

West Midlands Fire and Rescue Authority

Scrutiny Committee

**You are summoned to attend the meeting of Scrutiny Committee to be held on
Tuesday, 24 March 2020 at 14:00**

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 24.02.20 | 3 - 14 |
| 4 | Review of Safeguarding Arrangements | 15 - 22 |
| 5 | Dispute Resolution Report March 2020 | 23 - 34 |
| 6 | Scrutiny Reviews for Consideration | 35 - 38 |
| 7 | Scrutiny Committee Work Programme 2019-20 | 39 - 42 |

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

Clerk Telephone: 0121 380 6678

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Agenda prepared by Stephen Timmington

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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

24 February 2020 at 10:30 a.m.
at Fire Service Headquarters, Vauxhall Road, Birmingham
B7 4HW

Present: Councillor Spence (Chair)
Councillors Barlow, Barrie, Gill and Young

Apologies: Councillors Dehar and Jenkins
S Middleton

Observer: Nil

1/20 **Declarations of Interest in contracts or other matters**

There were no declarations of interest.

2/20 **Minutes of the Scrutiny Committee held on 4 November 2019**

Resolved that the minutes of the meeting held on 4 November 2019 be approved as a correct record.

3/20 **Minutes of the Scrutiny Committee held on 11 November 2019**

Resolved that the minutes of the meeting held on 11 November 2019 be approved as a correct record.

4/20 **Scrutiny Committee Briefing – Overview of Water Related Incidents**

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As a result of Members' request at the last meeting of the Committee, a briefing was provided to the Committee on water related incidents. Mark Flanagan, Station Commander, Organisational Learning and People Development, provided an overview of the report:

Under the Fire and Rescue Services Act 2004 (FRS Act 2004), Fire and Rescue Authorities (FRA) had a legal duty to provide a fire and rescue service that meets the needs of the local community. Authorities were responsible for providing, training and equipping a fire and rescue service capable of undertaking the core functions within the FRS Act 2004:

- Fire safety
- Fire fighting
- Road traffic collisions
- Other emergency rescue activities

Under the FRS Act 2004, FRAs had the power to respond to other eventualities, which water related incidents were classed as. However, there was no statutory duty for a FRA to do so.

An overview was provided of a variety of legislation and guidance that applied to the Authority including:

- Responsibilities of category one responders in accordance with the Civil Contingency Act 2004
- The role and responsibilities of Local Resilience Forums including the development of specific flood plans and a multi-agency flood plan
- A detailed capability assessment of flood emergency planning and preparedness undertaken by the Department for Environment, Food and Rural Affairs (Defra)
- The Pitt Review – an appraisal of all aspects of flood risk management in England
- The Defra Flood Rescue Concept of Operations and the Flood Rescue National Asset Register

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It was noted that the Service's Technical Rescue capability was included on the Flood Rescue National Asset Register with the ability to respond nationally.

Water related incidents could involve rescues from rivers, lakes, canals and waterways, or involve flooding. West Midlands Fire Service (the Service) crews responded to incidents within the West Midlands and could be called upon nationally to support major incidents elsewhere in the country

Firefighters within the Service were trained to six different levels:

- Level 1 – Water awareness
- Level 2 – Water rescue first responder
- Level 3 – Water rescue technician
- Level 4 – Water rescue power boat operator
- Level 5 – Water incident management
- Level 6 – Subject matter advisors

All firefighters were trained to level 1 which enabled a land-based rescue to be carried out. Additionally, firefighters were able to carry out a voluntary water rescue swimmer assessment meaning that they could enter the water to conduct a rescue swim.

Firefighters trained to level 2 were deployed to wading water incidents where people could be led to safety in shallow water. There were currently four stations trained to this level: Coventry, Perry Barr, Sheldon, and Woodgate Valley. These were supplemented by the two Technical Rescue Units at Bickenhill and Wednesbury stations.

Levels 3 to 6 were undertaken by Technical Rescue.

An overview of the equipment available within the Service was provided. There were three levels and these resources were located across the Service area in accordance with the Integrated Risk Management Plan (IRMP).

There had been 1941 water related incidents between April 2016 and March 2019. The incidents were broken down to

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incident types (according to special service charge sub-group).

The National Fire Chiefs Council (NFCC) conducted a drowning prevention and water safety campaign entitled 'Be Water Aware', which aimed to raise awareness of the risk of accidental drowning. The NFCC issued a campaign toolkit to participating fire and rescue services to support the 'Drowning Prevention and Water Safety Week', which included information on key messages for raising awareness with key focus groups.

The Service provided information on its website about water safety including sections about open water, flooding and boat safety. Additionally, the Safe and Well booklet contained information on water safety.

Safeside Eastside delivered the programme 'Smart Choices' for primary schools which included a section on water safety with a focus on cold water shock, helping others and how to get help in an emergency.

