

## **SCRUTINY & AUDIT PANEL**

**Minutes of the meeting of the SCRUTINY & AUDIT PANEL held virtually at 10.00am on Thursday, 23 July 2020.**

Present: Councillors Barnes (Chairman), Evans, Hamilton, Lambert, Osborne, Smith and Taylor

Also present: D Whittaker (Chief Fire Officer), M O'Brien (Deputy Chief Fire Officer), M Andrews (Assistant Chief Fire Officer), L Woodley (Deputy Monitoring Officer), D Savage (Assistant Director Resources/Treasurer), L Ridley (Assistant Director Planning & Improvement), M Matthews (Assistant Director Safer Communities), H Scott-Youldon (Assistant Director People Services), P Jassal, N Chilcott, G O'Reilly, L Stevenson, J Sarpong, C Porter, C George, E Simpkin and A Blanshard

### **1 Declarations of Interest**

There were none.

### **2 Apologies for Absence**

There were none.

### **3 Notification of items which the Chairman considers urgent and proposes to take at the end of the agenda/Chairman's business items**

There were none.

### **4 Minutes of the last Scrutiny & Audit Panel meeting held on 21 May 2020**

**RESOLVED:** That the minutes of the meeting of the Scrutiny & Audit Panel held on the 21 May 2020 be approved as a correct record and signed by the Chairman.

### **5 Callover**

Members reserved the following items for debate:

- 6 Internal Audit Annual Report and Opinion for the period 1 April 2019 to 31 March 2020
- 8 2020/21 1<sup>st</sup> Quarter Risk Register Review
- 9 2019/20 4<sup>th</sup> Quarter Performance Results
- 10 Grenfell Tower Enquiry – Update on Service Action Plan
- 12 Outcome of Internal Audit into Compliance with Disciplinary, Grievance, Harassment and Bullying Procedures 2019/20

## **Unconfirmed minutes – to be confirmed at the next meeting of the Scrutiny & Audit Panel**

**RESOLVED:** That all other reports be resolved in accordance with the recommendations as detailed below.

### **6 Internal Audit Annual Report and Opinion for the period 1 April 2019 to 31 March 2020**

The Panel received the report of the Assistant Director Resources/Treasurer (ADR/T) providing Members with an opinion on East Sussex Fire Authority's internal control environment and report on the work of Internal Audit for the period 1 April 2019 to 31 March 2020.

The report explained that on the basis of the audit work completed, the Orbis Chief Internal Auditor, as East Sussex Fire Authority's (ESFA) Head of Internal Audit, was able to provide reasonable assurance that the Fire Authority had in place an adequate and effective framework of governance, risk management and internal control for the period 1 April 2019 to 31 March 2020. Individual reports on the systems evaluated by internal audit included agreed actions to enhance controls and action plans had been created to implement these.

Members wanted reassurance that the effects of the proposed IRMP would be addressed particularly with regard to Fire Safety and RDS vehicles. The Assistant Director Safer Communities (ADSC) explained that an improvement had been seen with Business Safety Audits, there had been a big increase, the target in the IRMP would be 1500. The improvements included in the Operational Response Review should place the service in a strong position.

The Deputy Chief Fire Officer (DCFO) reminded Members that there were intricate arrangements regarding second appliances outlined in the proposed IRMP. Fleet movements were proposed and he reassured Members that lessons learnt would be applied. The ADR/T added that there were a number of areas where there were cost pressures within engineering and that there was work underway to improve budget monitoring in this area.

**RESOLVED:** The Panel agreed to:

- i. note the Head of Internal Audit's opinion on the Fire Authority's internal control environment for 2019/20;
- ii. note that the full reports on RDS Pay Follow Up, Procurement Cards and Compliance with Disciplinary, Grievance, Harassment and Bullying Procedures would be reported to SLT and to Scrutiny & Audit; and
- iii. that the Fire Authority's system for internal audit had proved effective during 2019/20.

