances will be handed over to the local communities and two days of training will take place to ensure that the volunteer firefighters are able to safely put the new equipment and appliances to effective use.

- 2.7 The two appliances considered for donation are wholly owned by the Authority and have an estimated value of £2-3k each as there is no viable second hand market for the vehicles. In fact, due to security reasons the vehicles would most likely need to be fully decommissioned and sold for spares and scrap.
- 2.8 The Freight Transport Association and ATS Tyres are supporting the project and will provide breakdown and puncture repair cover, and local businesses in Croatia have donated 2000 euros to cover ferry, fuel and toll costs for the journey. There are no issues regarding export or import of the vehicles.
- 2.9 The team will require 3 days to drive the vehicles the 1500 miles to the destination and will be provided free accommodation along the way by other European fire and rescue services.
- 2.10 The appliances will remain the property of the Authority until handover and will be covered by the service's vehicle insurance within the existing policy parameters.
- 2.11 The team will cover all of their own direct costs for the journey including travel insurance, food and flights back to England. The project will take a total of 6 days and it is proposed to grant each of the 4 currently serving employees 50% of the time as special leave.
- 2.12 Subject to approval, the trip is planned to take place from the 26 to 31 May 2016, and one of the team members will be in attendance at the committee meeting to provide a very short presentation to Members and answer any questions.

3. FINANCIAL IMPLICATIONS

The only financial consideration is the potential revenue that could be secured from the local disposal of the two appliances. This would be in the region of £4-6k.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

There are no specific human resources or learning and development implications arising from this report.

5. EQUALITIES IMPLICATIONS

An equality impact assessment has not been undertaken as this report does not seek to change policy or service provision.

6. CRIME AND DISORDER IMPLICATIONS

There are no crime and disorder implications arising from this report.

7. LEGAL IMPLICATIONS

There are no legal implications arising from this report.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 The team will be acting as volunteers in their own time, however as they will be travelling in and using Authority appliances and equipment and with the authorisation of the Authority, they will be considered to be 'at work' and will therefore be covered by the Authority's Employers' Liability insurance. The Authority also has personal accident and travel insurance in place.
- 8.2 Risk assessments have been undertaken to consider all aspects of both the overland journey and the delivery of training to the volunteer firefighters. The activity does not present any greater risk than what is normally undertaken during day-to-day activities.
- 8.3 As the overland journey will take three days, all of the team are qualified drivers and two are trained HGV mechanics. Four of the team are current or previously qualified fire and rescue service trainers. One of the team members is multi-lingual and further interpretation services have been secured in Croatia. The Authority's motor insurers have confirmed that use of the appliance in Croatia, and those countries transited during the journey are covered under the current motor insurance policy.

9. RECOMMENDATIONS

That Members agree to support the project and donate two end of life Dennis Sabre Appliances to Varazdin County in Croatia.

10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

None.

John Buckley
CHIEF FIRE OFFICER



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority
Policy and Strategy Committee

‘SHAPING OUR FUTURE’ – AN ORGANISATIONAL DEVELOPMENT AND INCLUSION STRATEGY

Report of the Chief Fire Officer

Date: 29 April 2016

Purpose of Report:

To introduce members to the Service’s Organisational Development and Inclusion Strategy and to seek agreement on the reporting arrangements relating to this work.

CONTACT OFFICER

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1. BACKGROUND

- 1.1. Following its successful Peer Challenge against the Excellent Level of the National Fire and Rescue Service Equality Framework in December 2013, the Service developed plans to further embed equality, develop its workplace culture and focus on service improvement.
- 1.2. These plans became the 'Shaping our Future' Organisational Development and Inclusion (ODI) Strategy, which seeks to introduce a new approach to running the organisation, complementing that of the Strategic Leadership Team.
- 1.3. This approach seeks to ensure that the 'how' at the Service is given equal priority as 'the what' – meaning that culture, systems, leadership and management complement what the organisation is trying to achieve as a service provider for the people of Nottinghamshire. This strategy also seeks to ensure that the Service becomes more progressive, flexible and responsive in an increasingly dynamic environment.
- 1.4. The work is split in to six workstreams:
 - Embed a strong set of values, underpinned by a set of behaviours, to create a positive and achieving culture;
 - A focus on service improvement;
 - Encourage a more collaborative, creative, innovative work environment in which all employees feel engaged;
 - Increase the number, quality and accountability of visible leaders at all levels of the organisation;
 - Become more effective and efficient by best use of new and existing technologies;
 - Mainstream equality further through an "inclusion" approach.
- 1.5. Following a discussion at the Strategic Equalities Board on 26 February 2016, it was agreed that a report should be presented to this committee regarding current ODI activity and future reporting arrangements. The Strategy can be found at Appendix A.