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

- In the event that Service personnel were deployed to support a national situation, funding was undertaken in accordance with the Bellwin Scheme which allowed for expenses to be claimed back
- Only personnel who had received the appropriate training were able to enter water. At least one voluntary rescue swimmer was encouraged for each watch. Voluntary rescue swimmers would enter the water with the appropriate personal protective equipment, personal floatation device, and attached to a line.
- Fire Control check if a voluntary rescue swimmer is on duty at the start of each shift and would mobilise accordingly in the event of such an incident.

5/20 **An Analysis of Progress of Quarterly Performance against 'Our Plan' – Quarter Three 2019/20**

Gary Taylor, Assistant Chief Fire Officer, provided an overview of the report:

It was noted that there were no significant issues regarding corporate risk or the quarterly financial update to bring to the attention of the Committee.

PI 1 'The risk-based attendance standard', the median attendance time to high risk (category one incidents) was 4 minutes 46 seconds, an eight second increase compared to quarter two, although in line with expected seasonal trends. Attendance times for category two, three and four incidents were not available due to technical difficulties, but the Committee were assured that performance across the incident types would be within or below the tolerance levels.

PI 2 'The number of accidental dwelling fires', there had been 1218 incidents year to date, 16 above target but within the tolerance levels. It was noted that the performance observed by the Service was bucking the national trend which had witnessed an increase in incidents.

PI 3 'Injuries from accidental fires in dwellings', there had been 9 injuries during quarter three, 46 injuries year to date (above target and above the upper tolerance level). The highest number of casualties were younger males and 35% of injuries were caused by individuals attempting to tackle the fire. As a result, the Service was revisiting its safety messages with a view to reduce the number of such injuries going forward.

PI 4 'The number of deaths from accidental dwelling fires', there had been ten fatalities year to date.

PI 5 'The percentage of Safe and Well visits referred by our partners', performance was 37.6%, below the target of 40%. Performance during the previous quarters had been significantly below the target but an increase had been observed. It was noted that for the first time it had been

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possible to obtain reliable figures from the Tymly system used in Black Country South Command and the figures indicated that 75% of such Safe and Well visits were a result of partner referrals. If these were included within the overall figures, the overall average would increase to 42.5%, which was above the quarterly target.

PI 6 'The number of Safe and Well points achieved by the Brigade', 177,886 points had been achieved year to date. It was noted that the Safe and Well visits and points accrued via the Tymly system were not included within the figures. If they were to be added, the total figure would be closer to the target.

PI 7 'The number of people killed or seriously injured in road traffic collisions', there had been 588 people killed or seriously injured year to date (25 fatalities and 563 seriously injured). The figures had plateaued nationally and locally, although remained significantly higher than fire related injuries and fatalities. It was noted that 80% of fatalities were pedestrians, 80% of whom were male, and that this was an area that the Service would focus on.

PI 8 'The number of deliberate fires in buildings', there had been 158 incidents year to date, four below the target and within the tolerance levels. It was noted that such incidents were arguably some of the most serious types of incident. The Service continued to work with partners including the Police with regard to these types of incident.

PI 9 'The number of deliberate fires in non-domestic premises', there had been 105 incidents year to date, 27 below target and below the lower tolerance level.

PI 10 'The number of deliberate vehicle fires', there had been 532 incidents year to date, 87 incidents below target and within the tolerance levels. Deliberate vehicle fires had been an issue 12 months ago but a number of interventions had been implemented and the number of incidents had decreased.

PI 11 'The number of deliberate rubbish fires', there had been 1275 incidents year to date, 117 below target and below the lower tolerance level. 270 incidents had been recorded during quarter three which was the second lowest total for a quarter on record.

PI 12 'The number of deliberate fires in derelict buildings', there had been 104 incidents year to date, above target and above the upper tolerance level. It was noted that the number of incidents had started to increase significantly and that there were clear geographical areas where increases were being observed, with incidents concentrated within specific Local Authority areas. Officers within those areas were aware of the increases in incidents and were working with partners to identify and target harden premises.

PI 13 'The number of accidental fires in non-domestic premises', there had been 327 incidents year to date which was 16 over target but within the tolerance levels.

PI 14 'The number of false alarm calls due to fire alarm equipment in dwellings and non-domestic premises', there had been 4572 incidents year to date which was above the target but within the tolerance levels.

It was noted that at over 4,500 incidents, such calls represented the largest demand on the Service. However, over 90% of false alarm calls were a waste of resources, tying up crews and appliances. It was noted that many fire and rescue services were in a similar position and there was the consideration if services respond to such calls or charged for attendance. This was a subject that would feature as part of the public consultation on the IRMP which was scheduled to be carried out later this year.

Helen Sherlock, Senior Business Partner, People Support Services, provided an overview of the People Support Services and Safety, Health and Environment performance indicators:

PI 15 'The percentage of employees that have disclosed their disabled status', 95.2% of staff had declared their

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disability status. 3.5% of staff had declared that they did have a disability. Targeted conversations were being held with those who had not declared their status although it was accepted that some would not wish to declare and therefore, the option was available for staff to state as such. The workplace adjustment passport had been launched which supported and enabled conversations with line managers. Additionally, line managers were being upskilled to identify neuro diverse disabilities.

