

West Midlands Fire and Rescue Authority

Scrutiny Committee

You are summoned to attend the meeting of Scrutiny Committee to be held on
Monday, 04 November 2019 at 15:00

at Fire Service HQ, 99 Vauxhall Road, Nechells, Birmingham B7 4HW

for the purpose of transacting the following business:

Agenda – Public Session

- 1 To receive apologies for absence (if any)
- 2 Declarations of interests
- 3 Minutes of the Scrutiny Committee held on 21.10.19 **3 - 6**
- 4 Scrutiny Committee Working Group - Business Continuity Arrangements - 04.11.19 **7 - 10**
- 5 Scrutiny Committee Working Group Session

Distribution:

Nicolas Barlow - Member, David Barrie - Member, Jasbinder Dehar - Member, Manjit Gill - Member, Kerry Jenkins - Vice Chair of the Scrutiny Committee, Sybil Spence - Chair of The Scrutiny Committee, Patricia Young - Member

Clerk Name: Karen Gowreesunker

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This agenda and supporting documents are also available electronically on the West Midlands Fire Service website at www.wmfs.net

Minutes of the Scrutiny Committee

21 October 2019 at 10:30 a.m.
at Fire Service Headquarters, Vauxhall Road, Birmingham
B7 4HW

Present: Councillor Spence (Chair)
Councillors Barrie, Edwards (substitute for Cllr Gill),
Hogarth (substitute for Cllr Barlow), Jenkins and
Young

Apologies: Councillors Barlow, Dehar and Gill
S Middleton

Observer: Nil

**Please note: these minutes are a holding draft and the full
minutes will be published prior to the meeting.**

39/19 Declarations of Interest in contracts or other matters

There were no declarations of interest.

**40/19 Minutes of the Scrutiny Committee held on 26
September 2019**

Resolved that the minutes of the meeting held on 26
September 2019 be approved as a correct record.

41/19 **Scrutiny Committee Working Group – Business Continuity Arrangements**

Karen Gowreesunker, Clerk to the Authority, provided an overview of the report.

The report had been submitted to frame the meeting. The scope of the review was to consider the two options proposed to provide additional business continuity arrangements for the Service.

Following the meeting of the Scrutiny Committee Working Group on 26 September 2019, the report 'Business Continuity Arrangements' had been deferred at the subsequent Fire Authority meeting on 30 September 2019, upon the request of Members to allow the review to be conducted.

Upon the request of the Committee, independent witnesses had been called to provide information (via the Scrutiny Committee Working Group Session – item 5 of the agenda).

Members were asked to note the Committee's terms of reference including how the Constitution set out the separation of the scrutiny and decision-making processes.

In answer to Members' questions, the following points were raised:

- The contents of the Fire Authority report 'Business Continuity Arrangements' had not been made publicly available due to the confidential information that it contained.
- ACFO Sarah Warnes was in attendance and could provide an overview of the contents of the report to the Working Group.

42/19 **Scrutiny Committee Working Group Session**

Upon the request of the Committee, representatives from Fire and Rescue Services who currently had business continuity arrangements in place that were similar to the two

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options being proposed, contractors/ suppliers, and the representative bodies had been called as independent witnesses to provide information for consideration by Members.

The Committee had circulated questions to the independent witnesses in preparation for the meeting. The Scrutiny Committee Working Group session allowed Members to consider the information that had been provided by the witnesses in answer to the Committee's questions and to examine the evidence in more detail.

ACFO Sarah Warnes provided an overview of the two options being considered:

- Option 1 – additional business continuity arrangements to be provided via a contingent workforce
- Option 2 - additional business continuity arrangements to be provided via an external provider

The Committee then considered the information provided by each of the witnesses, in order of:

- Representative of the Fire Brigades Union
- Representatives of an external provider who could provide option two
- An Officer from a Fire and Rescue Service which had implemented a contingent workforce
- An Officer from a Fire and Rescue Service which had implemented the services of an external provider (via written submission only)
- A Health and Safety Legal Advisor
- ACFO Sarah Warnes and Hannah Spencer, Senior Resilience Officer, in an advisory capacity to the Committee

Following extensive deliberation, Members agreed that further information would be required. Information was requested on:

- the guidance issued by the Home Office

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- the expectations of the Home Office with regard to the levels of assurance required
- the calculation methodology used in determining levels of assurance

As a result of the above, Members agreed that it was not appropriate to make a recommendation regarding either option at that current time. It was agreed that a further meeting of the Committee would be called to enable the provision of the further information with a view for Members to come to a decision and to conclude the review.

