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| REPORT REFERENCE NO. | DSFRA/24/18 |
| MEETING | DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting) |
| DATE OF MEETING | 10 JUNE 2024 |
| SUBJECT OF REPORT | REVIEW OF CONSTITUTIONAL GOVERNANCE FRAMEWORK |
| LEAD OFFICER | Monitoring Officer and Clerk to the Authority |
| RECOMMENDATIONS | <p><i>(a). that the revised Contract Standing Orders as set out at Appendix A of this report be approved;</i></p> <p><i>(b). that the revised Whistleblowing Code (Confidential Reporting Policy) as set out at Appendix B of this report be approved;</i></p> <p><i>(c). that the proposed addition to the Terms of Reference for Shareholder Committee as set out in Section 5 of this report be approved;</i></p> <p><i>(d). that, subject to (a) to (c). above, the Authority's constitutional governance framework documents as listed at paragraph 1.1 of this report be endorsed; and</i></p> <p><i>(e). that the Clerk be authorised to publish all revised constitutional governance framework documents on the website.</i></p> |
| EXECUTIVE SUMMARY | This report sets out information on the most recent review of the Authority's constitutional governance framework documents (Standing Orders, Financial Regulations etc.), which, while not a statutory requirement, is undertaken at least annually as a matter of good practice. |
| RESOURCE IMPLICATIONS | Nil. |
| EQUALITY RISKS AND BENEFITS ANALYSIS | The contents of this report are considered compatible with existing human rights and equalities legislation. |
| APPENDICES | <p>A. Revised Contract Standing Orders 2024</p> <p>B. Revised Whistleblowing Code (Confidential Reporting Policy) 2024</p> |

BACKGROUND PAPERS

1. [Local Government Act 1972.](#)
2. [Localism Act 2011.](#)
3. [Local Government Association Model Councillor Code of Conduct.](#)
4. [The Fire and Rescue National Framework for England.](#)

1. BACKGROUND

1.1 The Authority's Constitutional Governance Framework documents include, amongst other things:

- The Accountabilities, Roles and Responsibilities of Members and Officers of the Devon & Somerset Fire & Rescue Authority
- Members' Code of Conduct;
- Protocol for Member/Officer Relations;
- Policy on Gifts and Hospitality;
- Scheme of Members Allowances;
- Standing Orders;
- Committee Terms of Reference
- Financial Regulations;
- Contract Standing Orders;
- Scheme of Delegations;
- Corporate Governance Code;
- Treasury Management Policy;
- Strategy on the Prevention and Detection of Fraud and Corruption; and
- "Whistleblowing" Code (Confidential Reporting Policy).

1.2 [The Authority Constitutional Governance Framework documents may be viewed here on the website.](#)

1.3 The documents referred to above were drafted by reference to a number of sources, some statutory; some based upon "models" issued either by central government or by professional bodies (e.g. the Chartered Institute for Public Finance Accountancy – CIPFA); and others based on "best practice" documents in use by other local authorities (including combined fire and rescue authorities).

1.4 While there is no legal requirement for the documents to be reviewed, they are nonetheless reviewed, in consultation with relevant officers, at least annually to ensure that they continue to be "fit for purpose". This process does not preclude making revisions at any time to any of the documents where this might be required by changes in legislation or internal structure; or the approval of new documents to enhance the governance framework.

2. OUTCOME OF MOST RECENT REVIEW

2.1 Each of the Authority's Constitutional Framework documents have again been subject to review over the last twelve months and will continue to be subject to ongoing review with any further proposed revisions submitted to future meetings of the Authority as required.

- 2.2 Material amendments are proposed to two documents – Contract Standing Orders and the Whistleblowing Code (Confidential Reporting Policy). These are addressed in Sections 3 and 4, respectively, of this report.
- 2.3 The opportunity has also been taken to make certain, consequential amendments as required to the documents, for example:
- In the Treasury Management Policy:
 - Reference to the LIBID rate has been replaced by reference to the Sterling Overnight Index Average (SONIA) rate;
 - Removal of reference to potential impact of a disorderly Brexit;
 - Amendments to authorised officers for dealing limits (in light of staffing changes);
 - Renewal of banking contract with Barclays and duration of contract;
 - Updates to contact details for the Devon Audit Partnership (DAP) in the Strategy for the Prevention of Fraud and Corruption.

3. CONTRACT STANDING ORDERS

- 3.1. In October of this year, the Procurement Act 2023 will come into force. This Act replaces the previous Public Contract Regulations 2015 and contains new principles and updated thresholds.
- 3.2. The Contract Standing Orders now attached at Appendix A to this report have been updated to reflect the Act. Service Procurement staff are currently receiving training on the new Act and it should be noted at this stage that further changes may be required to Contract Standing Orders once knowledge has been gained on how the Act will impact on the management of procurement/contract activity. Should any further changes be required that are of a material nature, these will be reported in due course to the Authority.

4. WHISTLEBLOWING CODE (CONFIDENTIAL REPORTING POLICY)

- 4.1. In July 2021, UNISON published a model whistleblowing policy for organisations aimed at addressing common problems with whistleblowing policies as identified in the NHS [Freedom to Speak Up Review](#) and which included:
- Use of very legalistic language;
 - Vagueness or contradiction as to whom the policy was directed;
 - Wrong or incomplete information, for example about regulators and advisory organisations; and
 - Mistaken or incomplete descriptions about confidentiality and anonymity.

- 4.2. The Authority policy has been compared and contrasted with the UNISON model. Content-wise, the two are virtually identical albeit the layout/structure of the documents varies. The opportunity has been taken, though, to amend the Authority policy to include some additional, helpful explanatory paragraphs and to clarify the roles and responsibilities of all staff in relation to whistleblowing. The revised policy, with the additional paragraphs highlighted, is now attached at Appendix B.

5. SHAREHOLDER COMMITTEE TERMS OF REFERENCE

- 5.1. In February of this year the Authority approved the establishment of a new Shareholder Committee following an extensive review of governance arrangements relating to Red One Ltd. (the Authority's commercial trading arm), informed by the Chartered Institute of Public Finance and Accountancy (CIPFA) good practice guide for local authority owned companies.
- 5.2. The Shareholder Committee is aimed at providing the necessary oversight of the company (from a shareholder perspective) and afford a formal route for the Authority and – where appropriate – its Statutory Officers to have an active, strategic role in the direction of the company.
- 5.3. The Terms of Reference for the Committee drew on a number of sources including the transfer of certain responsibilities that had previously fallen to other committees, notably the Resources Committee.
- 5.4. In conducting this year's review of constitutional governance documents, it has come to light that one of the relevant, previous Terms of Reference of the Resources Committee was overlooked in the transfer to the new Shareholder Committee – specifically:
- To consider any Business Plan prepared by Red One Ltd. and make any recommendation as appropriate to the Authority.
- 5.5. As indicated, it would now be more appropriate for this to be included in the Advisory section of the Terms of Reference for the Shareholder Committee. This addition is now recommended to the Authority for approval.

6. CONCLUSION

- 6.1. The Service has a commitment to continuous improvement to achieve and sustain its stated ambition of being an "excellent" organisation. As part of this, the Authority's constitutional governance framework documents will continue to be subject to ongoing review with any further proposals for amendments being submitted as and when required.
- 6.2. In the meantime, the Authority is asked to approve the recommendations as set out in this report.

SAMANTHA SHARMAN
Clerk to the Authority (& Monitoring Officer)