2. REPORT

- 2.1 The Service continues to find itself in a challenging financial situation with fewer employees and uncertainty relating to its future governance. In order to continually to develop and improve, it is more important than ever to ensure that the whole of the organisation is engaged in the change process. This means that communication needs to be two-way and inclusive.

- 2.2 The Strategic Leadership Team is acutely aware that it does not have all of the answers to all of its future challenges and that the collective talent of the organisation needs to be engaged and developed in order to shape the future of the organisation.

Employee Engagement - Winter Conferences

- 2.3 As part of this drive for improved employee engagement, the Chief, Deputy and Assistant Chief Fire Officers have been holding Winter Conferences at Fire Service Headquarters. These events have been very well attended by staff from all sections of the workforce with over 200 people in total attending the three events.
- 2.4 During the sessions the Chief Fire Officer led a 'Hopes and Fears' session where employees raised their questions on a range of topics which were then discussed during the session. Topics included Job security, Budgets cuts, Collaboration, Vision – Strategy, Operations, Communications and Workplace/employment issues.
- 2.5 Deputy Chief Fire Officer Wayne Bowcock led the session on the Service's new values explaining that these had been developed by employees of the Service during a range of focus groups during 2015. The Service's new values are:
- **We are professional in all that we do**
We act professionally by being the best that we can be, behaving with integrity and taking personal responsibility for our behaviour and decisions.
 - **We value and respect others**
By treating our community and service users with respect and consideration, we become a more customer-focused and inclusive organisation.
 - **We are open to change**
By understanding the need to improve, we open ourselves up to new ideas and become a more sustainable and stable organisation, ready for the future
 - **We are One Team working together**
We act as One Team when we respect and value each other, and work together to create safer communities.
- 2.6 The values will be rolled out across the organisation in a range of ways during 2016 with facilitated sessions taking place at work locations from June.
- 2.7 As a result of the Winter Conferences, the Strategic Leadership Team will now be working to further improve communication within the Service and, in particular, the communication of future vision and strategy of the organisation.

Due to the success of this format, further events will be planned covering specific issues or themes.

Organisational Development and Inclusion Performance Reporting

- 2.8 Further to the Human Resources Committee paper for 22 April 2016 outlining reporting arrangements on ODI and equalities work, it is proposed that the Policy and Strategy Committee receives a bi-annual narrative report updating members on progress made against the workstreams within the strategy as well as other pieces of work which indicate the general 'health' and progress of the organisation.
- 2.9 This report may include commentary on the following:
- Legal Compliance – Equality Act - Public Sector Equality Duty
 - Equality Framework
 - 'Shaping our Future' – Organisational Development and Inclusion Agenda
 - Employee engagement - staff survey, staff suggestions
 - NFRS Values
 - Leadership and Management Development
 - Service Improvement and Innovation
 - Employment initiatives – cadets/apprenticeships/placements
 - Stonewall Workplace Equality Index progress
 - Health and Wellbeing
 - Customer satisfaction data
 - Service delivery projects and initiatives
- 2.10 It is recommended that the first such report should be presented to this committee at its October meeting.

3. FINANCIAL IMPLICATIONS

The work to be done as a result of this strategy will be undertaken using existing budgets.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

- 4.1 A new People and Organisational Development department has now been established which brings organisational development, inclusion and equality, learning and development, HR and Occupational Health functions under one department. The Equality and Diversity Officer role has been amended to include responsibilities for Organisational Development work.
- 4.2 Two internal placements have been seconded to support the delivery of some of this work for a period of 12 months.

5. EQUALITIES IMPLICATIONS

An Equality Impact Assessment has not been undertaken because this does not represent a change in policy, function or procedure. The strategy is about ensuring service improvement of which equality and inclusion are a part.

6. CRIME AND DISORDER IMPLICATIONS

There are no crime and disorder implications arising from this report.

7. LEGAL IMPLICATIONS

There are no legal implications arising from this report.

8. RISK MANAGEMENT IMPLICATIONS

It should be noted that a focus on organisational development and improvement will enable the Service to identify some of the more complex people-related risks which may arise from a changing service over the next five years. For instance, a large part of the ODI programme is about challenging and changing the culture of the organisation. The risks that may arise from this and the programme more widely though are far outweighed by the benefits that change will bring.

