

DSFRA CORPORATE GOVERNANCE CODE

DEVON AND SOMERSET FIRE AND RESCUE AUTHORITY

CORPORATE GOVERNANCE CODE

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1. DEFINITIONS

1.1. In this document:

"Chief Fire Officer" is the person duly appointed by the Authority as the executive, operational and administrative head of the Devon and Somerset Fire and Rescue Service and shall include such officers of the Service as the Chief Fire Officer specifically authorises for the purposes of this Scheme of Delegations.

"The Clerk" is that person so appointed by the Authority for the purpose of constitutional and administrative tasks related to the business of the Authority.

"Constituent authorities" means Devon County Council, Somerset County Council, Plymouth City Council and Torbay Borough Council.

"Devon and Somerset Fire and Rescue Authority" ("the Authority") is the body corporate constituted in accordance with the "Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006" (as amended) (hereafter referred to as the Order).

"Devon & Somerset Fire & Rescue Service", ("the Service"), comprises all staff employed to ensure that the statutory functions of the Authority are effectively and efficiently discharged;

The "Executive Board" (EB) comprises those Service Directors who, together with the Treasurer to the Authority, set the strategic direction of the Devon & Somerset Fire & Rescue Service ("the Service") and provide the most senior officer level of decision making on strategic planning and policy to deliver the organisation's purpose and vision;

"Member" is any councillor from the constituent authorities duly appointed to serve on the Authority. It also includes any Police & Crime Commissioner and any co-opted Member appointed by the Authority;

"Members' Code" means the Members' Code of Conduct approved by the Authority, as required by the Localism Act 2011 and Regulations made under that Act.

"Monitoring Officer" is that person duly appointed by the Authority to discharge those functions specified in Section 5 of the Local Government and Housing Act and who will have responsibility for providing or procuring appropriate legal advice and assistance to the Authority and its Officers to ensure compliance with all legal, statutory and judicial processes.

"Non-uniformed" means a member of staff whose employment terms are conditioned under the National Joint Council for Local Government Services (the "Green Book").

"Officer" shall mean all employees of the Authority including uniformed and non-uniformed staff of the Devon & Somerset Fire & Rescue Service.

The "Service Leadership Team" (SLT) comprises those uniformed Area Managers and non-uniformed Heads of Department responsible for the day-to-day running of the Service and making recommendations to the Executive Board on strategic change, based on service delivery and support experience and feedback.

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“Treasurer” is that person duly appointed by the Authority with responsibility for the administration of the Authority’s financial affairs.

“Uniformed” means a member of staff whose employment terms are conditioned under the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service (the “Grey Book”) OR the National Joint Council for Brigade Managers of Fire and Rescue Services Constitution and Scheme and Conditions of Service (the “Gold Book”) as appropriate.

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2. GENERAL INTRODUCTION

- 2.1. Governance comprises the systems and processes for the direction and control of local authorities through which they account to, engage with and lead their communities.
- 2.2. The Authority operates through a governance framework which brings together an underlying set of legislative requirements, governance principles and management processes. As a significant public service organisation it is important that the Authority is able to demonstrate that it complies with the principles of good governance.
- 2.3. This Code identifies the six core principles of good governance, their associated supporting principles and the application of these to the Authority. The core principles and supporting principles are adapted from the Good Governance Standard developed by the Independent Commission on Good Governance in Public Services with support from the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Office for Public Management (OPM). These in turn build upon the following [“Seven Principles of Public Life” identified by the Committee on Standards in Public Life \(the “Nolan Committee”\)](#) as applicable to all in public service:

Selflessness – holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends;

Integrity – holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties;

Objectivity – in carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit;

Accountability – holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;

Openness – holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands;

Honesty – holders of public office have a duty to declare any private interests relating to their duties and to take steps to resolve any conflicts arising in a way that protects the public interest;

Leadership – holders of public office should promote and support these principles by leadership and example.

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3. CORE PRINCIPLE A

Good governance means focussing on the Authority's purpose and on outcomes for its service users.

Sub-principles

- Being clear about the Authority's purpose and its intended outcomes for its service users;
- making sure that service users receive a high quality service;
- making sure taxpayers receive value for money.

