

West Midlands Fire and Rescue Authority

Scrutiny Committee

You are summoned to attend the meeting of Scrutiny Committee to be held on

Monday, 23 January 2023 at 10:30

**At Fire Service Headquarters, 99 Vauxhall Road, Nechells, Birmingham B7 4HW
and digitally via Microsoft Teams**

for the purpose of transacting the following business:

Agenda – Public Session

Item No.

1	To receive apologies for absence (if any)	
2	Declarations of interests	
3	Minutes of the Previous Scrutiny Committee Meeting held on 07 November 2022	3 - 18
4	Scrutiny Review Option	19 - 22
5	Fire Control Performance Report Quarter Three 2022-23	23 - 30
6	Dispute Resolution Report	31 - 42
7	Business Continuity (Verbal Update)	
8	Scrutiny Committee Work Programme 2022-23	43 - 46

Distribution:

Gurdial Atwal - Vice Chair of the Scrutiny Committee, David Barrie - Member, Jasbinder Dehar - Member, Zahir Hussain - Member, Sybil Spence - Chair of The Scrutiny Committee, Vera Waters - Member, Patricia Young - Member

This meeting of the West Midlands Fire and Rescue Authority will be held at Fire Service Headquarters. However, please note that although the meeting will be open to the public, there will be limited capacity due to ongoing social distancing measures.

The meeting will also be held digitally via Microsoft Teams allowing observers to access remotely. To access the meeting, please contact a member of the Strategic Hub, West Midlands Fire Service, who will be able to provide login details (please note that Microsoft Teams is not required to join a meeting) or provide guidance if you wish to attend in person at HQ.

Clerk Name:	Karen Gowreesunker
Clerk Telephone:	0121 380 6678
Clerk Email:	Karen.Gowreesunker@wmfs.net

Agenda prepared by Kirsty Tuffin
Strategic Hub, West Midlands Fire Service
Tel: 0121 380 6906 email: kirsty.tuffin@wmfs.net
This agenda and supporting documents are also available
electronically on the
[West Midlands Fire Service Committee Management Information](#)
[System](#)

Minutes of the Scrutiny Committee

07 November 2022

Conducted as a public meeting at Headquarters and digitally via Microsoft Teams

Present: Councillor Spence (Chair), Councillor Atwal (Vice-Chair), Councillor Barrie, Councillor Dehar, Councillor Waters, Councillor Young and Sarah Middleton, Co-Optee.

Virtual: Paul Hitchen, National Resilience Assurance Team.

Officers: Andrea Simmonds, Kate Alliss, Kirsty Tuffin, Pete Wilson, Simon Barry, Joanne Simmonds, Kelly Whitmore, Kamla Devi-Ahir, Tom Embury.

Additional: Wayne Brown, Deputy Chief Fire Officer (DCFO) and Steven Price-Hunt, Fire Brigades Union (FBU).

Please note: Councillor Dehar joined the meeting at 11:07. Paul Hitchen, Home Office, joined the meeting at 13:07. Councillor Atwal left the meeting during the first adjournment at 12noon. Wayne Brown, DCFO, and Steven Price-Hunt, FBU joined at 12:25pm.

Please note: due to an administrative error, item 8 of the agenda Business Continuity Arrangements has been placed after the exclusion of the press and public. It was confirmed that the report had been public, and it was agreed that the report be moved up the agenda to be discussed before the exclusion of the press and public. Supplementary documents had been issued since publication which included the Dispute Resolution Report and outstanding evidence from the Home Office/NFCC, The FBU and other Fire Services. Both the Dispute Resolution Report and DICE Report will be covered under item 6 of the agenda.

15/22 **Apologies**

No apologies were received.

16/22 **Declarations of Interest**

There were no declarations of interest received.

17/22 **Minutes of the Scrutiny Committee held on 23 May 2022**

Resolved:

1. That the minutes of the Scrutiny Committee held on 23 May 2022 were approved as an accurate record of proceedings.

18/22 **Scrutiny Review of Safe & Well**

Andrea Simmonds, Head of Community Safety, presented the Scrutiny Review of Safe and Well 2022 report that outlined the learning/findings and recommendations that arose from the Scrutiny Committee Review of Safe and Wells (SAW).

The Committee were advised that at the Scrutiny Committee on 23 May 2022, a methodology and scoping of the review was agreed. This included four themed workshops focused upon the following:

1. Risk stratification including referrals and relationships with partners
2. Record keeping
3. Delivery including training and development
4. Performance management, quality assurance and evaluation

The Prevention Partnerships and Vulnerability Team held a workshop to contribute to all four themes and test the proposed questions. This workshop found that it would be more beneficial to hold a single larger workshop as a more effective way of engaging stakeholders because of the interdependencies between the four themes. Therefore, a single workshop at the Fire Service Headquarters was held on 7 July 2022, with all stakeholders present contributing to the themes. Alongside the workshop, a Microsoft (MS) Forms questionnaire was developed to open engagement. The key learning from each theme and the key recommendations 1-10, as per appendix 1 of the report, were highlighted.

Following queries, Andrea advised the Committee that rereferrals did take place in all local authorities however, the three areas (Coventry, Wolverhampton and Dudley), were highlighted due to the withdrawal of non-injury response

contacts. The committee were advised that the service worked collaboratively with thousands of partners and the workshops allowed as many of them as possible to be involved. Re-assurance was given to members that stations worked with partners on a daily basis and priority had to be given to particular groups. The need for training to be provided to partners that give high levels of referrals was expressed. Re-assurance was given that the team used an online approach to engagement/training via teams to reach the largest number of stakeholders. Following discussions on foodbanks, Simon Barry advised the Committee that the service would not hold information on whether staff were accessing food banks at stations. It was agreed that the number of stations with foodbanks within Walsall be circulated to Councillor Young. It was agreed a progress report be brought to the Committee in April 2023.

Resolved:

1. That it be agreed that the Committee considered and approved the learning and recommendations from the Scrutiny review of Safe & Well (SAW), as outlined in the report.
2. That it be agreed that agreed that the number of stations with foodbanks within Walsall be circulated to Councillor Young.
3. That it be agreed a progress report be brought to the Committee in April 2023.

19/22

Fire Control Performance Report Update – Quarters 1 and 2 2022-23

Kelly Whitmore, Group Commander – Fire Control, presented the Fire Control Performance Report – Quarters 1-2 2022-23, that outlined the operational performance of Fire Control over a six month period.