9. RECOMMENDATIONS

It is recommended that Members:

- 9.1 Note the contents of Shaping our Future: An organisational development and inclusion strategy; and,
- 9.2 Agree to receive bi-annual narrative reports updating members on progress made against the work streams within the strategy

10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

None.

John Buckley
CHIEF FIRE OFFICER

Shaping our Future:

An organisational development and inclusion strategy

2015-2020



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Foreword

The integration of an Organisational Development Strategy with our Integrated Risk Management Plan (IRMP) is critical to achieving the objectives we have set ourselves as a Service and to meet the challenges that the future will bring.

The Service has undergone significant change over the last few years, with the implementation of the outcomes from the Fire Cover Review 2010, impact of a diminishing budget and the re-alignment of services through the structural review of 2012. This has resulted in a reduction in workforce numbers overall, and a re-prioritising of resources to maintain our service delivery within a reduced financial envelope. It is a testament to the commitment of our employees that we have continued to provide high quality and effective services to our community throughout this period of change and adjustment.

There is no doubt that the future holds further challenges. We know that the financial situation will be demanding in terms of seeking savings and efficiencies to meet a reducing income and that some difficult decisions will need to be made. We also anticipate that there will be further demands from government to change the way that fire services currently work, with more emphasis on collaboration and joint working within and outside of the sector.

The organisation has established three key principles which underlie our priorities for the future. These are:

- High Quality Services
- An Engaged and Motivated Workforce
- Strong Governance and Financial Stability

The way in which we will link this Strategy to the achievement of these priorities will be the cornerstone to our success over the next five years. Without the active engagement and participation of our people, we cannot hope to meet our objectives. This strategy cannot work by forcing through change from the top but on the premise of “what we can achieve together”.

Through the implementation of an effective Organisational Development Strategy we seek to bring about the sort of transformational change required to become a truly inclusive and effective fire and rescue service.

John Buckley
Chief Fire Officer

Shaping Our Future - towards Organisational Development (OD)

- 1.1** The Service's progress on the equalities agenda over the last 8 years has meant that many of the legacy issues that we were grappling with are no longer a problem or are diminished. Cultural and organisational challenges, however, do continue to exist. Some of these are values/behaviour-related and some are more linked to the development of employees and managers; whereas some are about becoming more performance-focused in terms of quality, systems and processes. Although some of these issues are strongly linked to the equalities agenda, some of them are not and could be more associated with Organisational Development.

What is Organisational Development (OD)?

- 1.2** OD is different things to different people. In simple terms it is about proactively working to improve the organisation; its 'health' and its effectiveness. It is about understanding the workplace culture you currently have and working towards having one which supports the improvements you are trying to make. It is also about improving systems and processes in order to become a better more effective organisation.

Why are we embarking on this journey?

- 1.3** Different mind sets and different approaches to risk, innovation and change will all be required in order to maintain and improve NFRS over this period and beyond. If the organisation just shrinks without changing its approach, culture and systems it is unlikely to be fit for purpose.
- 1.4** The 'Shaping our Future' programme seeks to address some of these issues. For instance, the management and leadership of change is something that many may consider to be the job of the Chief Fire Officer and his senior team. As the pace of change quickens, the need for leaders of change at all levels will inevitably increase. A workforce which is flexible to new ways of working in changing environments is more likely to continue to deliver excellent services than one which is not.

The Financial Context –

- 1.5** As money gets tighter over the next 5 years, we will be expected to maintain value for money whilst maintaining the quality of services. There will be fewer employees with fewer managers managing activities, functions and people. The prevailing economic climate has caused increased financial pressures to be placed upon all public sector bodies and the Fire Service is no exception. It is clear that the overall funding position is expected to worsen over the next three years. It is estimated that the Authority will need to find around £3.9m of

savings over the next 3 years, in order to cope with the likely fall in Central Government funding over the same period

- 1.6** The challenge for the organisation in times of financial constraint is to find a way to continue to develop and improve the service against this backdrop of uncertainty. This will require both strong leadership and financial stability.
- 1.7** Although this financial backdrop is not the main driver for embarking upon this organisational development journey, it is certainly one of them. The Service has reduced numbers from approximately 1,150 employees 5 years ago to 920 in May 2015. Such reductions require different systems of working and a more progressive culture which harnesses talent in order to drive improvements in service delivery. This is what an OD approach should bring to the organisation.

