

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Background Paper

FIRE AUTHORITY MEETING: 10 OCTOBER 2022

SUBJECT: BROADENING OF THE CFOs DELEGATED STAFFING AUTHORITY

JOINT REPORT OF THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE (THE CLERK TO THE AUTHORITY) THE FINANCE DIRECTOR AND THE PERSONNEL ADVISOR TO THE AUTHORITY

1 INTRODUCTION

- 1.1 This paper sets out the background to a proposal and options to further support and broaden the delegated staffing authority of the Chief Fire Officer (CFO) to include staff employed under the National Joint Council (NJC) for Local Authority fire and rescue services, scheme of conditions of service, often referred to as the Grey book and the selection and appointment of Brigade Managers at Assistant and Deputy Chief Fire Officer roles employed under the NJC Gold book arrangements. These two staff groups are all operational staff.
- 1.2 The paper sets out proposals at section 5 of the paper in relation to the above for consideration by the Tyne and Wear Fire and Rescue Service Authority.

2 BACKGROUND

- 2.1 Within TWFRS, operational staff work under Grey book conditions of service which is firefighting roles up to and including the role of Area Manager or Brigade Managers working under Gold Book conditions including the CFO, DCFO and ACFO.
- 2.2 To set this paper in context the relevant sections from the Tyne and Wear Fire and Rescue Authority Standing Orders have been identified below for ease of reference.
- 2.2.1 Tyne and Wear Fire and Rescue Authority Standing Orders Delegation Scheme, page 5, section 3 (1), the responsibilities of the Chief Fire Officer provides for the Chief Fire Officer,
"To be directly responsible to the Authority for the management of all executive, administration and operational aspects of the Tyne and Wear Fire and Rescue Service".
- 2.2.2 Further within the Standing Orders, Delegation Scheme at page 7, section 3 (8) provides for the Chief Fire Officer, *"In consultation with the Personnel Advisor, to approve temporary additions to the Grey book establishment for a period of up to 24 months in respect of posts up to and including the role of Area Manager B".*

- 2.2.3 At section 5 (1), Personnel Advisor to the Authority of Standing Orders, Delegation Scheme it states in relation to the Personnel Advisor that one of their roles is *“To present reports and make recommendations to the Human Resources Committee, in respect of all employees, relating to changes in establishment (SCP 57 and above), appeals and disputes, discretionary provisions of the National Conditions of Service, changes in local conditions of service and other staffing matters”*.
- 2.2.4 Within the Standing Orders at the Terms of Reference for Committees section, page 5, section 3, (paras 1-10) lists the terms of reference for the Human Resource Committee. Within this section it states at paragraph 1 that, *“Subject to those matters delegated to the Chief Fire Officer and Personnel Advisor to the Authority:-*
“1. To determine and approve the establishment and terms and conditions of all non-uniformed (Green Book) employees of the Authority graded above POL”.
- 2.2.5 At section 4, Appointments Committee, page 6 of the Standing Orders, Terms of Reference paragraph 1 and 2 it states,
“1. Where appropriate, to shortlist candidates for the posts of Chief Executive/Chief Fire Officer (Clerk to the Authority) and Assistant Chief Fire officers”. At paragraph 2 it adds, *“2. To interview candidates for and make appointments to the posts of Chief Executive/Chief Fire Officer (Clerk to the Authority) and Assistant Chief Fire officers”*. There is no reference to the post of DCFO.
- 2.3 The extracts from the Standing Orders highlight at paragraph 2.2.1 that the CFO is already recognised by the Fire Authority as having operational aspects within the current arrangements however, as highlighted in the other extracts, this is not fully reflected in some of the other sections and specifically in relation to the workforce establishment numbers, recruitment and selection of all roles below the role of CFO.
- 2.4 The CFO already has discretion in relation to all Green book (non-operational / Corporate staff) staff numbers and authority to vary this should it be necessary without recourse to the Fire Authority. However, in relation to the operational workforce (Grey book), the Standing Orders highlight that the CFO has delegated authority to make temporary changes to operational staffing headcount with all decisions relating to permanent changes being referred to the HR Committee and Fire Authority.
- 2.5 Of note is the current practice as set out in paragraph 2.4 above in that the CFO must seek approval of the Fire Authority to make permanent changes to any Grey book / operational roles, however, this is not explicitly set out within the Standing Orders.
- 2.6 In essence, the CFO has no decision making authority in relation to permanently increasing, decreasing or amending the overall number of staff working under Grey book / operational conditions as this is currently reverted to the Fire Authority, with the CFO only able to make temporary decisions on this via a time limited delegation process.