PI 16 'The number of female uniformed staff', there were 138 female uniformed staff, representing 10.2% of operational staff. The national average was 6.4%. The Service continued to attract high numbers of females although performance remained below target.

The recruitment programme for females had been reviewed and evaluated and an annual plan had been developed.

PI 17 'The percentage of all staff from black and minority ethnic (BME) communities', at 11.9% performance was just below target but within the tolerance levels. However, performance was higher than previously experienced.

Pre-recruitment courses had started to be held for BME candidates and the course had been reviewed and evaluated.

A further update on the recruitment programmes would be provided to the Committee as part of the next quarterly performance update.

PI 17 'The percentage of all staff from BME communities', performance was 11.7%, below the target of 12.5% and below the lower tolerance level. It was noted that a concentrated effort was being taken to improve performance.

PI 18 'The average number of working days / shifts lost due to sickness – all staff', an average of 2.13 working days / shifts per person were lost due to sickness during quarter three, just above target and within the tolerance levels. This

represented a 9% decrease compared to the same period in 2018/19.

An average of 5.97 working days / shifts per person were lost due to sickness year to date, above the target of 5.52 days although representing a 1.6% decrease compared to the same period in 2018/19.

Work was ongoing regarding the delivery of attendance management workshops to staff which would include guidance on the requirements for recording sickness absence and return to work information.

PI 19 'The average number of working days / shifts lost due to sickness – uniformed and Fire Control staff', an average of 1.88 days / shifts were lost due to sickness during quarter three, below target and below the lower tolerance level.

It was noted that a high level of sickness had been observed in Fire Control and a targeted approach would be taken to deal with this.

1366 days / shifts were lost through restricted duties during quarter three. Joint work continued between Service Delivery, the Business Partners and Occupational Health to identify how best to manage the length of time that an individual remained on restricted duties.

Missing data regarding attendance management continued. However, the system had been updated within the quarter which should allow targeted intervention and line manager support.

Development sessions on attendance management had been delivered to every watch on every station to increase awareness. These were being rolled out to support staff during quarter four.

PI 20 'The average number of working days / shifts lost due to sickness – non-uniformed staff', an average of 2.97

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working days / shifts were lost due to sickness during quarter three, above target and above the upper tolerance level. This represented a 9% increase compared to the same period in 2018/19. However, the year to date figure of 6.78 was above the respective target but represented a 2.9% decrease compared to the same period in 2018/19.

PI 21 'The total number of injuries', 26 injuries were reported during quarter three, below the quarterly target of 31.5. 115 injuries had been reported year to date, above the target of 95, and above the upper tolerance level. This was because a high number of injuries had been reported in quarters one and two. A full breakdown of the injuries by type was provided in the report.

A high number of injuries (reddening of the skin) had been reported in quarter two involving tactical ventilation training. All 15 injuries had been attributed to heat. A number of interventions had been implemented including amending fire loading and not burning two rooms simultaneously. Additionally, there was a continued focus on the training of heat reduction techniques. A decrease in such injuries had been observed. Monitoring would continue to ensure that similar injuries did not reoccur.

40 near hit reports were received during the quarter, the lowest number year to date. It was noted that less than ten of the reports were genuine near hits.

The number of violence reports had reduced with 15 reports recorded. All reports were incident related, and none resulted in injuries.

PI 22 'The total number of RIDDOR injuries', there had been one RIDDOR report during quarter three, and 13 reports year to date. Performance year to date was above target and above the upper tolerance level. None of the reports had been incident related and none had been followed up by the Health and Safety Executive.

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

- Securing premises was a method of reducing the number of deliberate fires in derelict buildings. However, the location of some premises could make this difficult, for example a premises had been the location of multiple incidents but its location close to two canals meant it had been difficult to adequately secure the premises.
- With a regard to a spate of bin fires in a ward, the Local Authority had worked closely with the Service, leafleted residents to raise awareness, and installed a camera to monitor the area. It was confirmed that the Service were not aware of any further incidents in the area. However, the Service had raised the issue nationally. Officers would be asked to provide an update for Cllr Young.
- Mental health was the top reason for sickness absence across all staff groups during quarter three. However, it was not necessarily a common denominator with analysis carried out over the last 12 months indicating that a variety of reasons were provided, and that mental health was a mixture of work and home issues. It was agreed that a further update would be provided as part of the next quarterly performance update and would include a breakdown of the figures.
- It was noted that the Service was looking to introduce a sub-category to identify reasons for mental health related absences.
- The Service had joined up with an external company who were supporting the Service's Wellbeing Strategy. Staff were being encouraged to look after their mental health wellbeing, physical wellbeing, and financial wellbeing. The Wellbeing Strategy had been launched in February and a number of staff had been trained to be Mental Health Advocates who were able to recognise wellbeing issues and signpost people to the relevant support. Additionally, more staff were being encouraged to become Mental Health Advocates.