Fire Professional Framework

- 1.8** The workstreams within this strategy and the People and L+D strategies complement the four principles of the Fire Professional Framework (link), namely:
- Operational competence
 - Outstanding Leadership
 - Professional and Sustainable Workforce
 - Organisational Excellence

Strategy in Action – ‘Shaping our Future’ - the workstreams

- 1.9** We all have a role to play in ensuring that the organisation is fit for purpose, now and in the future and so this Organisational Development programme has been named - ‘Shaping our Future’. It is divided in to six workstreams, some are larger than others.
- **Embed a strong set of values, underpinned by a set of behaviours, to create a positive and achieving culture**
 - We have reviewed our values and will ensure that these – and their underpinning behaviours - become embedded in to the way in which the Service works across all of our activities.
 - **A focus on service improvement**
 - We need to establish a culture of quality assurance, both internally and externally by being open to scrutiny and challenge with colleagues,

partners, members of the public and other stakeholders. Our ability to learn from others will improve our potential to become a true learning organisation.

- We will also establish a new Performance Framework which will enable us to more fully understand what our performance and improvement priorities are in an environment which will see further changes to levels of resources and possibly to the nature, and way, in which services are delivered.
- **Encourage a more collaborative, creative, innovative work environment in which all employees feel engaged**
 - The Service, for obvious reasons, continues to have a strong hierarchy which can sometimes reinforce a command and control approach, even away from the incident ground and this can perpetuate the view that management do have, and must have, all of the answers. In order to become a learning organisation and to nurture collaboration and creativity, strong leadership and employee engagement must be essential components of this strategy. There is a need to engage with our employees so that they feel a vested interest in the organisation's success, and are both willing and motivated to perform to high levels.
- **Increase the number, quality and accountability of visible leaders at all levels of the organisation**
 - We will continually review our management development programmes and ensure that a strong emphasis on leadership is established. We also need to ensure that leaders have the support mechanisms to enable them to tackle the internal and external challenges ahead. We want to ensure that current and future leaders are influenced and supported by a strong set of values and underpinning behaviours.
- **Become more effective and efficient by best use of new and existing technologies**
 - The ICT Strategy helps to drive and support the workstreams outlined in this document. In particular, the development of information and communications technologies will contribute to:
 - Improving communication with instant messaging, voice/video conferencing and voice telephony, whilst reducing travelling costs throughout the Service through the provision of Microsoft Lync.
 - Improving collaboration throughout the Service by delivering efficient search and document management functionality,

automated business processes and a more personalised experience for users of the NFRS SharePoint solution.

- Improve mobility and flexibility for employees to allow them to undertake their day-to-day tasks from almost any location using a wide range of devices.

- **Mainstream equality further through an “Inclusion” approach**

- The Service was peer challenged against the Excellent level of the Fire and Rescue Service Equality Framework in December 2013 and will continue to use the Framework in order to manage performance in this area. In order to formally maintain the Excellent level, a formal peer challenge will be required in December 2016.
- This work is essential in ensuring that services and employment practices continue to improve and remain inclusive for members of the public, employees, partners and elected members.

Outcomes

- To become a more progressive, learning organisation

There is an expectation that the 6 workstreams will lead us towards becoming a more progressive, learning organisation. By 2020 we expect the following points to be ‘business as usual’ within NFRS:

- Create continuous learning opportunities
- Promote inquiry and dialogue
- Encourage collaboration and team learning
- Create systems to capture and share learning
- Empower people toward a collective vision
- Connect the organisation to its environment
- Provide strategic leadership for learning

(further detail on this model can be found at Appendix A).

Communicating ‘Shaping our Future’

1.10 The Corporate Communications Team has developed a Communications Plan for the ‘Shaping Our Future’ programme. This plan will adopt the following approach:

- For each significant project we will develop dedicated communication activities that reflect this strategy.
- Each set of activities we will consider long-term engagement (ie this will not just be an announcement but communications will be used strategically to help affect the desired behaviour change)
- Tactics will use existing communication channels. We will not create separate tools as this would separate OD from core business.
- Staff feedback will be a natural part of the OD programme to ensure everyone contributes to its success ensuring no good ideas are missed.

How will we 'Shape our Future'?