The Committee were advised that Fire Control received and managed resources for both Staffordshire and West Midlands. As per the report, a total of 47,347 emergency calls were received between 1 April 2022 and 30 September 2022. 33,957 (72%) were the for West Midlands and 12,041

(25%) were for Staffordshire. A total of 3% of calls had been taken on behalf of other services. Of the total number of calls received, Fire Control mobilised to 49% of the incidents. The mobilisation ratio of calls had been dependent upon the following:

- Calls challenging automated fire alarms (AFAs)
- Calls challenging special service calls that were deemed non-emergency
- Repeat 999 calls
- Use of 999eye footage/imagery

As per the graphs within the report, Fire Control received a high number of calls during the heatwave period, 14 July 2022 to 14 August 2022. Across a four day period, 17 July to 20 July, Fire Control received a total of 2,745 calls, 916 of those calls were all in one 24-hour period on the 19 July 2022.

During Qtr. 1, the average mobilisation time by Fire Control had been 83 seconds compared to 99 seconds for Qtr. 2. The increase in time handling had been a result of the number of new entrants that joined the Fire Control team, the introduction of Vision 4, a new command and control system, and enhanced questioning to support proportionate and appropriate mobilising of resources.

The Committee were advised that Fire Control amended the initial level of response 1,286 times throughout Qtr. 1 and 2 for incidents. The totals included within the report has either been increased/decreased attendance from the standard pre-determined levels of response. 710 had been increased attendance and 576 had been decreased attendance.

999eye, that assisted Fire Control with intelligence led mobilisation and resource management, had been used a total of 6,343 time during Qtr. 1 and 2. This system allowed Fire Control to receive images/footage and share it with responding personnel to assist with the incident. Vision 4 had gone live on 7 June 2022. Data on repeat offenders and Automatic Fire alarms would be included in the next report update.

Resolved:

1. That it be agreed that the Fire Control performance update for quarters 1-4 2021-22, be noted.

20/22

Diversity, Inclusion, Cohesion, Equality (DICE) Update and Dispute Resolution Report 1 Jan – 30 June 2022

Joanne Simmonds, People Support Manager, presented the bi-annual Diversity, Inclusion, Cohesion, Equality (DICE) Update that outlined the progress made by West Midlands Fire Service in advancing DICE.

The Committee were advised that all Stakeholder groups continued to gather momentum following the relaxing of restrictions during the Covid 19 pandemic. The key work of each stakeholder group was highlighted to the Committee. 'Inspire' had actively been involved in the services recruitment processes. As part of a new initiative, in the lead up to celebrations for Ramadan, AFSA helped develop videos of employees talking about Ramadan and celebrations that was circulated across the service to help raise awareness. 'Affinity' had been working with key stakeholders nationally on the work conducted around menopause in the workplace. Members expressed it would be beneficial for the service to have a single policy focused upon the menopause.

Since January 2022, 33 Initial Equality Impact Assessments had been completed. Of these, seven progressed to a Full Equality Impact Assessment. Work was being conducted to develop an Equality Impact Assessment PowerBi dashboard. A Safeguarding toolkit had been produced to help employees with safeguarding. The toolkit is used alongside the safeguarding policy and procedures and the NHS safeguarding app. Any management involved in recruitment would also be provided with training on safe recruitment.

The key figures on the workforce profile, as at 1st October 2022, highlighted to the Committee were:

- WMFS employed a total of 1854 employees of which:

1. 1359 (73%) were uniform, 425 (23%) non-uniformed and 70 (4%) were Fire Control.
2. 13% of uniformed staff were female compared to more than half of non-uniformed staff.
3. 14% of all employees were from Black, Asian or Minority Ethnic (BAME) background.
4. Declarations had been high, with 90% of employees had made a declaration regarding disability.
5. Average age of employees had been 43 years.

The Committee were advised that as a result of the pandemic and lack of face-to-face interaction, expectations for new entrants, 50% of all trainee firefighters to be female and 35% to be from a BAME background, had not been achieved. Since the pandemic, figures had slightly increased but it was recognised that more work needed to be done.

The Occupational Health and Wellbeing team continued to provide a range of support to employees including the Employee Assistance Programme (EAP). The programme had been expanded to include:

- Assistance with the cost of living crisis, financial and debt advice.
- A new App for mental health, MyMindPal has been launched.
- Self-referral to free telephone counselling. The provision is also available to family members.

It was agreed that the number of attendees to each stakeholder group be provided to members. It was agreed that information on the success of targeted BAME work from Borough to Borough be included in reports moving forward.

Dispute Resolution Report

Kamla Devi-Ahir, Business Partner, presented the Dispute Resolution Report that outlined the number, type and outcomes of discipline, grievance hearings and other dispute resolution including Employment Tribunal activity that has occurred during a 6-month period 01 January 2022 – 31 June 2022.

The key figures highlighted for the above period, as per the report were:

- Five grievances received, one of which was a collective grievance that involved three employees.
- Nine disciplinary cases, seven of which were gross misconduct, two misconduct.
- Two new employment tribunal cases, one for Constructive Dismissal/age discrimination and one for wrongful dismissal/discrimination
- Three employment tribunal hearing dates over the next 12 months, as per report.

The Committee were provided with a summary of each grievance and disciplinary cases that included the reasoning, the length of each case and the outcomes, as outlined with the report. A robust process had been in place for a thorough debrief to take place after every grievance that allowed the opportunity for feedback to be given.

The Chair of the Joint Consultative Panel advised Members that a training session would take place on Monday 21 November, to understand WMFS policy on managing discipline & grievance and how this aligns to the ACAS code of practice. All Fire Authority Members were invited to attend. It was agreed that Kirsty Tuffin would re-circulate the relevant information on the training session to members.

Resolved:

1. That it be agreed that the ongoing progress made by the service in relation to Diversity, Inclusion, Cohesion, Equality (DICE) be noted.
2. That it be agreed that the number of attendees to each stakeholder group be provided to members.
3. That it be agreed that information on the success of targeted BAME work from Borough to Borough be included in reports moving forward.
4. That it be agreed that the Dispute Resolution Report be noted.

5. That it be agreed that Kirsty Tuffin would re-circulate the relevant information on the training session to members.

21/22

Scrutiny Committee Work Programme 2022-2023

Tom Embury, Deputy Clerk to the Authority, presented the Scrutiny Committee Work Plan for 2022-2023.

The Committee were advised that as agreed under item 4 of the agenda, a SAW Update report would be added to April 2023. He advised that a report on the options for the next Scrutiny Review would be brought to the next Scrutiny Committee meeting.

Resolved:

1. That the Scrutiny Committee Work Plan for 2022-2023, be approved.

The Committee agreed a 20-minute adjournment at 12:05.

The Committee re-convened at 12:25.

22/22

Scrutiny Committee Working Group – Business Continuity Arrangements

Tom Embury, Deputy Clerk, provided an overview of the Scrutiny Committee Working Group – Business Continuity Arrangements report. He advised that the matter had been referred to the Committee by Fire Authority on Monday 10 October 2022. Appendix 1 of the report outlined the proposed options taken to Fire Authority. Appendix 2 of the report outlined the Terms of Reference (TOR) for the Review. The Committee were advised that all those listed within the TOR had been invited to provide both written and verbal attendance to the Committee.