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- Two of the new recruits had resigned. Additionally, some individuals may not have passed the initial eight-week training course. Exit interviews were held with individuals leaving the Service to understand reasons why.

It was agreed that the following information would be provided when the report 'Analysis of Progress of Quarterly Performance Against Our Plan – Quarter Four' would be submitted to the Committee:

- An update on the female recruitment programme and annual plan
- An update on the BME recruitment programme
- Further information regarding sickness absence due to mental health reasons including a breakdown of the figures

6/20 **Scrutiny Committee Work Programme 2019/20**

The Committee noted the Work Programme for 2019/20 and progress to date.

Karen Gowreesunker, Clerk to the Authority, noted that a report would be submitted at the next meeting of the Committee to enable Members to consider the topics previously raised for review.

The meeting finished at 11:33am.

Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

Item 4

24 MARCH 2020

1. REVIEW OF SAFEGUARDING ARRANGEMENTS

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the Scrutiny Committee note and comment on the contents of this report; and
- 1.2 THAT the Scrutiny Committee continue to receive future updates on progress of the safeguarding action plan.

2. PURPOSE OF REPORT

The purpose of this report is to update Scrutiny Committee on progress made and proposed next steps with implementing the review of the West Midlands Fire Service's safeguarding arrangements – for children and adults.

3. BACKGROUND

- 3.1 The Service, wanting to provide a level of assurance and identify further areas to improve safeguarding arrangements, engaged an independent safeguarding consultant to review current processes and make recommendations for improvement between September 2018-March 2019. An interim report was presented to the Committee at its meeting on 27 February 2019.

A final report and action plan, which had been developed as an outcome of the review, was received, considered and the recommendations approved at its meeting on 27th March 2019.

- 3.2 The agreed recommendations were for the Service to:
 - maintain and celebrate its safeguarding strengths, as summarised in the main body of the report;

- develop and deliver the Action Plan framework outlined in the Appendix of the report, based on the safeguarding areas for improvement.
- report back to the Committee on progress with these actions in the future.

3.3 For ease of reference, the above-mentioned Appendix (the agreed Action Plan framework) is attached as an appendix to this report.

3.4 In January 2020, the safeguarding arrangements were realigned to a Brigade Manager and the consultant was re-engaged by the Service to assist in developing and embedding the recommendations of the action plan across the Service.

3.5 As at the end of February 2020, considerable progress has been made to implement the actions across the four areas in the attached Appendix. To include:

- safeguarding leadership now rests with ACFO Sarah Warnes, Strategic Enabler, People.
- the Service's Safeguarding Policy and linked policies/ procedures have been updated – and will be revised in the light of external developments and progress made with other outstanding key aspects of our safeguarding action plan outlined below.
- a detailed process-review of who needs to do what and when is being progressed and will be implemented within the next review period.
- in the meantime, and of particular importance, a simple, effective 24/7 triage system is already in place to better advise and direct officers around safeguarding issues in urgent situations.
- all relevant safeguarding policies, procedures, guidance, flowcharts, forms etc. are being brought together to be made more quickly accessible within the Service's internal MESH intranet system
- the current approach to and scale of DBS Disclosure and Barring Service (DBS), previously Criminal Records Bureau, checks has been compared and cross-checked with that of other Services and nationally, and confirmed as sufficient.

- 3.6 The primary outstanding areas of the action plan to progress require more detailed work including liaison and agreement with a number of partners and are as follows:
- develop a specific safeguarding competency framework, supported by a more dedicated training and development programme and staff supervision framework.
 - specific proposals and where necessary a business case to provide support and the continued management and assurance of our approach to safeguarding. This will also take into consideration how we work with partnership and any other linked work to other parts of WMFS (e.g. people, risk, intelligence, emergency planning, health and safety and wellbeing).
 - redefine in detail the WMFS safeguarding relationship, roles and responsibilities with the 14 sets of Safeguarding Adults and Children's Safeguarding Boards' (or equivalent Strategic Partnerships) – structures and processes. Seeking to provide clearer, common referral forms, year-end and in-year assurance processes, and who needs to attend what groups, etc. Balancing what WMFS can realistically offer with Safeguarding Boards' etc. expectations.
 - replace current "holding" People in Positions of Trust West Midlands Adults' framework with a clear, short, WMFS-dedicated Position of Trust Adults and Children's policy.
 - help and support any relevant communication, at the appropriate time, across the Service and nationally with other Services, promoting the good safeguarding practice being carried out in WMFS and confirming to/re-assuring staff and volunteers what they need and do not need to do.
- 3.7 It is anticipated that these actions and related updating of the Service's Safeguarding Policy should be completed by the late spring of 2020. Scrutiny Committee will, of course, be kept updated on further progress.

4. **EQUALITY IMPACT ASSESSMENT**

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.

