

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 Hussain, 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 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 have 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 times 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