- 1.11** The 'Shaping our Future' programme needs to include and inspire the entire workforce. We will need to be working in partnership with our internal and external partners including the trade unions and members of the fire authority. We will also need to continue a dialogue with individuals and groups of employees that have an interest in the future of Nottinghamshire Fire and Rescue Service.
- 1.12** The 'Shaping our Future' Values workshops have been a very positive way of engaging with staff and getting their views on how the Service is and how they would like it to be in the future. We will need to continue this ethos of engagement across work locations, role and position within the organisation in order to become the organisation we are aiming to be.
- 1.13** A steering group has been set up which is led by the Deputy Chief Fire Officer which will include key representative across all departments with new members co-opted as and when appropriate. Two places on the Steering Group will also be opened up as both development opportunities for those interested in helping to improve the Service.
- 1.14** In order to ensure that this programme is inclusive and not 'top-down', scrutiny, advice and support will be provided by a separate group. It is expected that Representative Bodies, the Employee Equality Network, interested individuals and key employees/managers will have an interest in being a part of this group.
- 1.15** Given the level of ambition of our strategy and the potential scale of organisational change over the next few years, the Service will be seeking to develop a more holistic, person-centred approach which will require integration between the HR, inclusion, occupational health and learning and development

functions. The People, Learning and Organisational Development strategies will therefore mirror and reflect each other.

Appendix A

The Learning Organisation

Marsick and Watkins (2003)

- Create continuous learning opportunities:
 - Learning is designed into work so that people can learn on the job; opportunities are provided for ongoing education and growth.
- Promote inquiry and dialogue:
 - People gain productive reasoning skills to express their views and the capacity to listen and inquire into the views of others; the culture is changed to support questioning, feedback, and experimentation.
- Encourage collaboration and team learning:
 - Work is designed to use groups to access different modes of thinking; groups are expected to learn together and work together; collaboration is valued by the culture and rewarded.
- Create systems to capture and share learning:
 - Both high- and low-technology systems to share learning are created and integrated with work; access is provided; systems are maintained.
- Empower people toward a collective vision.
 - People are involved in setting, owning, and implementing a joint vision; responsibility is distributed close to decision making so that people are motivated to learn toward what they are held accountable to do.
- Connect the organisation to its environment:
 - People are helped to see the effect of their work on the entire enterprise; people scan the environment and use information to adjust work practices; the organisation is linked to its communities.
- Provide strategic leadership for learning:
 - Leaders model, champion, and support learning; leadership uses learning strategically for business results.



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority
Policy and Strategy Committee

TRI-SERVICE CONTROL UPDATE

Report of the Chief Fire Officer

Date: 29 April 2016

Purpose of Report:

To appraise Members of the progress with the Tri-Service Control programme.

CONTACT OFFICER

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Chief Fire Officer

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1. BACKGROUND

- 1.1 At the Fire Authority meeting on 14 December 2012, Members considered a report from the Chief Fire Officer confirming that the collaborative partnership bid from Nottinghamshire, Derbyshire and Leicestershire Fire and Rescue Authorities had secured £5.4 million grant from Government to progress the procurement of a replacement command and control system.
- 1.2 This successful bid led to the creation of the Tri-Service Control Project and subsequent tender for a supplier to replace the three legacy systems within the tri-service area. A further £247k was committed from each authority to bring the total project value to £6.1 million.
- 1.3 A report was presented to the Policy and Strategy Committee on 29 January 2016 providing an update on progress with the implementation of the new system and this report continues that information stream and considers progress and the next phase of the project.

2. REPORT

- 2.1 The overarching concept of the Tri-Service Control programme is that a single common mobilising system would be used in all three control facilities and interlinked by means of a network. The philosophy of this being that any of the control rooms can take calls and mobilise appliances and resources for each other, providing significant resilience and negating the need to operate secondary or fall-back control facilities, thereby generating an immediate efficiency. Since going live this aspect is utilised almost every week by one or more of the services as multiple calls are often received for single incidents.
- 2.2 As previously reported the project has faced slippage, however the main mobilising system has been in operation across the three services since September 2015. Since going live there have been a number of issues with the system where it has failed to operate as required. As with any new and complex system, these type of events were anticipated and planned contingency measures were put in place.
- 2.3 In the period since the last report detailed discussions with the supplier, Systel, combined with commercial pressure have culminated in the production of a comprehensive plan to rectify all of the outstanding critical problems and issues. This plan is due to be completed in May 2016 with the delivery of a major update to the system.
- 2.4 Work and commitment by the supplier has already rectified some of the critical items referred to above, in particular the technical aspects of the Mobile Data Terminals (MDT) regarding it's connection to the mobilising system via the 3G network. However it is recognised that the remaining items require to be fully resolved and additional time will be needed for end users, both Control and operational staff, to gain full confidence in the new system.

