

CHESHIRE FIRE AUTHORITY

MEETING OF: CHESHIRE FIRE AUTHORITY
DATE: 26TH JUNE 2024
REPORT OF: CHIEF FIRE OFFICE AND CHIEF EXECUTIVE
AUTHOR: ALEX WALLER

SUBJECT: CREATION OF NEW HEAD OF DEPARTMENT POST

Purpose of Report

1. To enable Members to consider whether to approve the creation of a new full-time head of department post.

Recommended: That Members

[1] approve the creation of the post, Head of Legal and Governance.

Background

2. The Service has, jointly with Cheshire Constabulary, carried out reviews concerned with the efficiency and effectiveness of the majority of the jointly delivered support services, which formed part of the Blue Light Collaboration (BLC). A review of the Joint Legal Services function was completed last year (the BLC Review).
3. The BLC Review included a summary of the Service's views about the Joint Legal Services function. It felt that the function: generally operated well; provided a broad range of legal expertise; had the capability to cover complex legal work; could respond to peaks of work effectively; delivered a cost-effective service; and had a good level of resilience. The Service acknowledged that before BLC its in-house arrangements could not claim to have all of these attributes.
4. Understandably, following the BLC Review the Joint Legal Services function was retained and it continues to operate well. However, the BLC Review included a couple of recommendations: firstly, that there should be an increase in the level of integration of the legal management team members into the Service's Leadership Team; and secondly, that there should be further consideration of the effectiveness of the Monitoring Officer arrangements.
5. The Service has, for some time, completed Service Improvement Reviews of specific internal teams, or departments. In recent months a review of the work carried out in the Governance Department, which includes democratic services and Member support, has been commenced. This has, ultimately, led to further consideration of the recommendations from the BLC Review mentioned above and the broader support provided by the Director of Governance (Monitoring Officer).

Information

6. The Head of Legal Services fulfils that role for the Service and Constabulary, leading the Joint Legal Services function. His responsibilities have expanded recently, e.g. his department contains a section which deals with commercial matters such as procurement. The Head has two Deputies, one of which liaises with the Director of Governance about the legal service provision.
7. The Service obviously contributes to the cost of the Joint Legal Services function. The sum it pays equates to around 10% of the cost of the Head of Legal Services post and the cost of one FTE lawyer. However, the Service receives legal advice and support from a number of lawyers, who devote relatively small percentages of their time to the Service's work.
8. The Director of Governance acts as the Monitoring Officer and is employed by the Fire Authority. He is contracted for 50% of full time, intended to be delivered over two, longer than normal, working days each week. He has a key role on the Service Leadership Team and also acts as the legal adviser to North West Fire Control.
9. Notwithstanding the best efforts of the Head of Legal Services and his team there has been limited progress in addressing the areas of improvement from the BLC Review that are mentioned in paragraph 4, above. This has not been helped by the lack of capacity of the Director of Governance.
10. The Service needs to be realistic about its expectations. It pays for the equivalent of 1.1 FTE's worth of legal support and the Head of Legal Services has a sizeable job to deliver for the Constabulary. Therefore, full involvement and integration into the work of the Service is, almost certainly, unachievable; it can never be expected to be at the same level afforded to the Constabulary. However, the day-to-day legal service continues to operate well, still providing the benefits that were highlighted during the BLC Review, e.g. specialist advice, resilience.
11. The Director of Governance continues to provide legal advice and support to NW Fire Control and this has recently significantly impacted upon his time. He has been unable to attend various management meetings, has had little time at Headquarters and limited engagement with members of the team. It does seem that the 0.5 FTE post may not offer sufficient capacity to adequately fulfil the key components of the role, certainly not in the contracted hours that are available.
12. I have, therefore, concluded that the optimum solution for the Service/Authority would be to create a full-time Head of Legal and Governance post working exclusively for the Service/Authority. Bearing in mind some minor changes identified in the Service Improvement Review this should be achievable on a cost-neutral basis. The Joint Legal Service would continue to provide legal advice and support to the Service; funding would be maintained.
13. A job description and person specification has been prepared for the new post and the job description is attached to this report as Appendix 1. This would be a full-time role, replacing the current part-time Director of Governance post.

Financial Implications

14. The Service Improvement Review of the Governance Department has identified some changes that are expected to free-up some funding. Overall, the creation of the new full-time Head of Legal and Governance post (at a lower grade than the Director of Governance post) should be capable of being funded from within the existing budget.
15. The new post has been evaluated at grade SM8, which has a commencement salary of just below £78,500 (before any pay award for 2024). With the addition of on-costs the new post is likely to cost in excess of £100k per annum, hence the requirement to seek Member approval for the creation of the post.

Legal Implications

16. The Fire Authority's Constitution contains the following Fire Authority responsibility: 'Approves the creation of any new post with a salary package in excess of £100,000 such decisions involving a vote at a meeting of the Fire Authority.' Accordingly, a vote will be required if this post is to be approved.

