

Status of Report: Public

Meeting: Combined Fire Authority

Date: 22 September 2021

Subject: Urgent Action taken by the Monitoring Officer – Recruitment of Assistant Chief Fire and Rescue Officer

Report by: The Monitoring Officer and the Chief Fire and Rescue Officer

Author: Callum Faint, The Chief Fire and Rescue Officer

For: Decision

Purpose

1. The purpose of this report is to
 - a. advise the Combined Fire Authority (CFA) of urgent action taken by the Monitoring Officer, following consultation with the Chair and Vice Chair, to amend the entry criteria for the current recruitment process for the Assistant Chief Fire and Rescue Officer vacancies and;
 - b. seek approval for a permanent change to the selection criteria with regard to recruitment to Chief Fire and Rescue Officer (CFO) and Assistant Chief Fire and Rescue Officer (ACFO) positions, to remove the requirement for successful applicants to reside within the Leicester, Leicestershire and Rutland (LLR) area. This is currently a requirement for delivery of the Continuous Duty System but it is suggested that it is no longer necessary and its removal would enable an increase in applicants and a more diverse applicant pool for future recruitment campaigns. The requirement to reside in LLR to fulfil the Strategic Rota remains unchanged. (More detail about the Continuous Duty System and Strategic Rota is given in the Background section of this report).

Recommendation

2. It is recommended that the Combined Fire Authority:
 - a. Notes the urgent action taken by the Monitoring Officer to amend the entry criteria (home location) for the current recruitment to the Assistant Chief Fire and Rescue Officer (ACFO) positions only and;

- b. Agrees that the selection criteria relating to CFO and ACFO posts be amended with regard to the Continuous Duty System, to remove the requirement for successful applicants to reside within the Leicester, Leicestershire and Rutland area and require them instead to reside within a 60 minute journey of Leicestershire Police Headquarters.

Executive Summary

3. It is currently an essential requirement of CFO/ACFO roles that post holders reside permanently within the Leicester, Leicestershire and Rutland (LLR) area, or agree to move into the area on appointment to the role, in order to meet the requirements of the Continuous Duty System.
4. During the recent recruitment campaign for the ACFO position, an application was received from an individual who explained that they would be able to meet the requirements of the Continuous Duty System as their home location, although not within the LLR area, enabled them to be at Police Service headquarters buildings within thirty minutes.
5. The Employment Panel agreed that this timeframe met the requirements of the Continuous Duty System and asked that the CFA's Urgent Action Procedure be followed to suspend the requirement for successful applicants to reside within LLR for the current recruitment process. This was agreed by the Chairman and Vice Chairman of the CFA. The Panel considered that a permanent change would be a positive move and asked that this issue be considered by the CFA at its next meeting.
6. The Panel proposes that applicants for the CFO/ACFO post are in future required to live within 60 minutes travel time (defined later in this paper) of Police Headquarters (the likely venue for an SCG meeting). The change proposed applies to the Continuous Duty System only and not the Service's Strategic Rota – for which candidates appointed will still need to reside within the LLR area for the one week in five when they are on immediate operational response.

Background

Current Arrangements

1. Under the CFA's Constitution, the Authority is responsible, following the recommendation of the Employment Panel, for appointing to both the CFO and ACFO roles. These are the three most senior roles within the Service and carry large leadership, managerial and financial responsibilities, and also significant operational responsibility at a strategic level.
2. It is because of these responsibilities and skills that the officers appointed to the CFO and ACFO posts are named in the Constitution (Part 7 - Management Structure), to successfully fulfil and ensure that the delegated authority of the CFA is met and the statutory functions of the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004 are met on a 24/7 basis.

Urgent Action

3. Following the recruitment of the CFO on a permanent basis, it was imperative that the ACFO positions, for which there were two vacancies, be filled as soon as possible in order to minimise disruption to the Service and bring stability to the Senior Management Team so that the many challenges ahead could be addressed. The Employment Panel held on 29 July 2021 shortlisted candidates for progression to the Assessment Centre, held on 11 and 12 August, as part of the recruitment process, and so this decision could not wait until the next meeting of the CFA in September.
4. The matter of the appointment of the ACFO is vested in the CFA (on the recommendation of the Employment Panel). The CFA's Constitution permits urgent action to be taken between meetings subject to this being reported to the next meeting of the CFA, as follows:

'35.1 The Chief Fire and Rescue Officer, or in his absence the Assistant Chief Fire and Rescue Officer be authorised to take any action between meetings which he considers 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.'

35.2 Where any urgent actions proposed in 35.1 affects the Chief Fire and Rescue Officer or any of his Deputies, the Treasurer and/or Monitoring Officer (the Statutory Officers) shall initiate consultation with the Chair and Vice Chair and take such action as may be required.'

5. For the recent ACFO recruitment campaign, an individual who did not currently reside in LLR applied for the vacancies and raised the fact that, although they did not reside in the Service area, they would be able to meet the needs of the Continuous Duty System as their home location enabled them to be at Police Service headquarters (the pre-determined and likely location for SCGs) within thirty minutes.
6. The Employment Panel agreed that this timeframe met the requirements of the Continuous Duty System and asked that the CFA's Urgent Action Procedure be followed to consult with the Chairman and Vice Chairman of the CFA in order to suspend the requirement for successful applicants to reside in LLR for the current recruitment process only. This was agreed.
7. The Employment Panel considered that a permanent change would be a positive move and might increase the number and diversity of applicants for future recruitment campaigns and asked that this issue be considered by the CFA at its next meeting.