- 2.5 Discussions have taken place regarding the outstanding improvements and developments to be delivered before the mobilising system fully meets our specification and requirements. These are known as 'Phase 2', meaning the project will continue into the 2016 / 17 financial year, and that the programme is currently not in a position to be formally closed. These Phase 2 items include:
- Dynamic Cover Tool;
 - Electronic Incident Management System (EIMS);
 - Replacement Incident Reporting System (IRS);
 - Ability to make adjustments to individual operator positions for equality reasons.
- 2.6 As previously reported, Members at the Finance and Resources Committee on 15 January approved the redesignation of the Fire Control Collaboration earmarked reserve of £220k to support phase 2 of the project to support dedicated Control, Support and ICT staff who are core to the delivery of the programme. A separate report at the same meeting identified that 'Mobilising' is currently the highest risk facing the service due to the both the Tri-Service and Emergency Services Mobile Communications (ESMCP) projects.
- 2.7 To facilitate the joint practices, common ways of working, configuration and training that are required to make a solution such as ours function efficiently and correctly a joint central Tri-Services Control team has been established. This consists of the Head of Tri-Service Control, 3 Control Watch Managers and an administrator. Aside from the contribution towards the joint costs of the head of Tri-Service Control, which was funded from earlier efficiencies, the remainder of the Nottinghamshire commitment has been funded from within existing means.
- 2.8 Within the overriding principles of the Tri-Service Control Programmes that the solution should be more cost effective than the aggregate of the previous provisions for all three Services. This has been achieved and an estimated long term annual saving of £1.1 million has been reported to DCLG.
- 2.9 To provide surety a Tri-Service agreement was signed by the three Chief Fire Officers in January 2013 that detailed roles, responsibilities and commitments of each Service to the project. This also detailed a governance and Officer meeting structure during both implementation and steady states. Throughout the programme a Strategic Board consisting of Principal Officers from all the three participating Services has met monthly to provide scrutiny and oversight and will continue to operate during the remainder of the contract.
- 2.10 The previous Programme Board has now been formally closed and replaced by an Operations Board consisting of an Area Manager from each Service plus the Head of Tri-Service Control. This will oversee much of the more regularised in-life management of the programme, with internal project structures continuing until completion.
- 2.11 A Supplier Board with representatives from the 3 Services and Systel meets regularly and will continue to operate until the P2 developments are delivered

- 2.12 Throughout the programme we have benefitted from support and guidance from Control and Mobilising specialists seconded to CFOA National Resilience (CFOA-NR) and funded by DCLG, whose advice has proved highly useful. Additionally monitoring has been undertaken by DCLG with frequent returns to them on the progress of the programme and estimates of savings and efficiencies that have been regularly published in the form of a summary of the national picture of Fire Control improvements.
- 2.13 Across the three Services concern from staff remains high, and in recognition of the sensitivities, briefings and discussions with staff and managers continue to take place along with regular dialogue with representative bodies.

3. FINANCIAL IMPLICATIONS

- 3.1 The main financial implications are identified within the body of the report, however between the 3 participating services it is estimated that we will generate annual savings of £1.1 million once steady state has truly been achieved.
- 3.2 A £220k earmarked reserve is in place to sustain resources to fully deliver and implement the remaining improvements and developments to the system.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT

There likely to be some new developments that requiring training before they can be implemented. Those for Control will be met largely in house, but any for operational staff will require training input which is catered for within the earmarked reserve

5. EQUALITIES IMPLICATIONS

As the Service is a public sector body, it is subject to the public sector equality duty and, as it is proposing significant amendments to the establishment or to the service delivery model, it must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not;
- Foster good relations between people who share a protected characteristic and those who do not.

The Service has fulfilled this requirement by contributing to an equality impact assessment of the Tri-Service Control Programme.

6. CRIME AND DISORDER IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 states that “it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”. This report does not contain any implications which would affect that duty.

7. LEGAL IMPLICATIONS

- 7.1 The Nottinghamshire and City of Nottingham Fire and Rescue Authority has a statutory duty to receive calls for assistance and mobilise a Fire Service. These duties are contained in Section 2 of the Fire and Rescue Services Act 2004.
- 7.2 Part 3, Section 21, of the same Act requires the Secretary of State to publish a Framework and it is this Framework that places a duty on Fire and Rescue Authorities Fire to collaborate with other Fire and Rescue Authorities, other emergency services, wider Category 1 and 2 responders and Local Resilience Forums to ensure interoperability. In this context it includes, but is not limited to, compatible communications systems, control rooms and equipment.
- 7.3 The concept and implementation of Tri-Service Control is conducive with those legal duties and does not place the Authority at any risk of breaking them.