WMFS Service Evidence

Wayne Brown, Deputy Chief Fire Officer (DCFO), was invited to present the evidence on behalf of the Service. He advised

the Committee that the West Midlands Fire and Rescue Authority (WMFRA) had key responsibilities under the following principles and legal obligations:

- Local Authority Nolan Principles that stated the Community must be at the heart of decision making.
- Fire and Rescue Service Act 2004 and National Framework Document 2019 required Fire and Rescue Authorities to assess any risk of emergencies occurring and ensure business continuity.
- Section 2 of the Civil Contingencies Act 2004 required contingency/business continuity plans that the Authority had a statutory duty to assess, plan and advise upon.
- The Health and Safety at Work Act 1974

The current business continuity arrangements in place were the use of volunteers from non-striking employees, risk management via dynamic cover tool and provision of national resilience capabilities. Corporate Risk 6.1, that was related to Business Continuity and preparedness, had been raised to 16 (RED), as the service did not have confidence in the current arrangements.

Under the current arrangements, the service believed that core functions would not be provided as a result of extensive disruption and the above obligations would not be adhered to unless change was agreed. Failure to comply with the above legislation could result in intervention from the Secretary of State, increased likelihood of harm to the community due to reduction in services and impact employees due to insufficient resources being available to apply safe systems of work.

As the current arrangements relied upon good will, a letter was circulated by the Chief Fire Officer (CFO) to all 1854 employees that requested a non-obligatory response on their intentions to strike or not. The intention had been to assess the number of employees the service may have should a strike take place. 93 responses were received. Of the 93, 65 responded 'yes' they would be willing to work during strike action which totalled 3.5% of the total workforce, 16 responded 'no' and 12 responded 'prefer not to say'.

In July 2022, the National Resilience Assurance Team conducted a survey with Fire and Rescue Services on Business Continuity Arrangements for Industrial Action. As a result of this survey, the West Midlands Fire Services (WMFS) had been rated high risk (RED) due to the lack of re-assurance that 30% of services could be provided under strike action. A meeting with the Chief Fire Officer and Chair of the Authority would take place with the Home Office whereby an explanation would be required as to why WMFS had been rated RED.

A SWOT analysis had been conducted for all options presented and were as follows:

- Current arrangements – low confidence. Due to insufficient staffing levels to provide an emergency response to all incident types.
- Internal Resilience Contracts – medium confidence. Aimed to ensure current employees provided additional emergency cover but the level of staff that would sign up is unknown.
- External Resilience Contracts – medium confidence. WMFS could ensure standards of training be provided but the level of applicants would be unknown and the time to take to introduce would be significant.
- External provider – high confidence. Guaranteed a minimum level of resources would be provided during potential industrial action.

The estimated financial considerations to incorporate the above options was highlighted to members. These included the following:

- Internal resilience contracts: average retainer fee in other Fire Services had been £1000-£2000 per contract, annually.
- External resilience contracts: average annual cost of £140k (without Industrial Action (IA), mobilisation costs based upon 8 days continuous IA average cost was £80k (25 staff).

- External provider: average cost without IA of £164k, mobilisation costs based upon 8 days continuous IA average cost was £464k.

The DCFO advised the Committee that the proposed changes to the current business continuity arrangements made no judgement on those wishing to strike and officers knew the impact this would be having on staff; however, the service did have a legal duty to ensure that services could still be provided in the event of strike action.

Following queries around the methods used to engage with employees and on what had changed to cause 6.1 to be raised, DCFO advised the Committee that the views of the service had not changed since 2019, whereby a report was rejected by Scrutiny Committee to change the business continuity arrangements. It was felt that multiple factors including the cost-of-living crisis impacting upon all employees only emphasised the need to change the current arrangements further. The service did not wish to pressure employees to respond to the CFOs question on their intention to strike as this was deemed inappropriate and may constitute harassment. It was emphasised that employees had a legal right to strike and had no requirement to inform the service of their intention to do so.

Following queries around funding, the DCFO advised the Committee that any funding would need to be incorporated into the current budget and no additional funding would be provided by the Home Office. Following queries by the Chair of the Committee, the DCFO advised the Committee that as current industrial action would likely be a national strike, no additional staff from other areas could be called upon. All areas are responsible for their own business continuity. External provider employees would be trained adequately from a health and safety perspective. It was emphasised that it did not need to be one option and a blended approach could be utilised.

Fire Brigades Union Evidence

Steven Price-Hunt, West Midlands Brigade Secretary, was invited to present the evidence on behalf of the Fire Brigades Union (FBU). He advised the Committee that the FBU had serious concerns around any potential changes to contingency arrangements as outlined within the report and the damage this would cause to industrial relationships. The rationale behind the changes referenced a requirement under The Fire Services Act 2004 and Civil Contingencies Act 2004. The Fire Services Act sections 7,8 and 9 explained the role of responding to fires and road traffic collisions, and that services needed to make provisions to provide coverage. The Civil Contingencies Act Section 2 (1) (C) explained 'maintain plans for the purpose of ensuring, so far as is reasonably practicable, that if an emergency occurs that person or body is able to perform his or its functions.' Steven emphasised the wording to be 'so far as is reasonably practicable,'.

There were concerns by the FBU with the costs associated to any changes implemented and expressed the view that these costs would exceed the predicted quarter of a million pounds. The external providers had been advertising for these roles with huge salaries to try and entice people to apply. It was felt this was unfair to employees, given the campaign for better pay as a result of the cost of living, that external companies could pay up to 50% more than that of firefighters.

The FBU did not believe that the external companies would have the capacity to deliver as those contracted would require breaks and annual leave. This would result in an estimated two vehicles being available although, contracted/paid for five vehicles. It was felt that the companies were approaching all services without having the resources ready as they had been in the process of job advertising. The FBU raised concerns around the advertisements from external companies that declared 12 days of training would be provided. They did not feel this was adequate and sufficient enough. Alongside this, the lack of

local knowledge and use of safety critical equipment would put employees at risk under the Health and Safety at Work Act. Steven advised the Committee, that should this option be implemented and employees felt unsafe working alongside externally contracted, advice would be given to withdraw their services.

The Committee were advised that a recall system had already been in place, should a strike take place. If a reasonable recall to duty process for Fire fighters could be presented, the FBU would sign to provide that a level of assurance if industrial action took place. The FBU had consulted with its members, and they opposed the proposal to change business continuity arrangements. The FBU felt if changes were implemented it would antagonise the workforce and would result in more Firefighters taking industrial action if it took place.

