

Status of Report: Public

Meeting: Corporate Governance Committee

Date: 14 July 2021

Subject: Governance update

Report by: The Monitoring Officer

Author: Lauren Haslam, Monitoring Officer

For: Information Only

Purpose

1. The purpose of this report is to update and provide assurance to the Corporate Governance Committee (CGC) on governance and ethical issues.

Recommendation

2. It is recommended that the Committee notes the update provided on governance and ethical issues.

Executive Summary

3. The report updates the Committee on the operation of core governance policies and how these are monitored on behalf of the CFA.

Background

The Role of the Monitoring Officer

4. The Constitution of the CFA vests certain functions in the Monitoring Officer including maintaining the Constitution, ensuring lawfulness of decision making and maintaining various registers in relation to members' and officers' interests, gifts and hospitality, whistleblowing and politically restricted posts. The purpose of this is to promote high standards and public confidence in the CFA's governance and ethical arrangements.
5. There have been no occasions where the Monitoring Officer has had reason to believe that there was a likelihood that the CFA was about to take a decision that would be unlawful or give rise to maladministration. Consequently, no reports have been issued to the CFA under Sections 5(2) of the Local Government and Housing Act 1989.

The Register of Members interests

6. The Localism Act 2011 requires members to register their Disclosable Pecuniary Interests and the Constitution of the CFA requires the registration of

defined personal interests within 28 days of appointment to office as a member. The Register is maintained by the Democratic Services Officer supporting the CFA. The declaration signed by members contains an acknowledgement that failure to disclose a personal interest constitutes a criminal offence under the relevant legislation and that the failure to provide accurate information regarding a disclosable pecuniary interest and a personal interest constitutes a breach of the Members Code of Conduct. There is also an acknowledgement of the obligation to keep the declaration up to date in light of any change in a member's circumstances during the period in office.

7. The Register of members' interests (attached at Appendix A) has been completed by all members of the CFA, as required.

The Register of Officer's interests

8. The CFA Constitution recognises that an officer must not allow their private interests to conflict with their public duty and the CFA has adopted a Service Policy (Code of Conduct for Directors, managers and employees) on the registration and declaration of officers' interest which sets out the arrangements for this. The policy is being refreshed to update it in line with the Code of ethics referred to at para 15 below following consideration by the Senior Management Team (SMT) and the staff consultation forum. The register of interests is reviewed at regular intervals by the Area Manager, Service Assurance and the Monitoring Officer. In addition, the register is periodically subject to review by officers from the Internal Audit and Assurance Service. Officers are alerted to the requirements in the register as part of the induction process and periodic regular reminders. The CFA takes part in the biennial National Fraud Initiative (NFI) which matches electronic data within and between public and private sector bodies to prevent and detect fraud. These bodies include police authorities, local probation boards, fire and rescue authorities as well as local councils and several private sector bodies. If any matches are identified these can be cross checked back to the register to confirm they have been declared and are addressed on a case-by-case basis with the officer concerned. For the period 2020-2021 further checks are underway to ensure that personal interest are declared in all appropriate circumstances.

The Register of Gifts and Hospitality

9. As above, the CFA Constitution requires that officers comply with the CFA's policy on the acceptance of gifts and hospitality. The CFA's policy has been updated and approved by SMT and the staff consultation forum. The Policy sets out the principles on when a gift/hospitality may be accepted and arrangements for this. In accordance with the policy the register is reviewed at regular intervals by the Area Manager, Service Assurance and the Monitoring Officer. Where issues are identified these are addressed on a case-by-case basis with the officer concerned. To date, over the period 2020-21 no issues of concern have been identified. As set out above, steps are taken to remind officers of the obligations in relation to this issue at regular intervals and since this approval, an article has been produced for Service Matters (staff communication) and computer screen savers are being used to remind staff of

their responsibilities. This method is being adopted rather than utilising the traditional method of posters on noticeboards as it is believed to be a more certain way of ensuring the message is received.

Whistleblowing

10. The service operates a whistleblowing Policy and continues to promote access to Protect (formerly Public Concern at Work) which is an independent whistleblowing charity providing free, confidential advice to workers on whether or how to raise a public interest concern. The policy has been reviewed and approved by SMT, in May 2021 and the Staff Consultation Forum in June 2021. Since this approval, an article has been produced for Service Matters and computer screen savers have been used to remind staff of their responsibilities.
11. Over the period 2020-21 there have been no whistleblowing referrals received.