### **7 Contract Standing Orders - Waivers Summary July 2019 to July 2020**

## **Unconfirmed minutes – to be confirmed at the next meeting of the Scrutiny & Audit Panel**

The Panel received the report of the Assistant Director Resources/Treasurer (ADR/T) apprising them of the waivers granted in the remainder financial year 2019/20 and thus far in 2020/21, as required by the Contract Standing Order (CSO) 7.4.

The Panel was informed that four wavers had been approved from July 2019 to date. Each had been considered on the basis that the Authority could achieve value for money, were below the threshold and therefore subject to internal governance arrangements only. The Government issued a Procurement Policy Note setting out flexibilities open to public bodies under the Public Contract Regulations during the coronavirus crisis, which allowed for some exemptions also under the EU legislative process, where appropriate.

No waivers had been granted on the basis of expediency alone. In the main the waivers were granted in order to align with collaborative arrangements within the Bluelight sector and to mitigate limited market options and/or any risk to supply, including those resulting from the impact of the Covid 19 pandemic.

**RESOLVED:** The Panel noted the report and did not require any further information on its contents.

### **8 2020/21 1st Quarter Risk Register Review**

The Panel considered the report of the Assistant Director Resources/Treasurer (ADR/T) which presented Members with the latest quarterly review of Corporate Risk.

Members asked whether the Service was risk planning for the winter and the increased potential for staff sickness as a result of the combination of winter flu and Covid 19 including consideration of providing flu jabs to all staff. The Assistant Director People Services (ADPS) explained that the Covid Working Group had recognised the predicted second wave of Covid 19 and were considering the potential impact. The Services Business Continuity Plan had been reviewed and showed that the Service could stand up to a second wave of Covid 19 and winter flu. The possibility of flu jabs was being explored with the Service's occupational health provider and sickness continued to be monitored daily.

**RESOLVED:** The Panel agreed to the Quarter 1 Corporate Risk Register.

### **9 2019/20 4th Quarter Performance Results**

The Panel received the report of the Assistant Director Planning & Improvement (ADP&I) which presented Members with a summary of Service performance for the fourth quarter and year end results for 2019/20.

Members sought clarification regarding the figures for Accidental Fire Alarms (AFA) these seemed to show that they had declined and increased. The

## **Unconfirmed minutes – to be confirmed at the next meeting of the Scrutiny & Audit Panel**

ADPI explained that the calls to AFA's had declined, but they had not declined but the target amount set by the Fire Authority of 32%. Members agreed that progress had been made but that this was a critical target and whilst there had been a lot of work to date there was a lot more that needed to be done.

Members asked, in light of Covid 19, how home safety visits (HSV) were likely to be conducted. The ADSC explained that HSV's were a flagship service to the public. During the pandemic, the Service had been conducting "virtual" HSV's. These were scripted and contained questions and could be used to mobilise other services if required. In person visits were still being conducted to those who were deemed to be exceptionally high risk, including where necessary the fitting of smoke alarms. The Service had over 1600 interactions with the public during the pandemic including making phone calls to those who had been flagged as socially isolated to check on their welfare.

**RESOLVED:** The Panel considered:

- i. the performance results and progress towards achieving the Service's purpose and commitments as contained in Appendix 1 to the report;
- ii. the performance results and remedial actions that had been taken to address areas of under performance in the Fire Authority's priority areas; and

The Panel then:

- iii. noted and agreed the changes to performance reports that would come to the panel from quarter 1 2020/21.

### **10 Grenfell Tower Enquiry - Update on Service Action Plan**

The Panel received the report of the Assistant Chief Fire Officer (ACFO) providing Members with an update on progress made by officers against the various recommendations contained within the Grenfell Tower Inquiry Phase 1 report and specifically the ESFRS Grenfell Tower action plan. The report also updated Members on proposed new legislation emerging from the aftermath of the Grenfell Tower Fire namely The Fire Safety Bill and Building Safety Bill.