Following questions by the Chair of the Committee, Steven advised the Committee that Unions would not be able to guarantee that 30% of the workforce would be available should there be industrial action. To ensure that, fairer pay would need to be provided to employees. Members expressed the need for the Home Office to be convinced that the required level of resources needed would be provided. Steven advised the Committee that historical events had shown that firefighters would respond should a major incident be declared. Following queries around FBU members being asked to provide the required 30%, Steven advised the Committee that the 30% of resources had been a request by the Home Office.

National Resilience Assurance Team Evidence

Paul Hitchen was invited to present the evidence on behalf of the Home Office/National Fire Chief Council. He advised the Committee that the business continuity survey was conducted annually with a range of questions. As a result of information not being readily available around the level of cover that could be provided during industrial action, WMFS had been rated high risk (RED). The Chair of the Committee asked that the result be reviewed to take into consideration

the good will of firefighters as it was felt employees did not intend to strike.

Following questions around the approach taken to receive responses, Paul Hitchen advised the Committee that all questions were submitted to WMFS for response. All questions had been answered but as the service could not provide a definite number of resources that would be available during industrial action, they were deemed high risk. He highlighted that all services nationally take part in the survey and WMFS had been the only service that could not provide this re-assurance.

The DCFO advised the Committee that the letter from the CFO to employees on their intention to strike had been a result of the survey questions by the National Resilience team. Following questions around legal restrictions and contacting employees on their intentions, the DCFO emphasised that it would not be morally right to push employees for a response as it could be received as harassment/manipulation. The FBU agreed with the DCFO that further correspondence with employees/additional pressure to provide their intentions to strike or not would be inappropriate.

Resolved:

1. That it be agreed that all evidence presented be noted.

23/22

Exclusion of the public and press

Resolved:

1. That the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006."

The Committee agreed a 15-minute adjournment at 14:06.

The Committee re-convened at 14:21.

24/22

Private Workshop for Members

Discussion was opened up to Members to deliberate on all evidence presented during item 8 of the agenda, including written evidence. Members expressed concerns that External Providers had not had the chance to respond to comments made by the FBU around the level of training provided to its employees. Tom Embury assured Members that external companies had been invited to provide evidence but had declined to attend due to capacity. It was agreed that more information be provided on the training provided by external companies. Members desired a different approach to be taken on engagement with staff around their decision to strike or not. Members wished to be provided with data from 2019.

It was agreed that a named vote be conducted on the options outlined as per the report. Members voted as follows:

Option 1a/1b – Internal/External Resilience Contracts/workforce:
Councillor Barrie – For
Councillor Dehar – Against
Councillor Hussain – Against
Councillor Spence – Against
Councillor Waters – Abstain
Councillor Young – Against

Option 2 – External Provider:
Councillor Barrie – For
Councillor Dehar – Against
Councillor Hussain – Against
Councillor Spence – Against
Councillor Waters – Abstain
Councillor Young – Against

It was agreed that a recommendation be presented to Fire Authority to continue with current practice. It was agreed that Tom Embury would draft the report on behalf of Scrutiny Committee and circulate to members for

comments/amendments/approval prior to Fire Authority publication.

Resolved:

1. That it be agreed that options 1a, 1b and 2 be rejected following a named vote.
2. That it be agreed that a recommendation be presented to Fire Authority to continue with current practice. That it be agreed that Tom Embury, would draft the report on behalf of Scrutiny Committee and circulate to members for comments/amendments/approval prior to Fire Authority publication.
3. That it be agreed that more information be provided on the training provided by external companies, further consideration made of how the staff could provide information on their intention to strike, and data be provided from 2019.

The meeting finished at 14:59 hours.

Kirsty Tuffin Strategic Hub 0121 380 6906

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

23 JANUARY 2023

1. SCRUTINY REVIEW OPTION

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT Members note the proposed topics for the second scrutiny review.
- 1.2 THAT Members approve to undertake a scrutiny review of the service's Training and Development, and specifically in the areas identified in the Terms of Reference to be developed.
- 1.3 THAT Members approve to defer a scrutiny review of blue light collaboration with the Ambulance Service to the 2023/24 municipal year.

2. PURPOSE OF REPORT

- 2.1 To set out options for the next planned scrutiny review to be undertaken by the committee.
- 2.2 To determine the broad terms of reference for the second agreed Scrutiny Review for the 2022/23 municipal year.

3. BACKGROUND

- 3.1 The Terms of Reference of the WMFRA Scrutiny Committee (WMFRA Constitution Article 9, section 9.2) state that Committee is able "to carry out a maximum of two scrutiny reviews per annum selected by the Committee. Such reviews will be member-led and evidence based, and will produce SMART (specific, measurable, attainable, realistic and timely) recommendations to the Authority".

- 3.2 The first Scrutiny Review report of 2022/23 was completed and delivered to the Committee in November 2022 [and concerned Safe and Well visits](#).
- 3.3 The committee now needs to determine what second topic should be subject to a scrutiny review. Once a topic is determined, an appropriate Terms of Reference will be drafted and support from appropriate officers within the service will be sought. The review will be scoped, and a methodology agreed. Additional meetings will be arranged (either of the Scrutiny Committee or more informally) to undertake the review and gather relevant evidence as necessary.

4. **OPTIONS**

- 4.1 The Scrutiny Committee Chair has proposed that the next scrutiny review focus on the service's Training and Development functions. Specifically, it would consider:
- 4.1.1 Progression and development within the service into leadership and management roles, especially for employees from groups which are currently underrepresented within the service (e.g., women in operational roles, staff from ethnic minorities).
- 4.1.2 The role of innovation and technology enabled approaches to training and development in improving effectiveness, efficiency and accessibility.
- 4.1.3 Actions to ensure inclusiveness and equality in how training is developed and delivered for all staff, especially those from groups which are currently underrepresented within the service.
- 4.1.4 Staff and specifically new recruit experiences of training and development – what works well, and where further improvement could be made.
- 4.2 The Collaboration and Transformation Committee have also referred the topic of Blue Light Collaboration between WMFS and West Midlands Ambulance Service to the Scrutiny Committee. This followed a report presented to the November meeting of the committee which identified very limited recent collaboration in areas of estates and co-responding. It is recommended that this be considered for the 2023/24 Authority session.

5. **EQUALITY IMPACT ASSESSMENT**

- 5.1 No initial Equality Impact Assessment has been undertaken as this paper does not relate to policy change. However, there may be a requirement to consider equalities issues or undertake an EIA as part of the agreed review topic.

6. **LEGAL IMPLICATIONS**

- 6.1 There are no matters within this paper that need to be brought to the attention of the Monitoring Officer.

7. **FINANCIAL IMPLICATIONS**

- 7.1 In accordance with the Committee Terms of Reference, the committee is able to manage, in consultation with the Strategic Enabler for Finance and Resources, a specific budget for the purpose of buying in any necessary external advice and support in connection with the reviews.

8. **ENVIRONMENTAL IMPLICATIONS**

- 8.1 There are no environmental implications from information provided within this report.