Application to Authority

- 3.1. A Fire & Rescue Plan will be produced setting out the vision and overarching strategic aims for the Service along with targets against which performance will be measured. This Plan is supported by a range of other Service plans (e.g. Department Plans) to promote accountability.
- 3.2. Additionally, as required by the [Fire & Rescue National Framework for England \("the Framework"\)](#), the Authority will also produce:
 - (a). a Community Risk Management Plan (CRPM) covering a minimum three year period and setting out, amongst other things:
 - an up-to-date risk analysis and assessment of all foreseeable fire and rescue related risks for the geographical counties of Devon and Somerset;
 - prevention, protection and response activities to mitigate the risks so identified;
 - required service delivery outcomes including allocation of resources to mitigate the risks; and
 - a risk-based inspection programme in relation to the Authority's fire safety enforcement role;
 - (b). a Medium Term Financial Plan (MTFP) providing a financial planning framework for at least three years;
 - (c). a reserves strategy;
 - (d). a capital strategy; and
 - (e). an annual Statement of Assurance on how the Authority has, for the previous twelve months, complied with the Framework, its CRMP and any other strategic plan approved by the Authority and which will provide assurance for both the community and the government on financial, governance and operational matters. For this Authority, the annual Statement of Assurance also incorporates the annual governance statement which the Account and Audit Regulations 2015 require the Authority to produce in support of its Statement of Accounts

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- 3.3. The Authority will publish annually an Audited Statement of Accounts setting out the financial position and performance of the Authority for the previous financial year. As set out above, the annual governance statement in support of Statement of Accounts is incorporated within the Statement of Assurance required by the Fire & Rescue National Framework for England.
- 3.4. The Authority has Engagement Principles and a Communications and Engagement Strategy on the strategic direction of the Service for communicating and engaging with relevant audiences to support Service priorities over the next three years. This will be subject to regular review.
- 3.5. The Authority will establish annual performance targets and publish performance against these targets regularly. Action plans will developed as required to address any identified shortfalls in Service performance. Performance will be monitored regularly by the relevant Committee.
- 3.6. Service Business Continuity Plans will be developed and kept under constant review. Business continuity exercises will be undertaken to assess preparedness and test existing business continuity arrangements.
- 3.7. The Authority will approve an annual, risk-based internal audit plan and receive an annual report on work undertaken against this plan (including measures taken or proposed to address any areas of concern).
- 3.8. The Authority will participate in any relevant value for money studies, as appropriate.
- 3.9. The Authority will co-operate with external audits, inspections and reviews as required and will:
 - publish as required the outcome of any such audit/inspection/review;
 - respond to the findings and recommendations of any such audit/inspection/review and put in place arrangements for the effective implementation of agreed actions.
- 3.10. In its strategic partnership working, the Authority will ensure that there is a common vision underpinning the work of the partnership that is understood and agreed by all partners and that this vision is:
 - the driver for deciding what services will be provided/commissioned by the partnership, at what quality and cost;
 - supported by clear and measurable objectives with targets and indicators.

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4. CORE PRINCIPLE B

Good governance means performing effectively in clearly defined functions and roles.

Sub-principles

- being clear about the respective roles and functions of the full Authority, its Committees and officers;
- ensuring that a constructive working relationship exists between elected Members and officers and that the responsibilities of both are carried out to a high standard;
- ensuring that relationships between the Authority and the public are clear so that each knows what to expect of the other.

Application to the Authority

- 4.1. The Authority is responsible for ensuring that provision is made to discharge the core functions of the Fire and Rescue Services Act 2004 in relation to fire safety, fire-fighting, road traffic collisions; and for any other emergencies and functions as may be directed by the Secretary of State under the Act. The Authority is responsible for enforcement action under the Regulatory Reform (Fire Safety) Order 2005 and is also a Category 1 responder for the purposes of the Civil Contingencies Act 2004.
- 4.2. The Authority may appoint from its elected Membership Committees to facilitate the effective and efficient delivery of its responsibilities. Such Committees will operate in accordance with relevant legislative requirements (e.g. Access to Information; Freedom of Information) and will be governed by clear [Terms of Reference setting out the respective responsibilities of the Committees](#) and any limits on the delegation of authority.
- 4.3. The Authority has a defined constitutional framework and as part of this has – taking account of all appropriate statutory requirements and best practice guidance – developed, approved and keeps under constant review:
 - [Standing Orders](#) governing the conduct of business by both the Authority and its Committees; and
 - [Financial Regulations](#) for managing the Authority's financial affairs and ensuring that its use of resources is legal, properly authorised, provides value for money and achieves best value;
 - [Contract Standing Orders](#) governing the Authority's procurement processes;
 - a document setting out [the respective roles and responsibilities of both the Authority and its senior officers](#);
 - [a Member/Officer Protocol](#);