Equality and Diversity Implications

17. There are no equality and diversity implications arising from this report.

Environmental Implications

18. There are no environmental implications arising from this report.

CONTACT: DONNA LINTON, CLEMONDS HEY, WINSFORD

TEL [01606] 868804

BACKGROUND PAPERS: NONE



Cheshire
Fire & Rescue Service

JOB DESCRIPTION

Job Title:	Head of Legal & Governance (Monitoring Officer)
Department:	Legal & Governance
Location:	Service HQ, Sadler Road, Winsford
Post Number:	tbc
Grade/Role:	tbc
Special Allowances:	n/a
Responsible to:	Chief Fire Officer & Chief Executive

JOB PURPOSE

To act as Monitoring Officer, ensuring that expert legal advice is provided to the Service and the Fire Authority. To be an active member of the Service Leadership Team and to work closely with the Chief Fire Officer and Chief Executive and Head of Finance (Section 151 Officer).

To ensure that suitable governance arrangements are in place and maintained. To support the work of the Fire Authority, leading on the decision-making arrangements.

To manage/oversee the Executive/corporate support, Democratic Services and Information Compliance functions.

PRINCIPAL RESPONSIBILITIES

- 1 To act as the principal legal adviser to the Service and Fire Authority, ensuring that both receive the advice and support that they require for effective decision making.
- 2 To work collaboratively with the Joint Legal Service (provided to Cheshire Constabulary and the Service) to ensure that the day-to-day provision of legal support meets the requirements of the Service and Fire Authority.
- 3 To fulfil the statutory role of Monitoring Officer, ensuring that the Service and Fire Authority fulfil their statutory obligations and act lawfully.
- 4 To advise on and execute all legal documents on behalf of the Service and Fire Authority.
- 5 To, when required, act as the lead legal adviser to North West Fire Control.
- 6 To take a lead role in promoting and maintaining high standards across the Service and Fire Authority; dealing with Member conduct (training, declarations, complaints etc.)

- 7 To work closely with the Chief Fire Officer & Chief Executive and the Head of Finance (Section 151 Officer) to ensure that appropriate governance arrangements are maintained.
- 8 To be an active member of the Service Leadership Team, contributing to the strategic direction of the Service and Fire Authority and supporting the delivery of corporate objectives.
- 9 To maintain and support effective decision-making arrangements for the Service and Fire Authority, ensuring that the Fire Authority and its committees, panels etc. comply with legal requirements, the Authority's Constitution, and take into account applicable guidance and best practice.
- 10 To support Members of the Fire Authority, ensuring that they receive the information and advice that they need in order to function effectively; as well as promoting and maintaining positive and constructive working relationships between officers and Members (reinforcing the requirements of the Member/officer Protocol).
- 11 To manage/oversee the functions that fall within the remit of the postholder, ensuring the effective leadership, management and development of staff, so that high quality services can be delivered in a timely and efficient way.
- 12 To manage and monitor the budget/s that fall with the remit of the postholder.
- 13 To manage/oversee key corporate processes that fall within the remit of the postholder, e.g. complaints, freedom of information requests.
- 14 To act as a deputy Senior Information Risk Owner.
- 15 To represent the Service at meetings, events, awards ceremonies etc. at a regional and national level, as required.

Core Responsibilities for Cheshire Fire & Rescue Service Personnel

Personal Performance

To take responsibility for personal performance (including personal fitness) and the development of personal skills to ensure the required skills, knowledge and competence to fulfil the role.

Personal Accountability

To manage the areas of responsibility attached to the post or commensurate with the role in accordance with the Authority's Scheme of Delegation.

Core Values and Behaviours

To encourage and promote the values of Cheshire Fire Authority and comply with the required standards of conduct and so promote the Authority within the community by acting with integrity and honesty.

Equality, Diversity and Inclusion

To promote, adhere to and implement the Service's Equality, Diversity and Inclusion Strategy/Policy and to work consistently to embed equality and diversity within the Service.

Safeguarding

To promote, adhere to and implement the Service's Safeguarding Strategy/Policy and to work consistently to embed Safeguarding within the Service.

Health and Safety

To work in compliance with Service Health and Safety Policy to ensure that hazards are identified and risks assessed and controlled.

To be proactive in managing your personal health, safety and wellbeing and that of your colleagues.

Environment

To promote the Service's Environment Policy/Strategy by implementing working practices and procedures that ensure a sustainable approach to the use of resources and that resources are disposed of in an efficient and environmentally friendly way.

To work consistently to embed environmental considerations, energy efficiency and compliance with the Environment Management System (EMS) within the Service.

N.B.

Notwithstanding the detail in this job description, in accordance with the Cheshire Fire and Rescue Service's flexibility policy the job holder will undertake such work as may be determined by the Chief Fire Officer/Line Manager from time to time, up to or at a level consistent with the principal responsibilities of the job and in any location within the Cheshire Fire and Rescue Service.