BACKGROUND PAPERS

WMFRA Constitution (June 2021) – Scrutiny Committee Terms of Reference (Article 9).

The contact for this report is Tom Embury, Deputy Clerk to the Authority:
tom.embury@wmfs.net

Wayne Brown
CHIEF FIRE OFFICER

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE
23 JANUARY 2023

1. FIRE CONTROL PERFORMANCE REPORT – Q3 2022/23

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the operational performance of Fire Control for Q3 be noted.

2. PURPOSE OF REPORT

- 2.1 This report is submitted to provide the Committee with an update of the operational performance of Fire Control. The report covers a 3-month period.

3. BACKGROUND

3.1 Emergency Calls Received and Call Handling

Fire Control receives the emergency calls and effectively manages the resources for both Staffordshire and West Midlands Fire and Rescue Services.

Staffordshire and West Midlands Fire Control received 17,749 emergency calls between 1 October 2022 and 31 December 2022 across both brigade areas.

This was split 13,096 calls for the West Midlands (74%), 4,178 calls for Staffordshire (24%) and 475 calls from outside of service areas (2%).

The table below show the breakdown of calls received for West Midlands Fire Service (WMFS) and Staffordshire FRS across a 3-year period.

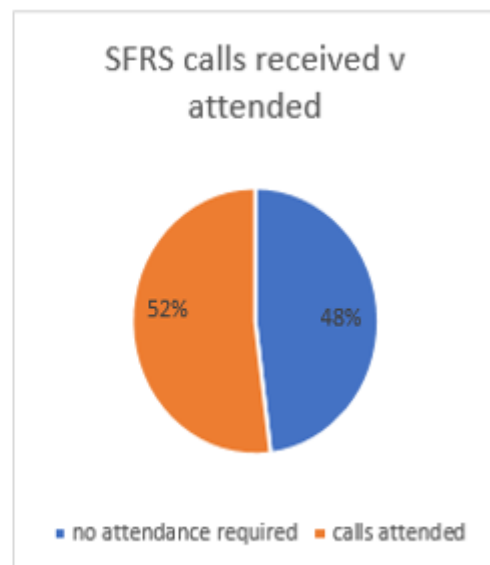
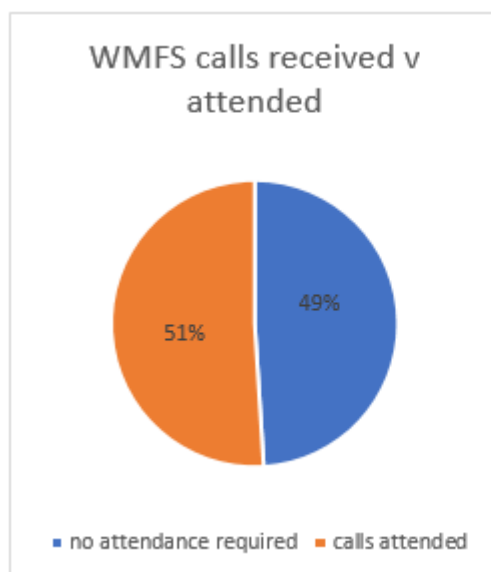
	WMFS			SFRS		
Period	2020/21	2021/22	2022/23	2020/21	2021/22	2022/23
Q1 Apr-Jun	12,514	13,005	14,273	5,569	7,123	5,431
Q2 Jul-Sep	13,168	12,871	19,688	5,330	7,149	6,610
Q3 Oct-Dec	9,996	11,613	13,096	4,478	6,231	4,178
Q4 Jan-Mar	9,349	11,467		4,593	6,126	

Of the 13,096 emergency calls received for WMFS across the reporting period, Fire Control mobilised to 6,726 (51%) incidents.

Of the 4,178 emergency calls received for Staffordshire FRS across the reporting period, Fire Control mobilised to 2,169 (52%) incidents.

This mobilisation to calls received ratio is because of several factors including –

- call challenging automated fire alarms (AFAs)
- call challenging special service calls which were deemed non-emergency
- repeat 999 calls
- use of 999eye footage and imagery



3.2 **Call Handling**

A key performance indicator for Fire Control is the length of time from answering a 999 call to mobilising appliances to category 1 (life and property) incidents. For these critical incident types, we aim to mobilise in under 80 seconds.

The data below shows the median average call handling times for life and property incident across Q3 with incident types broken down for both Staffordshire and West Midlands.

Brigade (excl OB)	SFRS		WMFS		Total	
Incident Type	Call Handling	Count	Call Handling	Count	Call Handling	Count
FIRE	108	120	95	324	98	444
FIRE PR	108	10	99	12	105	22
HOUSE FIRE	69	88	69	196	69	284
HOUSE FIRE PR	88	6	78	24	83	30
RTC	132	118	105	454	111	572
RTC PR	113	67	99	190	103	257

Fire Control's continued focus on mobilising with the required urgency is a key factor in survivability and limiting damage to property. We have seen an increase in the median call handling time across Q2 and now Q3. The median call handling time for Q3 was 101 seconds. The increase in call handling time could be due to several factors, including the number of new entrants joining the fire control team, the introduction of Vision 4, our new command and control system, and enhanced questioning to support proportionate and appropriate mobilising of resources.

The table below shows the median call handling times across reporting periods.

Months/Quarter	Median Call Handling time
Apr – Jun 2021 (Q1)	74 sec
Jul – Sep 2021 (Q2)	79 sec
Oct – Dec 2021 (Q3)	78 sec
Jan – Mar 2022 (Q4)	81 sec
Apr – Jun 2022 (Q1)	90 sec
Jul – Sep 2022 (Q2)	99 sec
Oct – Dec 2022 (Q3)	101 sec

3.3 **Dynamic Mobilising**

Dynamic mobilising involves using resources flexibly and efficiently in our approach to emergency call management and mobilising, resulting in a proportionate and appropriate initial incident response. The approach enables Fire Control to reduce and increase an incident response to achieve the best match for the incident needs, which includes selecting the most appropriate number and type of resource.