5. **LEGAL IMPLICATIONS**

The statutory obligations for public sector organisations such as Fire Services in relation to the safeguarding of vulnerable children, young people and adults are covered in a range of legislation and supporting statutory guidance, primarily the Children's Act 1989, the Child and Social Work Act 2017, and the Care Act 2014.

6. **FINANCIAL IMPLICATIONS**

There are no financial implications to this report.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications to this report.

BACKGROUND PAPERS

Item 4 Scrutiny Committee 4 June 2018: Scrutiny Review of Safeguarding - Scoping Document

Item 4 Scrutiny Committee 12 September 2018 - Progress update

Item 6 Scrutiny Committee 27 February 2019 - Presentation and verbal update.

Item 4 Scrutiny Committee 27 March 2019 – Review of Safeguarding report and action Plan

The contact officer for this report is Sarah Warnes, Assistant Chief Fire Officer, Strategic Enabler – People, telephone number 0121 380 6551

PHIL LOACH
CHIEF FIRE OFFICER



Recommended Actions, Responsibility and Timescale

STRENGTHS

Celebrate/inform all Service staff and volunteers of all the strengths and good practice highlighted in this report	Prevention Team	April 2019
Share key Service learning/messages from Metro Court Review nationally via NFCC	SET	April 2019

AREAS FOR IMPROVEMENT

Leadership

Consider location and dedicated support for the leadership of the Service's safeguarding activity	SET	June 2019
Make safeguarding priority more explicit in Community Safety Strategy	SET	At next review of Strategy
Work with Adult Safeguarding Emergency Group to establish equivalent Children's Group or extend existing Group to cover children's issues	Prevention Team	September 2019
Through these Groups, press for just two (one each for Adults and Children) annual self-assessment safeguarding assurance templates and safeguarding concern referral forms	Prevention Team with support from SET	September 2019
Through these Groups, supported by direct contact from CFO to the seven Local Authority CEOs, confirm which safeguarding-related boards and groups definitely require WMFS attendance, why, and at what level	Prevention Team with direct support from CFO	September 2019

Policies and Procedures

Make relatively minor amendments to Safeguarding Policy 1712	AL to suggest to Prevention Team	End March 2019
Introduce a new People in Position of Trust (PiPoT) Policy	AL to suggest framework Prevention Team to use that to draft new Policy	End March 2019 June 2019
Develop simple guidance for Officers to follow Voice of the Child/Making Safeguarding Personal approaches (focus on outcomes citizens are seeking)	AL to provide suggestions Prevention Team to develop guidance/checklist from this	End March 2019 June 2019

Workforce Issues

Share and discuss full report and recommendations with Unions/Federations with a view to jointly actioning workforce-related recommendations	SET/Joint Consultative Committee (JCC)	April 2019
Design, issue and collate returns from a short staff survey to identify perceived gaps in wider community safety and wellbeing services or access to these (to be raised with partners), and how staff themselves can be better supported in their welfare role	Prevention Team, HR Team and JCC	September 2019
Mirror Adult Safeguarding Competency Framework into a Children's Safeguarding Competency Framework	Prevention Team, HR Team with (new) Children's Emergency Services Group	September 2019
Review safeguarding-related training to decide which should be mandatory and which periodic (as opposed to just one-off) – with particular emphasis on Mental Health Act/mental capacity awareness	AL to suggest a short list SET	End March 2019 June 2019
Review mix of types of safeguarding-related training	Prevention and HR Teams in conjunction with Birmingham Council	June 2019

	Training and Development	
Introduce more co-ordinated and focussed use of case studies into TDEs and “one-minute briefings”	SET with proposals from Prevention Team	June 2019
Discuss and consider the feasibility of all staff undertaking at least a basic DBS check – approximate annual cost suggested £15,600 + any admin cost	HR Team and SET	June 2019

Oversight and Assurance

Bring together all safeguarding and related policies, procedures, guidance, flow-charts, training and other information in one co-ordinated section of MESH system	IT Team	June 2019
Undertake an “as is” compared to “to be” process-mapping review to ensure all safeguarding concerns are properly and fully logged through a “one record” approach	IT Team	June 2019
Introduce a central 24/7 safeguarding duty “triage” system to provide clarity and on consistency on what should be logged as safeguarding concerns and alerts	SET	September 2019

AL/5.3.19

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

24 MARCH 2020

1. **DISPUTE RESOLUTION REPORT**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the contents of the Dispute Resolution Report for the period 1 July 2019 to 29 February 2020 are noted.
- 1.2 THAT the contents of the Dispute Resolution Report are shared with the Joint Consultative Panel.

2. **PURPOSE OF REPORT**

To inform the Scrutiny Committee regarding the number, type and outcomes of discipline and grievance hearings and other dispute resolution including Employment Tribunal activity that have occurred during the period of 1 July 2019 to 29 February 2020.