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- a [Scheme of Delegations](#) indicating where officers of the Authority have been authorised to undertake certain decisions on its behalf. This Scheme identifies the officers concerned and the limits of the authority delegated to them;
 - a [Members' Code of Conduct](#) and associated complaints procedure; and
 - a [Scheme of Members' Allowances](#).
- 4.4. [Each of the documents comprising the Authority's constitutional governance framework may be viewed on the Service website here.](#)
- 4.5. The Authority has appointed:
- a Chief Fire Officer (who is also chief executive and Head of Paid Service) responsible to the Authority for all aspects of service management;
 - a Treasurer as the proper officer as required by Section 112 of the Local Government Finance Act 1988 responsible to the Authority for ensuring that appropriate advice is given on financial matters, for keeping proper financial records and accounts and for maintaining an effective system of internal control;
 - a Monitoring Officer, as required by the Local Government and Housing Act 1989, responsible for ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with.
- 4.6. The Service has in place an Executive Board and Service Leadership Team for strategic and day-to-day oversight as required. Both the Executive Board and Service Leadership Team have Terms of Reference. The officers who serve on the Executive Board and the Service Leadership Team have clearly defined roles and responsibilities— both individually and collectively. Details of the terms and conditions of employment and remuneration of the officers on the Executive Board can be found in the Pay Policy Statement published on the Authority's website in accordance with the requirements of the Localism Act 2011.
- 4.7. The Authority has in place a robust and dynamic service planning process to ensure that the organisation's mission, strategic plans, objectives and targets are developed. This process is complemented and supported by:
- consultation with the local community and other key stakeholders as appropriate in accordance with statutory requirements and best practice guidance;
 - a mechanism to ensure that the mission, strategic plans, objectives and targets are clearly disseminated and articulated to all levels of the organisation and that relevant actions in support of these are taken at the appropriate level;
 - a mechanism to monitor service delivery and performance against approved targets, with systems in place to redress any deficiencies in performance that may be identified through the monitoring process.

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- 4.8. In its strategic partnership working, the Authority will ensure in all instances that appropriate documentation is in place, in the form of a Memorandum of Understanding or other agreement:
- identifying the legal status of the partnership;
 - identifying, so as to promote effective leadership and accountability, the agreed roles and responsibilities of each of the partners;
 - identifying the extent to which each organisations representatives on the partnership has the authority to bind their organisation to partner decisions.

5. CORE PRINCIPLE C

Good governance means promoting values for the whole organisation and demonstrating the values of good governance through behaviour.

Sub-principles

- ensuring Authority Members and officers exercise leadership by behaving in ways that uphold high standards of conduct and exemplify effective governance;
- ensuring that organisational values are put into practice and are effective.

Application to the Authority

- 5.1. As required by the Localism Act 2011, the Authority:
- has approved a [Members' Code of Conduct](#) together with associated procedures for dealing with complaints against Members; and
 - maintains General Register of Interests for Members and publishes Member interests on the Service website
- 5.2. A register recording pecuniary interests of officers in contracts is maintained. Gifts and hospitality afforded both to Members and officers are recorded and published on the Service website.
- 5.3. The Service has developed and implemented "Our Values" to influence all of its actions at all levels of the organisation. These values reflect a learning organisation committed to continuous improvement and seek to promote fairness and respect, equality of opportunity, diversity, transparency and accountability of decision making.

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5.4. Additionally, the Authority's constitutional framework also includes, as well as a [Members' Code of Conduct](#), the following documents:

- [a document setting out the respective roles of Members' and Officers of the Authority](#);
- a [Member/Officer Protocol](#)
- a [Strategy for the Prevention and Detection of Fraud and Corruption](#); and
- a ["Whistleblowing" Code \(Confidential Reporting Policy\)](#).

5.5. The constitutional framework is subject to continuous review (at least annually) and puts in place appropriate arrangements and processes to ensure that neither Authority Members nor officers are influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and external organisations (including providers of goods and services).

5.6. The Service also has in place a number of internal policies to promote fairness at work, embrace equality and diversity and safeguard against bullying and harassment. Appropriate policies and procedures exist to address grievances and disciplinary issues. All such policies have been designed in compliance with appropriate ethical standards and embedding principles of natural justice. All new policies (and revisions to existing policies) are subject to appropriate ethical evaluation (e.g. equality risks and benefits analysis) prior to implementation.