Current Requirements on the CFO/ACFO Roles

The Continuous Duty System

8. The Continuous Duty System is in place to ensure that at any point in time the CFA is able to meet its obligations under the constitution, the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004. It places a contractual requirement for the CFO and/or the ACFOs to be continuously available to the Authority (even when on annual leave) to manage significant operational incidents or attend the multi-agency Strategic Coordination Group (SCG) acting as the "Fire Gold" officer with the necessary delegated authority to resolve incidents. It also ensures that these requirements are not only met but are also sustainable over days or weeks.
9. To meet the Continuous Duty System requirement an essential criterion has previously been set for the roles, specifying the need to permanently reside within LLR or the requirement to move upon appointment to the role.

The Service's Strategic Rota

10. To meet operational needs the Service has a number of officers on duty on a 24/7 basis. This meets the command-and-control requirements for managing a range of incidents in line with National Operational Guidance and ensuring Health and Safety measures are met. At the pinnacle of these arrangements is the Services Strategic Rota. It makes provision and ensures that a suitable level of commander is on duty at any point in time.
11. Additionally, the ACFOs operate on the Service's Strategic Rota, meaning for one week in five they are on immediate operational response and may be deployed to incidents as an incident commander. It is not proposed to alter the requirement to provide a base within the Service area when conducting this aspect of the duties of the ACFO role. This report relates to the Continuous Duty System only and not the Service's Strategic Rota.

Strategic Coordination Group (SCG)

12. As set out in the Civil Contingencies Act 2004, upon a major incident being declared or in the event of other serious incidents, the Local Resilience Forum expects a Strategy and Coordination Group (SCG) be commenced within two hours.
13. The purpose of the SCG is to take overall responsibility for the multi-agency management of the Incident and to establish the policy and strategic framework within which lower tier command and co-ordinating groups will work. Therefore, it is essential that the attending commander has the correct level of authority to make and deliver effective decisions.
14. The two-hour stand-up time is common across the country to establish a SCG and is regarded as best practice. This ensures that relevant emergency services, local authorities and/or partner agencies can deploy a suitable level

manager/commander to the SCG. Hence the need for any appointee to be able to meet this need.

Proposals - Future Arrangements for Recruitment

15. The common industry standard for emergency services appointees at this senior level is not geographically restricted but time linked. This means that those on a Continuous Duty System must be able to attend the likely venue for an SCG meeting within either 60 or 90 minutes at normal road speed.
16. It is proposed that future applicants for the CFO/ACFO post are required to live within 60 minutes of Police Headquarters (at Enderby). The change proposed applies to the Continuous Duty System only and not the Service's Strategic Rota – for which candidates appointed will still need to reside within the LLR area for the one week in five when they are on immediate operational response.
17. The Appendix shows two areas, the black outline shows the current geographical (LLR) boundary and the blue areas show the areas that have been assessed as being within a 60-minute journey of the Leicestershire Police HQ (travel time based at normal road speed). This clearly shows the additional areas that candidates could potentially be drawn from.
18. The 60-minute travel time has been calculated using a Fire Service modelling tool. It has been calculated that an individual will be able to achieve the relevant speed limit for all the roads travelled. This is a reasonable approach to take as it offsets any gains achieved from blue lights against the predictability of encountering traffic, traffic lights and roundabouts etc.
19. The Appendix does not indicate those areas that reach Police HQ within two hours (the SCG stand up time) as there will be a foreseeable requirement on the officer to gather background, information and situational awareness prior to any SCG meeting.
20. This proposal would greatly increase the area that suitable candidates can reside in and therefore increase the potential applicant numbers and diversity for any future recruitment at this level but still meet the requirements of the Continuous Duty System.

Report Implications/Impact

21. Legal (including crime and disorder)

It is essential that in any change the ability for the CFA to meet its statutory responsibilities is mandatory as set out in the Fire and Rescue Services Act 2004, the Civil Contingencies Act 2004 and also National Operational Guidance regarding levels of incident command. This proposal continues to meet these requirements.

22. Financial (including value for money, benefits and efficiencies)

There are no negative financial impacts from this report. There may be a small saving for the Authority if the change to the recruitment criteria is agreed as it might avoid the need for relocation packages for appointed candidates.

23. Risk (including corporate and operational, health and safety and any impact on the continuity of service delivery)

There are no additional risks associated with this report.

24. Staff, Service Users and Stakeholders (including the Equality Impact Assessment)

The proposals within this report will likely offer staff more flexibility and may make potential applications to future vacancies more attractive to interested parties. There is also the potential for an increase in the diversity of applicants, which has been a concern of the CFA previously.

25. Environmental

There are no environmental risks associated with this report.

26. Impact upon "Our Plan" Objectives

Aim 4 – We want an engaged and productive Workforce - by being as flexible as possible in where candidates can live, without compromising the operational response of the Service.

Appendix

Map of current Geographical boundary and areas that can be reached within 60 minutes travel time.

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