

Status of Report:

Public

Agenda Item: 11

Meeting: Combined Fire Authority

Date: 22 June 2016

Subject: Urgent Action Procedure and Appointment of Chief Fire and Rescue Officer

Report by: The Chief Fire and Rescue Officer

Author: Lauren Haslam (Monitoring Officer)

For: Information/Decision

1. Purpose

The purpose of this report is to

- (a) advise the Combined Fire Authority of a member-reserved decision made under the Urgent Action Procedure to enter into a settlement agreement with the Chief Fire and Rescue Officer and to appoint an Acting Chief Fire and Rescue Officer in an interim capacity; and
- (b) advise of the options for the appointment of the Chief Fire and Rescue Officer.

2. Recommendations

The CFA is requested to appoint 5 members to serve on the Employment Committee (Appointment of CFO) with delegated powers to consider and agree the following:-

- a) The engagement of external consultants to assist it with the recruitment and interview process;
- b) A revised job description and person specification for the post;
- c) The interview process including the type of tests and assessments to be undertaken; and to make recommendations to the CFA regarding the appointment of a new Chief Fire Officer.

3. Report detail

Urgent Action Procedure- Appointment of Interim Chief Fire and Rescue Officer

The Chief Fire and Rescue Officer, or in his absence the Deputy Chief Fire & Rescue Officer, are authorised to take any action between meetings which is considered to be urgent in consultation with the Chair and Vice Chair (or their nominated representatives) subject to the details of such action being reported for information to the next meeting of the CFA. The Urgent Action Procedure has been used to agree to the termination of the appointment of the Chief Fire and Rescue Officer and to the appointment of the current Deputy Chief Fire & Rescue Officer as Acting Chief Fire and Rescue Officer (Interim) with effect from 31 May 2016.

A settlement agreement was entered into following a request made by the Chief Fire Officer's Union representative to discuss his member's future within the Service.

The Constitution provides for the CFO, or in his absence the Deputy CFO, to take any action between meetings which he considers to be urgent in consultation with the Chair and Vice Chair. In light of the fact that the both the decision to enter into a settlement agreement and the appointment of the current Deputy as Acting Chief Fire and Rescue Officer (Interim) relates to that officer personally, this would not have been appropriate and instead the decision was taken by the Monitoring Officer in consultation with the Chair and Vice Chair.

The agreement provides for confidentiality in relation to the reasons and circumstances leading to the termination of employment and provides for an agreed statement about this as follows:

"By mutual agreement, Richard Chandler is leaving the service of Leicestershire Fire and Rescue Service on 31 May 2016. The Authority takes this opportunity, firstly, to thank him for his service as Chief Fire and Rescue Officer and before that as Deputy and, secondly, to wish him every success in the future".

It is disappointing that, notwithstanding the contractual obligations in the agreement, the information has been leaked to the media. The CFO's solicitors have been reminded of the obligations contained within the agreement and the enforcement mechanisms available to the CFA in the event of breach.

4. **Appointment of Chief Fire Officer**

The appointment of the CFO is vested in the CFA on the recommendations of the Employment Committee. Given the significant challenges facing the service it is considered necessary to make an appointment to the post to provide the necessary leadership to the service. The role of the CFO does however require re-consideration given the changing strategic and operating environment and in the light of the reviews already underway at the request of the CFA.

When the post of CFO was previously appointed to the following traditional approach was adopted. Candidates were required to:-

Submit a written report;

Make a presentation;

Undertake psychometric tests;

Meet with members given the importance of effective member/officer relationships and the relationship building role of the CFO;

Meet with senior officers within the service

Undergo an interview undertaken by an Employment Panel.

Before proceeding with an advertising and interview process, it is recommended that consideration should be given to the nature of the post in this changing environment. For example, the CFA previously determined to designate the Chief Fire and Rescue

Officer as non-statutory Head of Paid Service (chief executive) when there was/is no requirement to do so. To remove the designation would mean a focus on the operational requirements of the chief officer post and leave ‘the co-ordination of the discharge of the CFA’s functions’ (the current CFA constitution’s requirement) to the other statutory officers. Specialist HR advice can be obtained from the Local Government Association on this matter together with any issues arising out of the compliance review undertaken by Internal Audit of the Gold book senior officer group terms and conditions which was requested by the Chairman and commissioned by the Treasurer. A further issue for consideration is to understand the position of the new Police and Crime Commissioner, who under the provisions of the Policing and Crime Bill could, if he wishes, seek to take on responsibility for the fire and rescue service where this would be in interests of economy, efficiency and effectiveness or public safety and a local case were to be made.

If the CFA wishes to proceed as outlined above, it is recommended to appoint 5 members to serve on the Employment Committee (Appointment of CFO) with delegated powers to consider and agree the following:-

- i) The engagement of external consultants to assist it with the recruitment and interview process;
- ii) A revised job description and person specification for the post (Note – any decision to significantly increase or reduce the current remuneration package will require the approval of the CFA or be dealt with using urgency powers set out in the Constitution);
- iii) The interview process including the type of tests and assessments to be undertaken.

The interview will be undertaken by the Committee, assisted as necessary by the external consultant and any other person or persons it has decided to engage. The recommendation of the Committee will be made to the CFA for approval.

5. The following indicative timetable is proposed.

ACTION	DATE
Appointment of External Consultants and other persons to assist the Committee.	September
Review of current role and responsibilities of the CFO and agreement to new job description, person specification, job advert and interview process taking into account the provisional findings of the management review commissioned by the CFA (see report elsewhere on the agenda on service reviews).	October/November
Advertisement of vacancy (3 weeks).	w/c 28 th November
Closing Date.	w/c 19 th December
Technical Interviews – to include on-line testing – to be undertaken by a technical assessor appointed by the external consultants.	w/c 9 th or 16 th January 2017
Employment Committee – Shortlisting meeting advised by feedback from external consultants technical interviews and by any other persons as previously determined by the Committee. Agree presentation topic/format and questions for final	w/c 30 th January or 6 th February

interviews. This could include asking candidates to comment on the outcome of the management review.	
Circulation of agenda for final interviews to include candidate packs – Final Interviews on.	w/c 20 th February or 27 th February
Meeting of CFA – to consider the recommendations of the Employment Committee	March 2017

6. **Legal and Financial Implications**

The costs of the recruitment process will be met from existing budgets. The remuneration package for the CFO will, if different, be agreed by the CFA and will be reflected in the statutory pay policy statement for 2016/17.

7. **Risk**

It is identified that at a time when the service is facing significant challenges it is important that there is a strong leadership and management of the Authority both in the interim and in the longer term. The recommendations in this report will +achieve this.

8. **Staff/Environment/other**

None.

9. **Background Papers**

Report to the CFA Policy Committee – 27th August 2014

10. **Appendices**

None