8. RISK MANAGEMENT IMPLICATIONS

With the improvements to the new mobilising system, improved stability and delivery of further developments the high levels of corporate risk associated with mobilising should diminish into the future.

9. RECOMMENDATIONS

That Members note the content of the report and the progress made with the Tri-Service Control Programme.

10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

None.

John Buckley
CHIEF FIRE OFFICER

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Fire and Rescue Authority
Policy and Strategy Committee

TRANSITIONAL PENSION ARRANGEMENTS INFORMATION PROVIDED TO THE LOCAL GOVERNMENT ASSOCIATION

Report of the Chief Fire Officer

Date: 29 April 2016

Purpose of Report:

To inform Members of the response sent to the Local Government Association on behalf of the Fire Authority relating to the Fire Brigades Union claim of age discrimination under the transitional pension arrangements within the 2015 pension scheme.

CONTACT OFFICER

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1. BACKGROUND

- 1.1 In 2015 the Government introduced a new pension scheme for fire fighters.
- 1.2 Members of the 1992 pension scheme who met defined criteria were offered 'transitional protection' relating to their age and length of service at the time of the change to the 2015 pension scheme.
- 1.3 The Fire Brigades Union (FBU) have issued a legal challenge on behalf of certain members based on age discrimination under the Equality Act in relation to these transitional arrangements.
- 1.4 This paper informs members about recent information returned to the Local Government Association (LGA), at their request on behalf of the Fire Authority, in order to prepare for a forthcoming hearing.

2. REPORT

- 2.1 In respect of the transitional arrangements under the 2015 fire fighters pension scheme, a preliminary tribunal hearing is scheduled to take place relating to a claim for age discrimination under the Equality Act. This claim is being brought by the FBU, on behalf of its affected members against Government.
- 2.2 In order to prepare for this preliminary hearing, the LGA requested information from all Fire and Rescue Services in response to a series of questions to be returned by 15 April.
- 2.3 The questions were of a simple factual nature and therefore a response was provided within the deadline and is attached at Appendix A.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report at this stage. Further reports will be brought to the Fire Authority regarding the outcome of this claim if there are any local financial implications.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

There are no human resources or learning and development implications arising from this report.

5. EQUALITIES IMPLICATIONS

There are no equalities implications arising from this report at this stage. Further reports will be brought to the Fire Authority regarding the outcome of this claim if there are any equalities implications.

6. CRIME AND DISORDER IMPLICATIONS

There no crime and disorder implications arising from this report.

7. LEGAL IMPLICATIONS

- 7.1 The transitional pension arrangements form part of the 2015 fire fighter's pension scheme which this authority is obliged to comply with.
- 7.2 If the legal challenge is upheld a further report will be brought before the Fire Authority outlining any implications for this authority.

8. RISK MANAGEMENT IMPLICATIONS

There are no risk management implications arising from this report.

9. RECOMMENDATIONS

That Members note the contents of this report and the responses provided to the Local Government Association as attached at Appendix A.

10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

None.

John Buckley
CHIEF FIRE OFFICER

APPENDIX A:

Sent: 22 March 2016 15:11

Subject: Transitional Pension Arrangements - FBU Collective Action: Request for Information and Documents from English and Welsh FRAs

To: Nominated contacts

Dear Colleagues,

Transitional Pension Arrangements - FBU Collective Action: Request for Information and Documents from English and Welsh FRAs

We are continuing our preparations for the Preliminary Hearing which is, as you will be aware, scheduled to take place from 31 May – 3 June 2016.

As part of those preparations we need to ask all English and Welsh FRAs for certain information and documentation (if it exists) so that we are in a position to disclose relevant documents to the other parties in the Claims, in accordance the Orders from the Tribunal, and to assist us in preparing the witness evidence which will be given on behalf of the FRAs, in support of our arguments at that Preliminary Hearing.

As mentioned in Briefing Note headed '*Outcome of Preliminary Hearing on 20/01/16 and Next Steps*', – the two arguments which we are running at the Preliminary Hearing on behalf of the FRAs are:

1. Whether the majority of the Claims are out of time and so should not be allowed to proceed.
2. Whether, under Schedule 22 of the Equality Act, the age discrimination claims should not be allowed to proceed against the FRAs because the FRAs had no alternative but to comply with the legalisation introducing the transitional pension provisions which DCLG and the Welsh Ministers decided to enact.

The request for information and documentation relates to this second argument.