3. **BACKGROUND**

- 3.1 This report provides a summary of the number, type and outcomes of disciplinary, grievance, debriefs, collective grievances and any reported failure to agree, or failure to consult.
- 3.2 Within this report we will identify any lessons learned. This considers feedback and regular discussions with Trade Unions/Representative Bodies and other employees within the Service. Feedback is also noted after case debriefs which we hold once a case has come to an end.
- 3.3 Discussions frequently take place at Joint Consultative Committee and monthly Joint Working Party meetings around the application of the case management policy.

Ref. AU/SC/2020/Mar/11003203

4. **SUMMARY OF CASES**

4.1 **Grievances**

11 grievances were received during this reporting period. There was 1 grievance completed from the previous reporting period relating to the cancellation of a period of leave. The appeal was not upheld.

Whilst there were discussions that took place to look to resolve these matters informally, 11 of these grievances went to a formal hearing.

1 grievance was relating to the payment of CPD.

3 of the grievances related to working practices to include:

- The taking of TOIL
- Equal pay
- Application of the Recruitment and Selection Framework.

7 of the grievances were relating to allegations of inappropriate behaviour towards them from other employees and include several claims of Bullying and Harassment, some linked to peers.

The Service is in receipt of 1 Employment Tribunal that is related to a grievance reported above.

The grievances received were from 9 Grey Book employees and 1 green book employee (2 grievances), 7 male and 4 female employees. Following analysis of the equality data there has been no impact on any specific group. Please refer to Appendix 1 which has a full breakdown of the equality data for each case.

Business Partners work very closely with line managers to identify any concerns at the earlier stages, which helps resolve issues informally.

Monthly breakdown on all grievance cases are given at the Joint Working Party which is attended by trade unions and the relevant

managers.

We are currently managing 1 Collective Grievance relating to the taking of TOIL. A meeting was held in February 2020 to commence the discussions.

4.2 **Disciplinary**

There were 14 cases (8 at gross misconduct and 6 at misconduct) detailed as follows.

- 7 of the discipline investigations (3 Gross Misconduct and 4 Misconduct) were investigations into allegations of inappropriate behaviour, 4 cases are still ongoing and 2 (2 Gross Misconduct) cases resulted in a final written warning one with a demotion and 1 Misconduct case resulted in a first written warning. There were no appeals received.

4.3 **Gross Misconduct Investigations**

- Failure of a 'with cause' test in the workplace relating to alcohol. A 'with cause' test is where an external company are brought in where there is a cause to believe that the employee has attended work under the influence of drugs or alcohol. This resulted in the employee being dismissed from the Service. There was an appeal and the decision was upheld.
- 2 investigations are still in the investigation stage and relate to a breach of the organisational policy and procedures relating to time keeping and recording. These are ongoing.
- Inappropriate use of the ICT systems, this resulted in a final written warning and no appeal.
- Criminal conviction, this led to a dismissal. There was an appeal and the decision was upheld.

4.4 **Misconduct Investigations**

- Damage of Fire Service property and breach of procedures. This is ongoing.

- A period of being absent without leave where a person was absent from work without leave, this resulted in a development plan.

Debriefs are undertaken and are fed into the Service's debrief process through organisational intelligence which looks to identify trends and informs change to policy and practice.

11 of the disciplinary cases involved male employees and 3 related to female employees, with a variance of ages, race and religion. There has not been any impact on any particular group. Please refer to Appendix 1 which has the full breakdown of equality data for each case.

People Support Services work very closely with the managers and trade unions and resolve issues at the very early stages. New managers are buddied up when dealing with any disciplinary investigations which supports their development.

Monthly breakdown on all disciplinary cases are given at the Joint Working Party which is attended by Trade Unions and the relevant managers.

People Support Services Business Partners have regular meetings, discussions and dialogues with Trade Unions to keep them informed on any issues and to help resolve at the earlier stages which will stop them developing into disciplinary or grievances.

5. **EMPLOYMENT TRIBUNALS**

The Service during this reporting period has received 3 Employment Tribunal Claims.

The Service is currently managing 5 Employment Tribunals including those from the previous reporting periods.

6. **DEBRIEFS AND LEARNING OUTCOMES**

Following the analysis of trends from the debriefs from this period and outcomes of previous debriefs, there has been an agreement with management and Trade Unions to hold a Joint Working Party to specifically look at the amendments and enhancements that have been identified.

The outcomes of the debriefs have not to date identified areas where a change to the policy is required, but there are a number of areas where the guidance/toolkits provided to managers will be enhanced. Specific examples of areas for shared development we continue to work on in the above Joint Working Party with the Trade Unions include:

- the process for undertaking a management investigation prior to a formal process;
- the management and welfare of employees who are either off sick or suspended, including specific definition around the roles and responsibilities of the welfare officer; and
- a process for determining where there is a case that falls outside of business as usual and more resources are required for all key stakeholders.

7. **POLICIES AND PROCEDURES**

The Disciplinary policy and the Grievance policy are available for all employees on MESH. Trade unions and stakeholders have been fully involved when making any changes to this policy.