Members thanked the ACFO for an important and detailed report. They were informed that at the last meeting of the LGAAA Fire Commission it had been deemed that Fire & Rescue Services should not be held responsible for issues with construction. Responsibility needed to be taken at a Local Authority level, particularly Planning and Building Control inspections. Collaboration points were in turn important, including the importance of control rooms. There was a general opinion that there was a need for integrated working, not only relating to cladding.

The ACFO took the Panel through the key points of the report, this was a progress update in response to Phase 1 of the inquiry, it was very clear that

## **Unconfirmed minutes – to be confirmed at the next meeting of the Scrutiny & Audit Panel**

the Service still has its attention on matters resulting from Grenfell Tower and crucial safety developments were very much underway.

The Fire Survival guidance policy has assisted Fire Control staff to better speak with victims and pass this information on to the fire site, it has built on and strengthened the relationship between scene commanders and fire control officers.

The ACFO then explained that the a fundamental part of Project 21 had been the “intra” and “inter” operability, meaning the way that the Service worked with not only West Sussex and Surrey Fire Services but also sharing with other agencies. There had been positive funding from central Government to assist with the improvement planning.

The ACFO reminded the Panel that this report was focussed on operational matters, there was a very clear difference between this and the matters that will be covered in phase 2 of the inquiry which would be focussing on development and the roles of Local Authorities. But it was important to note at this stage that ESFRS had a good relationship with its local and housing authorities.

The ACFO reassured Members that there was not much improvement needed with regards to Fire Safety in light of the inquiry, the proposed Bill builds on action already taken to ensure that people feel safe in their homes and a tragedy like the Grenfell Tower fire never happens again. The major outstanding issues were relating to the issue of development, including Building Control, fire consultation and information sharing. The Building Safety Regulator proposed within the Health and Safety Executive would be responsible for implementing and enforcing a more stringent regulatory regime for higher risk buildings and oversight of safety and performance across all buildings.

The ACFO concluded by informing Members that he was proud and confident in the teams and how excellently they performed in making operational decisions in a dynamic way.

Members expressed some concerns about whether the budget restraints that the Service was facing would hamper its ability to meet regulations, there was some concern around the potential loosening of planning laws, particularly those relating to the conversion of office premises into residential. The ACFO explained that the sector had received protection on surge funding for officers involved in inspecting high-rise residential. The Audit report also showed progress on risk based inspection. It was inevitable that there would be some budget pressures, but the sector would continue lobbying government for funding streams to continue. The Panel agreed that this lobbying was important and that local MPs needed to be reminded of what the Service needed in terms of funding. The ADR/T added that the NFCC, LGA and Home Office were also lobbying the Treasury directly. The CFO confirmed that a letter would be sent in the summer to the local MPs from the Charman

## **Unconfirmed minutes – to be confirmed at the next meeting of the Scrutiny & Audit Panel**

and Vice-Chair informing them of the needs and challenges to the Service and inviting them to meet in the autumn to discuss in person.

### **11 Primary Authority Progress Report**

The Panel received the report of the Assistant Chief Fire Officer (ACFO) which provided them with an update on the progress of the Primary Authority scheme and how this was improving business engagement and business training activities in support of the delivery of the Business Fire Safety Thematic Plan.

Since approval in November 2018 Primary Authority partnership income had been invoiced at £17,805, including additional income from the partnerships where ESFRS acted as supporting regulator.

To ensure the continued growth and success of the Service's Primary Authority scheme, in February the Senior Leadership Team had approved the appointment of a permanent Primary Authority manager. This role now provided consistent oversight and leadership for the partnerships whilst managing wider business engagement and potential new partnerships. The Primary Authority manager has provided direct expert advice and support to partners during the Covid 19 pandemic, in particular those providing care to the most vulnerable.