5.7. In pursuing its strategic partnership activities, the Authority will agree with its partners a set of values against which decision making and actions can be judged. These values will be dynamic and demonstrated by each of the partners' behaviour, both individually and collectively.

6. CORE PRINCIPLE D

Good governance means taking informed, transparent decisions and managing risk

Sub-principles

- exercising leadership by being rigorous and transparent about how decisions are taken;
- having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs;
- making sure that an effective risk management system is in place;
- recognising the limits of lawful action and observing both the specific requirements of legislation and the general responsibilities placed on the Authority by public law, but also accepting responsibility to use its powers to the full benefit of the citizens and communities served by the Authority.

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Application to the Authority

- 6.1. All meetings of the full Authority and any of its Committees/Sub-Committees will operate in accordance with relevant legislative requirements (e.g. Access to Information; Freedom of Information) and will be governed by [clear Terms of Reference setting out the respective responsibilities of the Committees](#) and any limits on the delegation of authority.
- 6.2. Written reports submitted to meetings of the full Authority and any of its Committees/Sub-Committees will contain sufficient information – including all appropriate legal and financial implications – to facilitate reasoned and informed decision making.
- 6.3. The Authority has in place arrangements and processes to ensure that professional advice on legal and financial matters is available as required to facilitate effective and efficient decision making.
- 6.4. The Authority has appointed:
 - a Treasurer as the proper officer as required by Section 112 of the Local Government Finance Act 1988 responsible to the Authority for ensuring that appropriate advice is given on financial matters, for keeping proper financial records and accounts and for maintaining an effective system of internal control;
 - a Clerk responsible to the Authority for exercising those functions of Monitoring Officer as required by the Local Government and Housing Act 1989, including ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with.
- 6.5. The Authority ensures, through training events and its adopted constitutional governance documents, that elected Members recognise the limits of lawful activity placed upon them by the ultra vires (“beyond the powers”) doctrine and that the key principles of administrative law – rationality, legality and natural justice – are fully integrated into the Authority’s decision making processes.
- 6.6. The Authority has established procedures and processes to manage performance against defined criteria and targets.
- 6.7. A corporate risk management process has been established to provide a logical and systematic method of establishing the context, identifying, analysing, evaluating, treating, monitoring and communicating of risks associated with any activity, function or process to enable the organisation to minimise losses and maximise opportunities. This process:
 - identifies corporate risks and risks associated with organisational activities;
 - assesses the risks for likelihood and impact; and
 - identifies and allocates responsibility for mitigating controls.

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- 6.8. The corporate risk process is subject to continuous review and features risk management awareness raising for elected Members and relevant training and guidance for all appropriate staff to enable them to take responsibility for managing risk within their own working environment. Regular review by the Authority of the Corporate Risk Register is also part of the process.
- 6.9. As required by Regulation 4(1) of the Accounts and Audit Regulations 2003 (as amended), the Authority has in place a sound system of internal control which facilitates the effective exercise of the Authority's functions and which includes arrangements for the management of risk. An Annual Statement of Assurance (which replaces and incorporates the contents of the previous Statement of Internal Control) is published annually together with the Statement of Accounts for the Authority.
- 6.10. The Authority has an Audit & Governance Committee with responsibility for overseeing, amongst other things, performance and risk management for the Authority.
- 6.11. The Authority in its partnership working will:
- ensure that protocols are in place to reflect the shared understanding and respective roles and responsibilities of each partner organisation;
 - ensure that decisions and behaviour in relationship to the partnership are compliant either with the Authority's codes of conduct or any rules/codes developed for the purpose of the partnership;
 - seek to ensure that the partnership receives good quality advice and support and information about the views of citizens and stakeholders to facilitate effective and robust decision making.

7. CORE PRINCIPLE E

Good governance means developing the capacity and capability of the governing body to be effective

Sub-principles

- Making sure that elected Members and officers have the skills, knowledge, experience and resources they need to perform well in their roles;
- developing the capability of people with governance responsibilities and evaluating their performance.