Please, therefore, can you answer the following questions and let us know if you have any of the categories of documents requested and, if so, please also provide copies of those documents. **Please provide your responses and documents by 15 April 2016, by sending them to us at FireQueries@local.gov.uk using an email subject heading to include your FRA '*Exampleshire FRA*'; Transitional Pension Arrangements'**

Information Requested

1. Was the issue of the impact of the 2015 transitional provisions discussed within the FRA when it became clear what those provisions would be? (*Please note that the focus here is on the transitional provisions – not the changes to the 2015 Scheme or the transfer of firefighters into the 2015 Scheme, as a whole*).

2. Did the FRA consider at that time that it had any alternative but to comply with the legislation introducing the 2015 transitional provisions?
3. Did the FRA give any thought to the possibility of the FRA making alternative pension provision for firefighters who were not covered by the protection under the transitional provisions to improve their position?
4. If not, is this because it would have been assumed to be outside the FRAs powers to do so?
5. Was any legal advice or Counsel's opinion taken on this possibility of alternative provision? Please just answer yes or no.
6. Was the possibility of alternative provision ever raised with the FRA by the FBU or individual firefighters?
7. Has any alternative pension provision been made in the past – e.g. prior to the 2006 scheme offering retained firefighters alternative pension provision because they could not join the 1992 Scheme?
8. If so, what was that provision – i.e. was it funded by the FRAs in some way or did it simply involve e.g. facilitating a good deal with an insurer to cover benefits but where the firefighters paid the premiums (so at no cost to the FRA)?
9. Was any legal advice or Counsel's opinion taken on that option at the time? Please just answer yes or no.

Documents Requested

1. Any consultation responses from the FRA to any of the consultation processes in respect of the pension's reform and 2015 Scheme.
2. Letters/written communications from the FRA/FRA chairs to DCLG, the Welsh Ministers, the Fire Minister, the LGA, the National Employers or the FBU in relation to the proposals for reform or the introduction of the 2015 Scheme.

NOTE: In your responses please say if the FRA does not have this category of document

Thank you for your assistance. If you have any queries, please contact FireQueries@local.gov.uk using an email subject heading of '**Exampleshire FRA; Transitional Pension Arrangements**'.

Regards

Local Government Association

Local Government House, Smith Square, London SW1P 3HZ

Responses sent on behalf of Nottinghamshire and City of Nottingham Fire and Rescue Authority:

FAO: LGA

'Nottinghamshire and City of Nottingham Combined Fire Authority; Transitional Pension Arrangements'.

Please see the following response to email dated 22 March 2016:

1. Was the issue of the impact of the 2015 transitional provisions discussed within the FRA when it became clear what those provisions would be? *(Please note that the focus here is on the transitional provisions – not the changes to the 2015 Scheme or the transfer of firefighters into the 2015 Scheme, as a whole).*

The impact of the 2015 transitional arrangements was not formally reported to the FRA.

2. Did the FRA consider at that time that it had any alternative but to comply with the legislation introducing the 2015 transitional provisions?

No the FRA was of the view that it was required to comply with the legislation introducing the 2015 transitional provisions.

3. Did the FRA give any thought to the possibility of the FRA making alternative pension provision for firefighters who were not covered by the protection under the transitional provisions to improve their position?

The FRA did not give any thought to the possibility of making alternate pension provision for firefighters not covered by the protection under the transitional provisions. See 2 above.

4. If not, is this because it would have been assumed to be outside the FRAs powers to do so?

The FRA were of the view that they were expected to comply with the requirements set out in the transitional arrangements.

5. Was any legal advice or Counsel's opinion taken on this possibility of alternative provision? Please just answer yes or no.

No.

6. Was the possibility of alternative provision ever raised with the FRA by the FBU or individual firefighters?

No this was not raised with the FRA or FBU.

7. Has any alternative pension provision been made in the past – e.g. prior to the 2006 scheme offering retained firefighters alternative pension provision because they could not join the 1992 Scheme?

No the FRA did not offer an alternate pension provision.

8. If so, what was that provision – i.e. was it funded by the FRAs in some way or did it simply involve e.g. facilitating a good deal with an insurer to cover benefits but where the firefighters paid the premiums (so at no cost to the FRA)?

N/A See 7 above.

9. Was any legal advice or Counsel's opinion taken on that option at the time? Please just answer yes or no.

No.

Please note the Service does not have any category of document as set out in points 1 and 2 of the documents requested

I trust this provides a full response to the questions raised but if you require any further information please do not hesitate to contact me.

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