The Service continues to provide management training on a range of people management training including discipline and grievance, this was available to all supervisory managers and a supporting training package has been developed.

8. **EQUALITY IMPACT ASSESSMENT**

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**

There are no direct legal implications arising from this report.

10. **FINANCIAL IMPLICATIONS**

There are no financial implications to this report.

BACKGROUND PAPERS

Disciplinary Policy 2/1

Grievance Policy 2/2

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

The contact officer for this report is Sarah Warnes, Assistant Chief Fire Officer, Strategic Enabler (People Programme) 0121 380 6551.

PHIL LOACH
CHIEF FIRE OFFICER

Appendix 1

Discipline Equality Monitoring

Gender:	Male 10	Female 4
Age:	DNS	1
	20-29	2
	30-39	4
	40-49	4
	50-59	1
	60-69	2
Ethnicity:	White British	9
	Black British	3
	Mixed White British	1
	DNS	1
Sexual Orientation:	Heterosexual	9
	Prefer not to say	3
	Gay/Lesbian	1
Disability:	Prefer not to say	2
	No	11
	Yes	1
Role:	FF (and equivalent)	8
	Supervisory Manager	6
	Middle Manager	0
	Strategic Manager	0

Grievance Equality Monitoring

Gender: Male 7 Female 4

Age:

20-29	
30-39	2
40-49	8
50-59	1
60-69	

Ethnicity:

White British	6
Asian/Asian British	2
Greek	1
Mixed White British	1
Mixed Black/White	1

Sexual Orientation

Heterosexual	6
PNTS	5

Disability:

No	6
Yes	2
PNTS	3

Role:

FF (or equivalent)	3
Supervisory Manager	5
Middle Manager	
Strategic Manager	3

<u>Dispute Resolution Summary</u>														
		Types of Grievance					Level				Outcomes			
Date of Report	No of Grievances	Work Practice	Bullying/ Harassment	Org Change	Other	No of Discipline Investigations	Gross Misconduct	Misconduct	Other	No of Discipline Hearings	Dismissal	Final Written Warning	Written Warning	No Formal
Apr-13	17	2	4	6	5	12	8	1	3	4	2	2	0	0
Sep-13	7	2	2	3	0	8	5	2	1	8	5	1	0	1
Apr-14	7	0	0	6	1	15	14	1	0	4	1	2	1	0
Sep-14	13	0	9	4	0	21	20	1	0	9	2	5	2	0
Mar 15	8	0	3	5	0	13	13	0	0	15	4	4	3	4
Oct 15	3	0	1	2	0	4	4	0	0	2	2	0	0	0
Mar 16	8	2	4	1	1	4	4	0	0	2	0	1	1	0
Aug 16	11	7	3	1	0	30	22	8	0	8	1	1	2	16
Mar 17	4	0	3	1	0	9	8	1	0	7	4	1	2	2
Sept 17	2	1	0	1	0	13	13	0	0	3	0	0	2	1

Ref. AU/SC/2020/Mar/11003203

Mar 18	6	4	2	0	0	8	7	1	0	5	1	0	4	0
Oct 18	5	5	0	0	0	14	11	3	0	9	2	6	1	0
Aug 19	5	5	0	0	0	10	5	5	0	4	0	4	0	0
Mar 2020	11	3	0	0	8	14	8	6	0	7	2	3	1	1

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

24 MARCH 2020

1. SCRUTINY REVIEWS FOR CONSIDERATION

Report of the Clerk.

RECOMMENDED

- 1.1 THAT the Committee note the update on the themes put forward by Members to be considered for review by the Scrutiny Committee, including developments to date.
- 1.2 THAT the Committee confirm the next theme for review to be undertaken by the Scrutiny Committee.
- 1.3 THAT the Committee consider and approve prevention – Safe and Well as the next theme for review, in light of discussions and resolutions at previous meetings of the Committee.
- 1.4 THAT the Committee schedule the review within the Committee's work programme and in doing so, consider if the review is to commence during the current municipal year or is to commence in the next municipal year (with the possibility of a scoping document being submitted prior to the end of this municipal year).

2. PURPOSE OF REPORT

This report is submitted to refresh the Committee on the themes previously raised by Members to be considered for review by the Scrutiny Committee, with a view to approve and schedule such a review within the Committee's work programme.

3. BACKGROUND

- 3.1 The Terms of Reference for the Scrutiny Committee sets out the role of the Committee, the main purpose of the Scrutiny function being to:

- inform policy development
- hold Officers and the Service to account
- hold the Authority to account
- conduct reviews into specific issues

This final point is further elaborated upon within the Terms of Reference as follows: the Committee will identify matters that it wishes to conduct reviews into and call the relevant Officers and Members to assist it in carrying out those reviews.

- 3.2 As part of its role and functions, the Committee is 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'.