Application to the Authority

- 7.1. The Authority has a Member Development Strategy providing for:
- initial induction of newly appointed Members, based on a regionally-developed induction package;

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- Other training and developmental opportunities – delivered both internally and in conjunction with relevant external initiatives (e.g. South West Councils; Local Government Association leadership programme); and
 - a regular Members Forum. These are discussion-only meetings to promote understanding on a wide range of fire sector specific national, regional and local issues (e.g. community risk management planning; budget setting etc).
- 7.2. The Authority will ensure that its statutory officers (Chief Fire Officer, Treasurer and Monitoring Officer) have access to appropriate training and developmental opportunities – via appropriate formal courses and networking opportunities with peers in other local authorities – to maintain currency and competence in delivering to the Authority the functions for which they are responsible.
- 7.3. The Service has in place a training and development policy ensuring that all staff have opportunity to access appropriate developmental opportunities.
- 7.4. The Service will operate a process to identify and address individual training and developmental needs linked to organisational goals and objectives.
- 7.5. In its partnership working the Authority will seek to ensure that the capacity and capability requirements of the partnership in question have been clearly identified with plans in place to address any gaps that may exist.

8. CORE PRINCIPLE F

Good governance means engaging stakeholders and making accountability real

Sub-principles

- Taking an active and planned approach to dialogue with and accountability to the public;
- Taking an active and planned approach to responsibility to staff and engaging effectively with organisational stakeholders

Application to the Authority

- 8.1. A Communications and Engagement Strategy has been developed to provide the strategic direction for communicating and engaging with all key stakeholders to support Service priorities over a three year time frame. All consultation and engagement will be:
- appropriate – a range of engagement methods will be employed which are creative, responsive, sensitive and appropriate to the community or topic, ensuring that each activity is evaluated and lessons learned to underpin future engagement work;
 - meaningful – engagement activities will be planned, outcome-focussed and proportionate i.e. duplication and over-consultation will be avoided;

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- accessible – engagement activities will be accessible to all, using a wide range of languages, formats and styles;
 - open – engagement outcomes will be shared in a timely, accessible way with all those involved – both internally and externally. Evidence of the impact of involvement will be highlighted and celebrated;
 - professional and ethical – all engagement activities will be underpinned by a clear rationale and methodology, evaluated and with lessons learnt used to inform future activities thereby promoting constant reflection and learning. All information will be treated sensitively and used appropriately.
- 8.2. The Service has established appropriate Employee Relations machinery for the recognition of staff representative bodies and to facilitate effective and efficient information sharing, consultation and negotiation (as appropriate) between management and representative bodies.
- 8.3. The Service has in place a policy for the receipt, investigation and resolution of complaints from the communities it serves, together with internal processes (e.g. [Strategy for the Prevention and Detection of Fraud and Corruption](#); [“Whistleblowing Code” \[Confidential Reporting Policy\]](#)) designed to ensure due probity and accountability.
- 8.4. The Authority will seek to ensure that any engagement and consultation undertaken by any strategic partnership on which it is represented is planned with regard to methodology, target audience and required outcomes.

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APPENDIX TO CORPORATE GOVERNANCE CODE

List of Principal Policies etc. in support of Corporate Governance Arrangements

1. Devon & Somerset Fire & Rescue Authority Constitutional Framework
 - (a). The Devon & Somerset Fire & Rescue Authority (Combination Scheme) Order 2006 (as amended);
 - (b). Standing Orders;
 - (c). Financial Regulations;
 - (d). Treasury Management Policy;
 - (e). Contract Standing Orders;
 - (f). Scheme of Delegations;
 - (g). Strategy for the Prevention and Detection of Fraud and Corruption;
 - (h). “Whistleblowing” Code (Confidential Reporting Policy);
 - (i). Committee etc. Terms of Reference;
 - (j). Code of Conduct for Members of the Devon & Somerset Fire & Rescue Authority;
 - (k). The Accountabilities, Roles and Responsibilities of Members and Officers of the Devon & Somerset Fire & Rescue Authority
 - (l). Policy on Gifts and Hospitality,
 - (m). Member/Officer Protocol;
 - (n). Scheme of Allowances for Members of the Devon & Somerset Fire & Rescue Authority.
2. Community Risk Management Plan
3. Fire & Rescue Plan
4. Medium Term Financial Plan
5. Reserves Strategy
6. Capital Strategy
7. Pay Policy Statement
8. Communications and Engagement Strategy
9. Corporate Risk Management Process
10. Business Continuity Plans
11. Member Development Strategy

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12. People Strategy
13. Agreed Industrial Relations Framework
14. Partnership Framework
15. Employee Code of Conduct