As staff working under Grey book conditions are directly engaged in operational activity, it is proposed that continuing support for the role of the CFO and broadening of the delegated staffing authority for the CFO would be enhanced by placing responsibility for all staffing decisions directly related to both Green and Grey book staff with the CFO on behalf of the Fire Authority.

- 2.7 The current position in practical terms means that the CFO cannot increase or decrease the number of Firefighters and other roles working under Grey Book conditions based on local risk and operational needs as this is reserved for the Fire Authority but the CFO does not have the same restriction in terms of staff in supporting / corporate roles under Green book conditions. There is no apparent business case or operational rationale for this difference.
- 2.8 Within the current arrangements, it is the Fire Authority that selects the Deputy and Assistant Chief Fire Officers in consultation with the CFO. The CFO is appointed by the Fire Authority to run the service, deliver for local communities and be held to account by the Fire Authority for performance, however, the CFO does not have a formal role in the selection panel other than as an advisor to the Appointments Committee.
Given that it is the CFO whom is held to account by the Fire Authority for performance, it is suggested that it may represent effective business sense and logic for the CFO to be a formal part of all selection panels and processes under the Appointments Committee, or other such process, in selection of the posts of Deputy and Assistant Chief Fire Officers.
- 2.9 What is evident, is that between the Fire Authority and the CFO the existing arrangements have been able to function and operate with the recent emergency powers given the CFO during covid in 2020 /21, whilst the Fire Authority was unable to meet due to restrictions, as an example of how things may operate if the CFO had broader discretions in relation to staffing.

3 DISCUSSION

- 3.1 It is believed that placing direct responsibility and authority for all Grey and Green book staffing with the CFO is a sound business decision that is pragmatic and a logical step in support of operational effectiveness and securing the vital role of the FA in holding the CFO to account and providing strategic direction.
Such a move would provide the CFO with the operational flexibility to deploy and make decisions on operational matters related to staffing whilst retaining the need to ensure that any staff changes were considered by the section 151 officer in terms of affordability and scrutinised via the Fire Authority governance structures.
- 3.2 Including the CFO as a formal part of the selection process and Appointments Committee, or other appropriate selection panel, for the posts of DCFO and ACFO, would provide them a direct say in relation to the appointment of the most senior colleagues employed to support the CFO in delivering the priorities set out by the Fire Authority for the communities of Tyne and Wear.

- 3.3 During 2020/21 and most of 2021/22 the Fire Authority conferred emergency powers to the CFO for all decision making to ensure that the Service could continue to function during the restrictions imposed as a result of the covid pandemic. The decisions taken by the CFO were brought to the Fire Authority meetings in subsequent months for scrutiny and no issues or adverse outcomes arose as a result of the application of the emergency powers. It enabled the principle of subsidiarity where decision making at the appropriate level and times to meet the needs of the service and communities was employed. It is proposed that this offers a level of confidence to the Fire Authority that any change to the responsibility for Grey book and Principal Officers staffing up to DCFO could confidently be placed with the CFO.
- 3.4 The Fire Authority for Tyne and Wear Fire and Rescue Service have a strong track record of working to support the CFO and ensuring that resources are aligned to local risks within communities. There are a number of discretions within the Standing Orders available to the CFO however, operational staffing and appointment of the most senior managers (DCFO and ACFO) that work directly to support the CFO are not within the current CFO's responsibility.