Fire Control continue to utilise several tools to support decision making including –

- Dynamic emergency call handling
- Information gathered at the time of call
- Location of the incident, both geographically and demographically
- Repeat calls
- Footage and images from 999eye
- Number and type of incidents in progress
- Weather
- Time of day

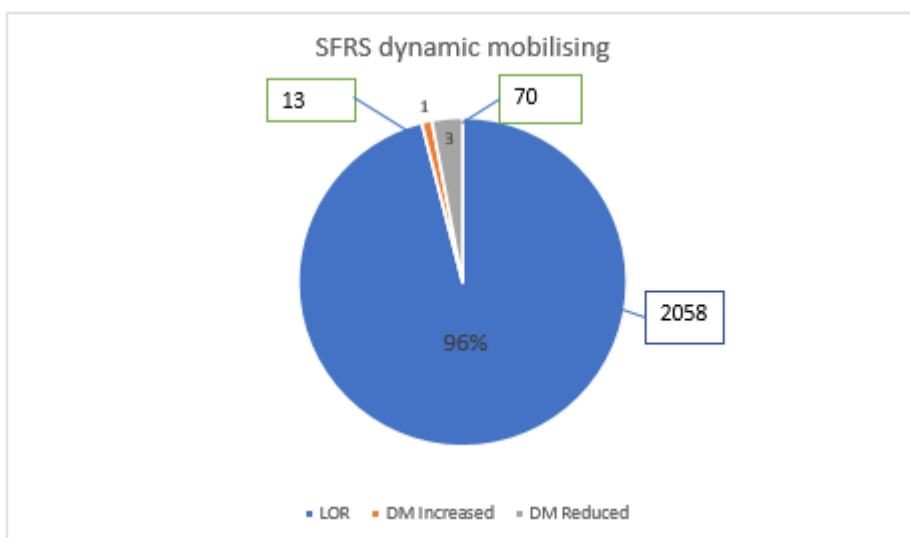
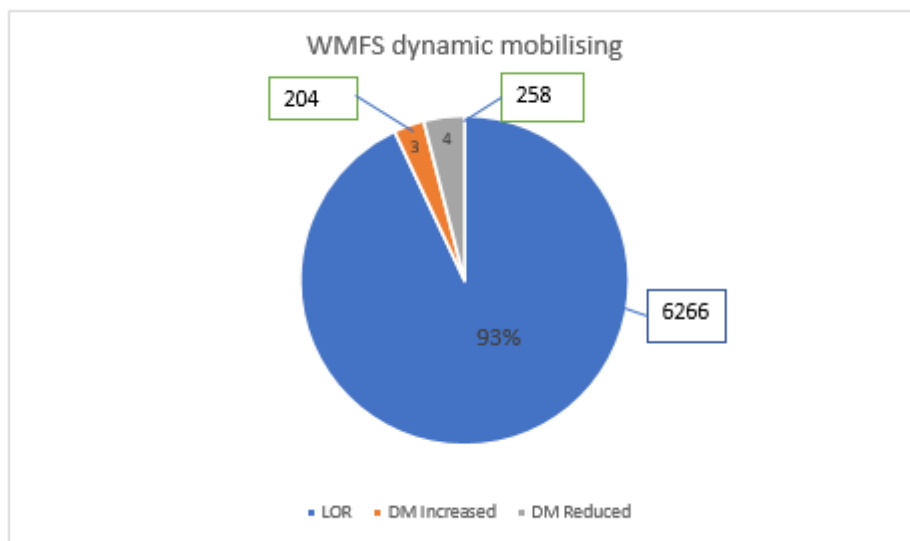
The charts below show the dynamic mobilising data captured for the reporting period.

Fire Control dynamically amended the initial level of response 549 times throughout the quarter, increasing the attendance 219 times and reducing the attendance 330 times.

These totals are either an increased or decreased attendance from the standard pre-determined levels of response.

On the occasions Fire Control reduce the attendance, this results in an increased number of appliances being available for category 1 incidents and to support prevention and protection activities, thereby increasing the effectiveness of our resources.

On the occasions Fire Control increased the attendance, this supported the speed and weight of attack allowing for safe systems of work to be implemented leading to effective and efficient resolution of incidents.



3.4 **999Eye**

Intelligence led mobilisation and resource management enables Fire Control to send the most appropriate number

and type of resource based on the level of risk, this directly contributes to the achievement of our risk-based attendance standards.

999eye is enhancing the quality of intelligence and information that is received within Fire Control, thereby enabling Fire Control personnel to make more informed dynamic mobilisations using this technology; further supporting our key aim of sending the right level of resource to the right incident type.

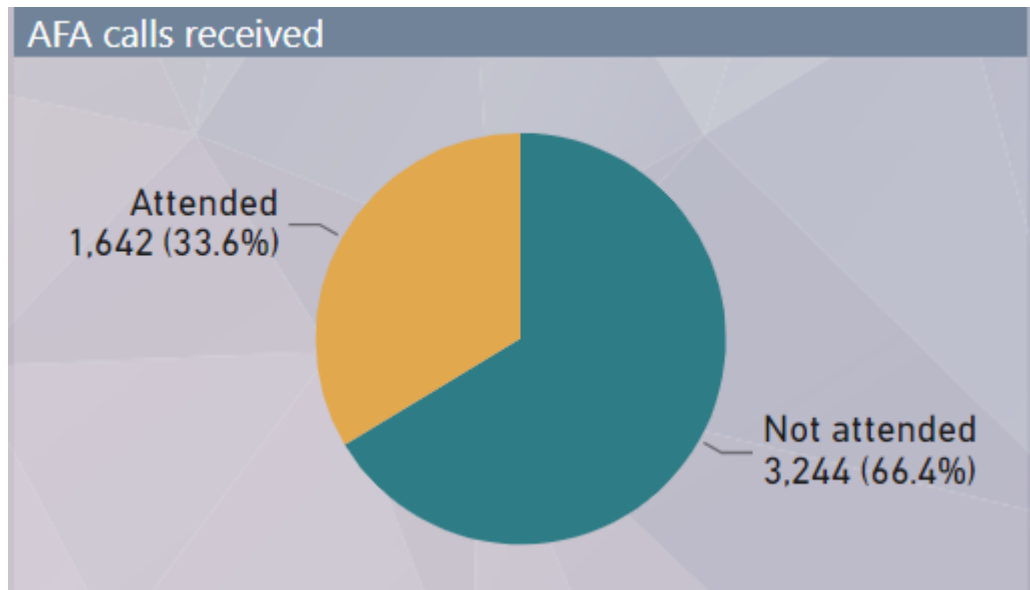
The table below shows the recorded use of 999eye across the reporting periods.

	Q3 21/22	Q4 21/22	Q1 22/23	Q2 22/23	Q3 22/23
WMFS	1738	1848	2158	3127	1518
SFRS	481	549	597	695	436
Total	2219	2397	2755	3822	1954

3.5 **Automated Fire Alarm Calls**

Fire Control continue to be an integral function supporting the introduction of CRMP projects by ensuring a proportionate level of response to incidents, including those involving Automated Fire Alarms.

A total of 4,886 calls were received relating to Automated Fire Alarms; of those calls 1,642 were attended (33.6%) and 3,244 required no attendance (66.4%).



4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 There are no legal implications arising from this report.

6. **FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications arising from this report.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

None.

The contact for this report is Samantha Burton, Strategic Enabler Fire Control and Business Continuity.