**RESOLVED:** The Panel:

- i. noted the report and supported continued engagement with key businesses in further growing and developing the East Sussex Fire Authority (ESFRS) Primary Authority scheme;
- ii. supported the Services' engagement with the Business Advice and Support Partnership (BAASP) and the promotion of Primary Authority through our local Growth Hubs and the 'Sussex Business Excellence' programme; and
- iii. noted the transfer of the Safer Business training program to the Business Safety support team, which will allow the Primary Authority manager to expand the Business Safety engagement activities to include the "Safer Living & Safer Care" initiatives, currently being developed through the Business Safety Thematic Plan.

### **12 Outcome of Internal Audit into Compliance with Disciplinary, Grievance, Harassment and Bullying Procedures 2019/20**

The Panel received the report of the Deputy Chief Fire Officer apprising Members of the outcome of the internal audit undertaken into the Service's compliance with disciplinary, grievance, harassment and bullying procedures which took place in 2019.

## **Unconfirmed minutes – to be confirmed at the next meeting of the Scrutiny & Audit Panel**

Members felt that the results of this audit reflected the need for investment in HR and related services and asked that confirmation be given that this was happening. The Assistant Director People Services (ADPS) explained that whilst the Service was not currently fully staffed in HR, there had been a huge amount of work conducted into what was needed there were currently four vacancies being advertised, all job descriptions had been reviewed in line with requirements of both the department and the Services as a whole. One critical post had been created, that of Organisational Development Manager. The People Strategy was also under development and as this was a transactional department there was a need to lean towards development and a cultural shift.

The ADPS further explained that the Service's Dignity at Work and Bullying at Work had been amalgamated to ensure that all are treated with dignity across the workplace. HR had worked closely with the Audit team to inform an updated manual note, legal advice had been sought regarding timescales and there's were broad but reasonably expected. A renewal of the Grievance Policy was now complete. Organisational learnings had been considered, it had been concluded that investigations were taking too long, one reason being that investigations were a 'bot-on' and as such the Service were exploring the use of external support when needed. On the whole Members agreed with this approach and were reassured that any external support would be aided by a HR Business Partner. The intention of all these changes was that the Service would provide a people centred HR approach.

The Organisation had approved a leadership framework which had been due to launch in April 2020 but had been postponed until 2021 due to Covid 19. As an interim arrangement managers were being upskilled in their approach to change management.

**RESOLVED:** The Panel agreed to:

- i. note the outcome of 'partial assurance' of the internal audit undertaken in to the Service's compliance with its disciplinary, grievance, harassment and bullying procedures; and
- ii. note the improvement plan and the measures already implemented which would be scrutinised with a follow-up audit in 2020/21

### **13 Annual Report of the ESFRS Local Firefighters Pension Board 2019/20**

The Panel received the report of the Pensions Advisor informing Members of the matters considered by the Pension Board during 2019/20.

The Board had met on three occasions during the previous year and had considered reports on such matters as the renewed Terms of Reference for the Pension Board, policies and guides for the board and the Firefighters Pension Scheme (FPS) and other current issues and updates relating to the Authority's FPS.

**Unconfirmed minutes – to be confirmed at the next meeting of the Scrutiny & Audit Panel**

**RESOLVED:** The Panel agreed to note the annual report of the Firefighters' Pension Board for 2019/20.

**14 Member Attendance Annual Report 2019/20**

The Panel received the report of the Democratic Services Officer detailing Member attendance at formal Fire Authority meetings, community events and Member briefign/development events for 2019/20.

Member attendance for all formal Fire Authority meetings was first report at the Annual Fire Authority on 13 June 2019. At this meeting it was agreed that future reporting on Member attendance would be made to the Scrutiny & Audit Panel on an annual basis for monitoring purposes.

Feedback on the report format had been considered and information on substitutions and a summary of attendance at community engagement events and Member briefing and development opportunities had now been included.

**RESOLVED:** The Panel noted the Member attendance for 2019/20.

The meeting concluded at 11.21 am

Signed

Chairman

Dated this

day of

2020