4 SUMMARY OF KEY PROPOSALS ON OPERATIONAL ESTABLISHMENT

- 4.1 Building on the strong track record of Fire Authority support for the CFO and officers of Tyne and Wear Fire and Rescue Service, a move to place all staffing decisions in relation to both Green and Grey book staff up to and including appointment of Area Managers strengthens the operational effectiveness of the CFO but retains the vital role of the Fire Authority of holding the CFO to account for performance and delivery of services to the communities of Tyne and Wear. Coupled with a formal role in the selection and appointment of the roles of DCFO and ACFO, this would provide a solid foundation for continued effectiveness of service.
- 4.2 Practically, what a change as described above would mean is that the CFO would carry the responsibility for all staffing decisions in pursuit of delivery of fire and rescue services. This would require continued engagement and input from the Director of Finance / section 151 officer in terms of affordability and sustainability as well as ongoing advice and support from the Executive Leadership Team.
- Any significant changes would continue to be subject to the Integrated Risk Management Planning (IRMP) and Community Risk Management Planning arrangements process to ensure that the public are consulted on any significant change proposals. This is a mandatory requirement within the current Fire and Rescue Service Framework for England 2018, and would not change should the FA accept and approve the changes proposed in this paper.
- 4.3 The CFO already has authority for staff working under Green book conditions which is limited to staff in non-operational roles associated with key supporting / corporate functions. Changing to add staff and decisions of those working under the Grey book and Gold book conditions of service, which is those engaged in Executive, operational firefighting and control room roles, represents a sound business decision in support of operational discretion.

- 4.4 Delineating the responsibility for all staffing (excluding appointment of the CFO) between the CFO and the Fire Authority provides an opportunity to ensure that the Fire Authority can fully focus its attention on holding the CFO to account for performance and delivery of services to the community, scrutinising and advising on strategic issues related to the IRMP / CRMP process.
- 4.5 In practical terms, what this would lead to is a situation where the CFO would have decision making authority to determine the staffing profile they required to address the risks presented across communities and delivery of services, which the Fire Authority would continue to advise, scrutinise and hold the CFO to account on in terms of performance. All of this would continue to require public consultation on any major changes as it does now.
- 4.6 Regardless of the outcome of the proposals and decisions taken in relation to this paper, there is a need to review the Standing Orders of the Fire Authority as they are in need of a full review to address a range of matters including removal of outdated terms and references, include the role of the DCFO and other amendments to reflect any changes agreed by the FA.

5. PROPOSED OPTIONS

- 5.1 From the detail and background on this matter the following options in relation to operational establishment around all staffing matters has been identified for consideration by the Fire and Rescue Authority.
- a) Place staffing decisions in relation to all operational staffing (Grey book) up to and including the role of Area Manager with the CFO as per the current Green book staff.
The CFO be included and added as a formal role as part of the selection and appointment panel and / or Appointments Committee process for the posts of DCFO and ACFO or
 - b) Do nothing and remain within the current arrangements.
- 5.1.1 Recommended preferred option:
Given the background and detail provided in the paper and taking account of the context within which all of this is set, as well as the strong track record of support from the FA for the CFO and officers and staff of TWFRS, it is recommended that Option 'a' is the preferred option.

6 RISK MANAGEMENT

- 6.1 A risk assessment has been undertaken to ensure that the risk to the Authority has been minimised as far as practicable. The assessment has considered an appropriate balance between risk and control, the realisation of efficiencies, the most appropriate use of limited resources and a comprehensive evaluation of the benefits. The risk to the authority has been assessed as low utilising the standard risk matrix based on control measures being in place should the recommended option be chosen. The Fire Authority would continue to have

responsibility for the appointment of a CFO and have the ability to scrutinise, advise and hold the CFO to account for performance once any change is enacted.

7 FINANCIAL IMPLICATIONS

7.1 There are no financial implications in respect of this report.

8 EQUALITY AND FAIRNESS IMPLICATIONS

8.1 There are no equality and fairness implications in respect of this report.

9 HEALTH AND SAFETY IMPLICATIONS

9.1 There are no health and safety implications in respect of this report.

10 RECOMMENDATIONS

10.1 The Authority is recommended to:

- a) Place staffing decisions in relation to all operational staffing (Grey book) up to and including the role of Area Manager with the CFO as per the current Green book staff delegation.
- b) Agree that the CFO have a formal role as part of the selection and appointments panel and / or Appointments Committee process for the posts of DCFO and ACFO.
- c) Note that the DCFO will work with the Legal advisor to the Authority on the arrangements referred to in b) above in relation to the role of the CFO in the selection process, in order to ensure compliance with governance requirements and that if any amendments are required to the Authority's Standing Orders or other governance documents in order to implement the arrangements, these will be referred for approval to the Authority or relevant Committee as appropriate.
- d) Should the Authority not agree recommendations a, b and c, to advise on next steps or give alternative direction.
- e) Agree a review of the Standing Orders to take account of any amendments required to bring them up to date as well as incorporating any changes resulting from any decisions taken today and for any amendments to be brought back to a future Authority meeting for approval.
- f) Receive further reports as appropriate.

BACKGROUND PAPERS

None