Resolved that the recommendation of the Committee is to be deferred and that a further meeting of the Scrutiny Committee Working Group be called.

The meeting finished at 14:28pm.

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WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

4 NOVEMBER 2019

1. **SCRUTINY COMMITTEE WORKING GROUP – BUSINESS CONTINUITY ARRANGEMENTS**

Report of the CLERK.

RECOMMENDED

- 1.1 THAT the Committee review the two options proposed to provide additional business continuity arrangements
- 1.2 THAT the Committee submits its recommendation to the Fire Authority

2. **PURPOSE OF REPORT**

This report is submitted to support the Committee in its review of the two options proposed to provide additional business continuity arrangements for the Service.

3. **BACKGROUND**

A Policy Planning Forum was held on 17 September 2019. At the meeting, a presentation on the Service's business continuity arrangements was delivered to Members.

Officers had assessed and updated corporate risk 6 'Business Continuity and Preparedness'. The presentation provided an overview of the Service's level of assurance regarding its business continuity arrangements and Members were informed of the options for revising its arrangements.

The Scrutiny Committee requested that the business continuity options be brought before the Committee for scrutiny.

An extra meeting of the Committee was convened on 26 September 2019 in which the business continuity options were considered in more detail including:

- Review of the business continuity information
- Working Group discussion, aligned to questions posed by Members
- Timeline for the review and next steps

The Committee agreed that:

- The proposed options for business continuity arrangements would be the subject of a review by the Scrutiny Committee
- The scope of the review would be to consider the two proposed options for the business continuity arrangements
- The report on the business continuity arrangements which was due to be submitted to the Fire Authority on 30 September 2019 was to be deferred to allow for the completion of the scrutiny review process

As a result of the above, the Scrutiny Committee Working Group met on 21 October 2019. Upon the request of the Committee, the following witnesses were called to provide information in answer to Members' questions:

- A representative of the Fire Brigade's Union
- Representatives of an external provider who could provide option two
- A Fire and Rescue Service who had implemented a contingent workforce (option one)
- A Fire and Rescue Service who had implemented the services of an external provider (option two)
- A Health and Safety Legal Advisor
- ACFO Sarah Warnes and Hannah Spencer, Senior Resilience Officer, in an advisory capacity to the Committee

4. **WORKING GROUP REVIEW OF BUSINESS CONTINUITY ARRANGEMENTS**

4.1 The Scrutiny Committee Working Group are asked to consider and review the two options proposed to provide additional business continuity arrangements for the Service, the two options being:

1. A contingent workforce
2. An external provider

It should be noted that option 2, the provision of an external provider, is the option recommended by the Chief Fire Officer to the Fire Authority.

- 4.2 Upon the request of the Committee, as agreed at the meeting held on 21 October 2019, further evidence will be gathered by Officers and by independent witnesses to provide information for consideration by Members during the Scrutiny Committee Working Group Session (as per the meeting agenda). This will include information and clarification on the expectations of the Home Office in terms of the level of assurance that is required.
- 4.3 A legal advisor and Officers of the Service continue to be available in an advisory capacity to provide information for consideration by Members.
- 4.4 It is considered that the information provided by the independent witnesses and Officers, in addition to the information already provided to Members via the Policy Planning Forum held on 17 September 2019 and the associated Fire Authority Report 'Business Continuity Arrangements', will provide the evidence base to enable the Committee to come to a decision on the two options that have been put forward by the Service.
- 4.5 Following agreement by Members, the Committee are to submit its recommendation regarding the two options to the Fire Authority at the next scheduled meeting of the Authority, 18 November 2019. The recommendation of the Committee will be submitted in addition to the report on the business continuity arrangements (which had been previously deferred on 30 September 2019).
- 4.6 Members should note that, in accordance with the Committee's terms of reference, 'In order to allow for separation of the scrutiny and decision-making functions, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.'

5. **EQUALITY IMPACT ASSESSMENT**

In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out. The matters contained within

this report will not lead to a policy change.

6. **LEGAL IMPLICATIONS**

The course of action recommended in this report does not raise issues which should be drawn to the attention of the Authority's Monitoring Officer.

7. **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

8. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

BACKGROUND PAPERS

Policy Planning Forum 17.09.19 – presentation on Business Continuity Arrangements

Fire Authority 30.09.19 – Business Continuity Arrangements Report (report deferred)

Scrutiny Committee Terms of Reference

The contact name for this report is Karen Gowreesunker, Clerk to the Authority, telephone number 0121 380 6677.

KAREN GOWREESUNKER
CLERK TO AUTHORITY