Politically Restricted Posts

12. A small number of posts are subject to political restriction by operation of law under the Local Government and Housing Act 1989 which disqualifies the post holder from undertaking certain political activities. For those officers affected, their contracts of employment incorporate the restriction and a list of politically restricted posts (attached at Appendix B) is maintained by the Monitoring Officer and reviewed regularly. The policy on politically restricted posts has been refreshed but there are no significant changes recognising that there has been no change in legislation or guidance.

Standards Issues and Complaints

13. The Constitution confers responsibility on this Committee for the promotion and maintenance of high standards of conduct by members of the CFA. That obligation is achieved through the maintenance of a Member Code of Conduct. There have been no complaints in relation to members under the Code during the period 2020-21. The LGA has issued a new model code of conduct and will shortly issue the guidance to accompany the code. The Monitoring officer will consider the code and guidance and present any suggested revisions to the current code to this committee for consideration. If there are any changes in the Code, member training will be arranged.
14. In 2020/21 there have been no complaints made to the Local Government and Social Care Ombudsman.

Core Code of Ethics

15. In May 2021, in response to Sir Thomas Winsor's recommendation in the State of Fire report 2019, a new Core Code of Ethics for fire and rescue services was launched by the Local Government Association, the National Fire Chiefs Council and the Association of Police and Crime Commissioners. Developed in consultation with the sector, the Core Code is designed to help FRS employees act in the best way towards each other and while serving the

public. The Core Code sets out five ethical principles, based on the Seven Principles of Public Life, which provide a basis for promoting good behaviour and challenging inappropriate behaviour. The ethical principles are:

- i. *Putting our communities first – we put the interest of the public, the community and service users first;*
- ii. *Integrity – we act with integrity including being open, honest and consistent in everything we do;*
- iii. *Dignity and respect – making decisions objectively based on evidence, without discrimination or bias;*
- iv. *Leadership – we are all positive role models, always demonstrating flexibility and resilient leadership. We are all accountable for everything we do and challenge all behaviour that falls short of the highest standards;*
- v. *Equality, diversity and inclusion (EDI) – We continually recognise and promote the value of EDI both within the FRSs and the wider communities in which we serve. We stand against all forms of discrimination, create equal opportunities, promote equality foster good relations and celebrate difference.*

16. The Code is supported by guidance and examples of how the ethics can be demonstrated. The Fire Standards is an organisation that is producing standards for the Fire Sector nationally. These standards will then be inspected by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) when they carry out their inspection of LFRS in spring/summer 2022. The Code of Ethics Policy is being introduced into seminars such as the Tactical Managers Forum and the Middle Managers Forum, which will start to introduce the approach to the Service as a whole. LFRS were one of the first Services in the country (if not the first) to adopt the Code of Ethics as a Policy. Work is ongoing to identify and highlight if there are any areas where compliance cannot be demonstrated and where further development is required.

Report Implications/Impact

17. Legal (including crime and disorder)

The governance requirements above are underpinned by legislation in the Localism Act 2011 and Local Government and Housing Act 1989 or are a constitutional requirement.

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

The controls and measures referred to in this report help the CFA to manage its financial obligations and reduce the risk of fraud.

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

The controls and measures referred to in this report help the CFA to manage its risk in the areas identified.

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

The obligations affect all staff and members. There are no equality implications.

21. Environmental

There are no environmental implications arising from this report.

22. Impact upon "Our Plan" Objectives

The CFA is responsible for delivering an effective fire and rescue service to Leicester, Leicestershire and Rutland and to provide clear leadership for residents and communities. The governance and ethical measures in place provide assurance that the Service operates with transparency and accountability.

Background Papers

Core Code of Ethics for Fire and Rescue Services –

<https://www.local.gov.uk/sites/default/files/documents/Core%20Code%20of%20Ethics%20Fire%20and%20Rescue%20Services%20England.pdf>

Appendices

Appendix A - Register of Members' Interests

Appendix B - Register of politically restricted posts

Officers to Contact

Callum Faint

Chief Fire and Rescue Officer

Callum.Faint@leics-fire.gov.uk

0116 210 5770

Lauren Haslam

Monitoring Officer

Lauren.haslam@leics.gov.uk

0116 305 6240