WAYNE BROWN
CHIEF FIRE OFFICER

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

23 JANUARY 2023

1. DISPUTE RESOLUTION REPORT

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the contents of the Dispute Resolution Report for the period below are noted:

- 01/07/2022 – 31/12/2022 (6-month reporting period)

2. PURPOSE OF REPORT

- 2.1 For Scrutiny Committee to note the report which provides details on the number, type and outcomes of discipline and grievance hearings and Employment Tribunal activity that have occurred during the period listed above.

3. BACKGROUND

- 3.1 This report provides a summary of the number, type and outcomes of disciplinary, grievance, collective grievances and any reported failure to agree, or failures to consult. The report will also provide detail around any Employment Tribunals that are lodged or scheduled within the reporting time.
- 3.2 The report also identifies significant lessons learned from a policy or management perspective of the reported cases. The Service is committed to completing a debriefing process at the conclusion of all significant disciplinary processes.
- 3.3 Discussions frequently take place at Joint Consultative Committee and monthly Joint Working Party meetings around

the application of the relevant policies and their application allowing all stakeholders to contribute to continuous improvement.

4. **SUMMARY OF CASES**

4.1 **Grievances**

During this 6-month reporting period 10 grievances have been lodged.

4.1.1 **Grievance G16 Bullying and Harassment**

The employee made allegations that they had experienced bullying and harassment due to a medical condition and their ethnicity.

There was a thorough investigation into all aspects of the grievance which showed that full support had been provided by their Line Manager for their medical condition. The individual was unable to provide any evidence for their other claims. A subsequent appeal was made, but due to no new evidence, this was not upheld.

Outcome: Not upheld due to no further evidence provided to support the allegations.

Appeal: Not upheld

Length: 108 days

4.1.2 **Grievance G17 Unfair Treatment**

The employee alleged that they had been unfairly treated following flexible working requests. A thorough investigation confirmed that all policies and procedures had been followed.

A subsequent appeal was made, but the individual failed to engage with the process and subsequently resigned.

Outcome: Not upheld
Appeal: NFA due to resignation
Length: 38 days

4.1.3 **Grievance G18 Unfair Treatment**

Employee felt that he had been unfairly treated by the recruiting manager, during a process which forms part of the redeployment policy.

The individual cited that the approach and decision making of the recruiting manager was not to appoint which he felt was unfair and not all factors were considered as he was on the redeployment list, under ill-health. This was not the case, as the manager had enough information to confirm the outcome of the non-appointment.

However, the learning from this was that when managing a case for ill-health the capability process should be followed, and not the 4Rs policy.

Outcome: Partially upheld, due to the manager not working in line with the correct policy, feedback has been given to the manager.
Appeal: Partially upheld, the above decision did not change however, policy changes were recommended.
Length: 32 days

4.1.4 **Grievance G19 Disability and Sex Discrimination**

Employee had requested an appeal to his disciplinary award 18 months after the award had been issued. Due to this being outside of our disciplinary process timelines, this disciplinary appeal was not accepted.

Employee claims disability discrimination as he was suffering with stress and anxiety whilst the disciplinary was in progress. He also claims sex discrimination as he feels he was being treated less favourably than his female partner.

Outcome: Not upheld

Appeal: In progress

Length: 79 days (duration for this process has exceeded due to multiple grievances and information being submitted by the employee)

4.1.5 **Grievance G20 Discrimination (maternity)**

The employee raised concerns around the pregnancy, maternity and uniform policy and felt that she had been denied progression opportunities due to her pregnancy.

There was a thorough investigation into all aspects of the grievance.

The grievance was partially upheld and as a result the Pregnancy and Maternity policy is under review and procurement are looking at new uniform suppliers for maternity uniform.

All policies and procedures in relation to progression had been followed.

Outcome: Partially upheld

Length: 42 days

4.1.6 **Grievance G21 Bullying and Harassment**

The employee made allegations that following her discipline, she has been subject to bullying by another employee.

A management investigation is being conducted to review the allegations.

Outcome: Grievance was upheld however, the management investigation is in progress

Length: 105 days (delay due to annual leave and witness availability)

4.1.7 **Grievance G22 Work Practices**

The employee raised concerns regarding a disciplinary investigation that took place involving a trainee FF. Following a review of actions and timelines, the complainant accepted the rationale and the grievance came to an end.

Outcome: No further action

Length: 10 days

4.1.8 **Grievance G23 Plagiarism and Victimisation**

The employee made allegations that following an interview for a temporary position in which she was unsuccessful, the ideas she provided during the interview were subsequently used.

In addition, she was concerned her images were used without her permission by a third party/charity organisation.

There was a thorough investigation into all aspects of the grievance and employee was informed that suggestions/ideas do not qualify under copyright law and is not considered plagiarism.

The victimisation element of the grievance was upheld, and it was agreed that the image should not have been used without permission.

Outcome: Partially upheld

Length: 63 days

4.1.9 **Grievance G24 Unfair Treatment**

The employee made allegations against their Line Manager who they felt had treated them differently in an application process compared to other applicants and a feeling on not being supported fairly.

Following a thorough investigation there was no evidence of a direct action to support the employee feeling unsupported. However, the investigation found that communication could be improved between employee and Line Manager and have recommended formal mediation.

Outcome: Partially upheld

Appeal: Upheld

Length: 59 days

4.1.10 **Grievance G25 Discrimination**

Employee felt that a recruitment process had not been fair and open and that he had been victimised.

A thorough investigation confirmed that all recruitment policies and procedures had been followed and can find no evidence of the employee being victimised.

Outcome: Insufficient evidence to proceed.

Length: 82 days

	Position	Green/Grey Book	Age	Gender reassignment	ethnicity/Race	Sexual Orientation	Marital Status	Religion/Belief
Grievance	Tech 3A	Green	53	Male	Asian or Asian British	Hetrosexual	Divorced	Hindu
	Tech 2C	Green	38	Male	Not Stated	Not stated	Not Stated	Not Stated
	WCdrA	Grey	33	Male	White - Irish	Hetrosexual	Single	Christian
	CCdr	Grey	34	Male	White British	Hetrosexual	Single	Christian
	FF	Grey	24	Female	White British	Hetrosexual	Single	Not Stated
	TFF	Grey	42	Female	Not Stated	Not stated	Not stated	Not Stated
	WCdrB	Grey	44	Male	White British	Hetrosexual	Legally separated	Christian
	CCdr	Grey	42	Female	White British	Hetrosexual	Married	Not Stated
	SCdr	Grey	45	Female	White British	Gay/Lesbian	Domestic Partner	Catholic
	FF	Grey	46	Male	Other	Not stated	Married	Christian

Following analysis of the equality data there has been no impact on any specific group. The table above provides a full breakdown of the equality data for each case.

4.2 **Disciplinary Cases**

There were 3 disciplinary cases in total for this 6-month reporting period.

All 3 cases were at Gross Misconduct level.