4. **THEMES FOR SCRUTINY REVIEWS – DEVELOPMENTS TO DATE AND PROPOSAL**

- 4.1 A Scrutiny Review workshop was held at the conclusion of the Policy Planning Forum held on 17 September 2019, where Members considered themes which could form the basis of future reviews to be undertaken by the Scrutiny Committee:

- Business Continuity Arrangements
- Prevention – Safe and Well
- Operational training and effectiveness
- Discipline Policy

- 4.2 A report outlining the themes was subsequently submitted to the Committee at its meeting on 7 October 2019 (see background papers). The outcomes of the meeting were that:

- the Committee agreed to undertake the review of the Service's business continuity arrangements. The review was undertaken over a period of three consecutive meetings, with the recommendation of the Committee being submitted for consideration by the Fire Authority on 18 November 2019.
- the Committee agreed to undertake a review of the performance of prevention activities, in particular the delivery of Safe and Well visits including a focus on the quantity versus quality of Safe and Well visits undertaken.

- the Committee agreed that the themes of operational training and effectiveness and discipline policy would be the subject of a Members' awareness session. To this end, Members received employment law training on 27 January 2020 which covered topics including wider discipline policy.

4.3 In light of the above, and based on the resolutions of previous meetings of the Committee, it is recommended that Members consider confirming that prevention – Safe and Well will be the next theme to be reviewed and that the review is scheduled within the Committee's work programme.

4.4 In the event of scheduling any review, the Committee may wish to consider the practicalities of scheduling a review to be undertaken in a period covering more than one municipal year. Therefore, the Committee may wish to consider scheduling the scoping document within the current municipal year with a view to undertaking the review after the Authority Annual General Meeting in June 2020, for example for the first Committee meeting of municipal year 2020/21.

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

Scrutiny Committee Work Programme 2019-2020
Scrutiny Committee Terms of Reference
Scrutiny Reviews – Scrutiny Committee 07.10.19
Minutes of the Scrutiny Committee – 11.11.19

The contact name for this report is Karen Gowreesunker, Clerk to Authority
0121 380 6907.

Karen Gowreesunker
Clerk to Authority

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY
SCRUTINY COMMITTEE WORK PROGRAMME 2019/20**

Date of Meeting	Item	Responsible Officer	Completed
2019			
3 September 2019	Analysis of Progress of Corporate Performance against The Plan for Quarter 1 2018/2019	ACFO Strategic Enabler - People	3 September 2019
	Dispute Resolution Monitoring	ACFO Strategic Enabler - People	3 September 2019
	Consideration of Work Programme	Chair of Scrutiny Committee	3 September 2019
	Scrutiny Committee Terms of Reference	Clerk to the Authority	3 September 2019
26 September 2019 (extra meeting called)	Scrutiny Committee Working Group – Review of Business Continuity Arrangements	Chair of Scrutiny Committee	26 September 2019
7 October 2019	Scrutiny Reviews	ACFO Strategic Enabler – People	7 October 2019

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21 October 2019 (extra meeting called)	Scrutiny Committee Working Group – Review of Business Continuity Arrangements	Chair of Scrutiny Committee	21 October 2019
4 November 2019 (extra meeting called)	Scrutiny Committee Working Group – Review of Business Continuity Arrangements	Chair of Scrutiny Committee	4 November 2019
11 November 2019	Analysis of Progress of Corporate Performance against The Plan for Quarter 2 2018/2019	ACFO Strategic Enabler - People	11 November 2019
	Diversity, Inclusion, Cohesion & Equality Update	ACFO Strategic Enabler – People	11 November 2019
	Fire Control Performance Report	ACFO Strategic Enabler – People	11 November 2019
2020			
Date of Meeting	Item	Responsible Officer	Completed
24 February 2020	Analysis of Progress of Corporate Performance against The Plan for Quarter 3 2018/2019	ACFO Strategic Enabler - People	24 February 2020
	Scrutiny Committee Briefing – Overview of	ACFO Strategic	24 February 2020

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	Water Related Incidents	Enabler - People	
24 March 2020	<p>Dispute Resolution Monitoring Report</p> <p>Consideration of the Annual Report of the Scrutiny Committee</p> <p>Update on the review of Safeguarding</p> <p>Scrutiny Reviews</p>	<p>ACFO Strategic Enabler - People</p> <p>Chair of Scrutiny Committee</p> <p>ACFO Strategic Enabler - People</p> <p>ACFO Strategic Enabler - People</p>	
2 June 2020	<p>Analysis of Progress of Corporate Performance against The Plan for Quarter 4 2018/2019</p> <p>Diversity, Inclusion, Cohesion & Equality Update</p> <p>Fire Control Performance Report</p> <p>Annual Report of the Scrutiny Committee</p>	<p>ACFO Strategic Enabler - People</p> <p>ACFO Strategic Enabler - People</p> <p>ACFO Strategic Enabler - People</p> <p>Chair of Scrutiny Committee</p>	

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March 2020

To report as appropriate:

- Updates on the review of safeguarding

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

To be scheduled:

- Members awareness session
- Review of Safe and Well

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March 2020