Gross Misconduct - 3 cases are as follows

4.2.1 **Disciplinary 1 (D10-22)**

Arrested for dangerous driving and showing aggression to arresting officer. Employee informed the line manager and thorough investigation has been carried out. Employee retired prior to hearing date. Hearing proceeded without individual's attendance.

Outcome: 12 months First Written Warning

Length: 91 days

4.2.2 **Disciplinary 2 (D11-22)**

Arrested for breaching his court restraining order. Employee failed to give notice of the arrest or subsequent court appearance to their line manager. Thorough investigation has been carried out. Investigation team aware of restraining order due to previous investigation.

Outcome: Investigation report has been submitted; hearing date is 13th January 2023

Length: ongoing

4.2.3 **Disciplinary 3 (D12-22)**

Criminal charges/safeguarding. Employee was arrested and charged for Serious Sex Offences. Due to serious nature of offences and information received from the Police, a hearing was arranged prior to the Court outcome. The individual was suspended. No appeal lodged.

Position: Dismissal

Length: 28 days

Following analysis of the equality data there has been no impact on any specific group. The table below will confirm a full breakdown of the equality data for each case.

	Position	Green/Grey Book	Age	Gender reassignment	ethnicity/Race	Sexual Orientation	Marital Status	Religion/Belief
GROSS MISCONDUCT	FF	Grey	54	Male	White British	Hetrosexual	Common-inlaw	Christian
	WCdrB	Grey	61	Male	White British	Hetrosexual	Single	None
	FF	Grey	51	Male	White British	Not stated	Single	Not stated

5. **EMPLOYMENT TRIBUNALS**

5.1 5 ETs have been allocated dates of hearings over the next 12 months:

- Unfair Dismissal/Age Discrimination (started November 2022 – judgment 6th February 2023)
- Unfair Dismissal/Disability Discrimination (Starts February 2023)
- Constructive Dismissal/Race Discrimination (23-29th May 2023)
- Constructive Dismissal/Age Discrimination (starts unspecified date 2023)
- Sex Discrimination/Disability Discrimination (preliminary hearing 23rd January 2023)

6. **DEBRIEFS AND LEARNING OUTCOMES**

- 6.1 Organisational Intelligence manage the debrief process following the conclusion of disciplinary and grievance case. If there is a requirement for a structured debrief, this is jointly managed by Organisational Intelligence and PSS Management.
- 6.2 For the reporting period, Organisational Intelligence has debriefed 11 cases (7 disciplinary cases and 4 Grievance Cases).

Please note that some of these debriefs are in relation to cases that were reported in the previous reporting period.

6.3 One structured debrief was held following a grievance, with the learning points listed below.

- Redeployment policy requires updating
- Ensure feedback is given to successful and unsuccessful candidates following decisions
- Redeployment and promotion processes should not happen at the same time
- Recruitment managers aware that personnel being redeployed are not required to have development plans in place
- Redeployment should be prioritised over other processes

Organisational Intelligence will continue to provide debrief forms once the cases come to an end.

7. **POLICIES AND PROCEDURES**

7.1 The Disciplinary and Grievance policies are available for all employees on MESH. These policies are reviewed every 3 years unless there are any changes that could require an earlier review.

8. **EQUALITY IMPACT ASSESSMENT**

8.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out. The Service's policies that are applied in all case management have been subject to full Equality Impact Assessments.

9. **LEGAL IMPLICATIONS**

9.1 There are no direct legal implications arising from this report.

10. **FINANCIAL IMPLICATIONS**

10.1 There are no financial implications to this report.

11. **ENVIRONMENTAL IMPLICATIONS**

11.1 There are no environmental implications to this report.

BACKGROUND PAPERS

Disciplinary Policy
Grievance Policy

Previous JCP reports Dispute Resolution Reports 0-19 and Review of Case Management Debriefs.

The contact officer for this report is Simon Barry, Assistant Chief Fire Officer, Strategic Enabler (People Programme) 07973 810 657.

WAYNE BROWN
CHIEF FIRE OFFICER

Case Comparison Information

Having received feedback from some members of the Authority, it was decided that we would include some comparison data from the previous reporting period relating to Disciplinary and Grievance cases.

It is important to note that there are 3 reporting periods that are outside of the normal reporting process, this was due to being in Covid-19 situation.

Reporting period	Discipline	Gross Misconduct	Misconduct	Grievance	Live ET
Apr 2020 - Mar 2021 - 12 month report (Covid)	27	18	9	20	5
April 2021 - 30 Sept 2021 - 6 month report (Covid)	10	6	4	6	7
1st Oct 2021 - 31st Dec 2021 - 3 month report (Covid)	5	4	1	4	6
Back in line with the normal reporting timeframes of 6 months					
01/01/2022 - 30/06/22	9	7	2	5	5
01/07/2022 - 31/12/2022	3	3	0	10	5

OFFICIAL

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY
SCRUTINY COMMITTEE WORK PROGRAMME 2022/23**

Date of Meeting	Item	Responsible Officer	Completed
2022			
7 November 2022	Dispute Resolution Report – 1 st January 2022-30 June 2022	ACFO Strategic Enabler - People	7 November 2022
	Diversity, Inclusion, Cohesion and Equality Update	ACFO Strategic Enabler - People	7 November 2022
	Review of Safe and Wells	Strategic Lead – Prevention	7 November 2022
	Business Cont. Review	Clerk to the Authority	7 November 2022
	Fire Control Performance Report	ACFO Strategic Enabler	7 November 2022
	Consideration of Scrutiny Committee Work Programme	Clerk to the Authority / Chair of Scrutiny Committee	7 November 2022

OFFICIAL

OFFICIAL

2023			
Date of Meeting	Item	Responsible Officer	Completed
23 January 2023	Fire Control Performance Report	ACFO Strategic Enabler - People	23 January 2023
	Dispute Resolution Report	ACFO Strategic Enabler – People	23 January 2023
	Business Continuity – Verbal Update	ACFO – Strategic Enabler – People	23 January 2023
	Scrutiny Review – Options	Deputy Clerk	23 January 2023
	Scrutiny Committee Work Plan 2022-23	Democratic Services Officer	23 January 2023
24 April 2023	Dispute Resolution Report	ACFO Strategic Enabler - People	
	Diversity, Inclusion, Cohesion and Equality Update	ACFO Strategic Enabler - People	
	Fire Control Performance Report	ACFO Strategic Enabler – People	

OFFICIAL

October 2022

OFFICIAL

	Annual Report of the Scrutiny Committee	Chair of Scrutiny Committee	
	Business Continuity Update – TBC	TBC	
	Scrutiny Committee Work Plan 2022-23	Democratic Services Officer	

To report as appropriate:

- Updates on reviews

Note: separate meetings of any review working group are to be scheduled if and when required

