

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

7 NOVEMBER 2022

1. SCRUTINY COMMITTEE WORKING GROUP – BUSINESS CONTINUITY ARRANGEMENTS

Report of the CLERK

RECOMMENDED

- 1.1 THAT the Committee review the two options proposed to provide appropriate business continuity arrangements to mitigate the risk posed to the Fire Authority.
- 1.2 THAT the Committee submits its recommendation to the Fire Authority.

2. PURPOSE OF REPORT

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

3. BACKGROUND

- 3.1 The Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004 outline the legal and statutory duties of a Fire and Rescue Authority (FRA) in relation to provision for responding to incidents and the maintenance and management of the provision of business continuity plans to ensure that an FRA can deliver key services in the event of an emergency. Such emergencies include periods of Industrial Action.
- 3.2 The National Framework outlines that FRA's are required to assess the risk of emergencies occurring and use this to inform contingency planning.

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AU/SC/2022/Nov/22010224

- 3.3 The Community Risk Management Planning (CRMP) process continually identifies risk locally, regionally and nationally, and this includes the scenarios identified in the National Security Risk Assessment. These identified risks are delivered through the FRA Strategy.
- 3.4 The Chief Fire Officer (CFO) is accountable to the FRA and community for ensuring the Service delivers against the requirements of the Fire and Rescue Act, The Regulatory Reform (Fire Safety) Order, Civil Contingencies Act and the National Framework in an assertive, effective and safe way.
- 3.5 Corporate Risk 6.1 concerns a situation where “The Fire Authority is unable to provide business continuity arrangements, to maintain delivery of core functions, as a result of extensive disruption to normal working arrangements, including national and international deployments, significant and major events, resulting in increased community risk; reduced confidence; increased reputational damage; and external scrutiny.”
- 3.6 In June 2022, Corporate Risk 6.1 was reviewed, and the potential of industrial action increased the likelihood from 3 to 4. This resulted in the overall risk rating of Corporate Risk 6.1 increasing from 12 to 16 (the highest possible rating). Corporate Risk 6.1 currently remains at 16. This was verbally reported to Audit and Risk Committee in July 2022 and again in the form of a formal report in September 2022.
- 3.7 The Audit and Risk report brought to the attention of the FRA the significant risk of the FRA being unable to meet its statutory duties of providing provision for responding to incidents during a period of a business continuity event, particularly a period of Industrial Action, based on the current business continuity arrangements which are reliant exclusively on non-striking volunteers.
- 3.8 The report contained the rationale for the increase in Corporate Risk 6.1, relating to the increased likelihood of Industrial Action, and a range of mitigation measures. The mitigation measure was specifically related to reducing the impact of a period of Industrial Action.

- 3.9 In August 2022, a survey was commissioned by the Home Office (HO), discharged through the National Resilience Assurance Team (NRAT), on preparedness for Industrial Action, utilising a RAG (Red, Amber, Green) rating of Fire and Rescue Service preparedness according to the resilience of their Business Continuity Arrangements.
- 3.10 The Home Office provided their outcomes from the survey in September 2022. They determine that WMFS are unable to provide information about the number of staff that would be available during a period of firefighter industrial action and consequently no information about the number of fire & rescue response assets expected to be maintained to respond to incidents during Industrial Action. Without clarity and detail in respect of these areas the Home Office is unable to conclude at this time that WMFS arrangements to maintain an effective emergency response in the event of firefighter industrial action are suitable and sufficient and therefore conclude that WMFS arrangements would be considered **red, high risk**.
- 3.11 **The HO has indicated that following this rating, they will be writing to the Chair of the Fire Authority and Chief Fire Officer to arrange a meeting to both discuss the rating provided and what measures are required to mitigate the risk from their perspective.**
- 3.12 On 10 October 2022, a Chief Fire Officer report was presented to Fire Authority recommending:
- That the Authority note the increase in Corporate Risk 6.1 relating to Business Continuity, as reported verbally to Audit and Risk Committee on 18 July 2022 and further discussed at Audit and Risk Committee on 26 September 2022.
 - That the Authority considers the potential impact of Industrial Action on business continuity given the increase in Corporate Risk 6.1.
 - THAT Authority approve steps, set out in section 7 of the Fire Authority Report (see appendix 1), to mitigate Corporate Risk 6.1, specifically in relation to Industrial Action and the additional funding required, following the procurement process, to secure an external provider.

3.13 The Fire Authority requested that the business continuity options be brought before the Scrutiny Committee to:

- Review the two proposed options for the business continuity arrangements.
- Provide recommendations to the Fire Authority on the business continuity arrangements.

3.14 A resolution was agreed that any mitigation should be considered as part of a specific Scrutiny Review. Scrutiny will provide recommendations to Fire Authority on 12 December 2022.

3.15 A Terms of Reference (ToR) for the Scrutiny Committee to review Business Continuity Arrangements was agreed. (Appendix 2)

3.16 The presentation provided an overview of the Service's level of assurance regarding its business continuity arrangements and Members were informed of the options for revising its arrangements.

3.17 The Scrutiny Committee is arranged for 7 November 2022, with an additional Scrutiny Committee Working Group to consider in more detail:

- A review of the business continuity information.
- Working Group discussions, aligned to questions posed by Members.
- A timeline for the review and next steps.

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

4.1 The Scrutiny Committee Working Group are asked to consider and review the two options proposed to provide appropriate business continuity arrangements for the Service during periods of disruption. Each option highlights the implementation timeframe. All options are part of a suite of options that enable the Fire Authority to provide appropriate business continuity arrangements.

The options are:

- 1a. An internal resilience workforce.
- 1b. An external resilience workforce.
2. An external provider.

4.1.1 Option 1(a) Internal Resilience Workforce

An internal resilience workforce to support appropriate business continuity arrangements that is able to be implemented in the short term, 2 - 4 months, and subsequently provide resilience arrangements alongside other options in the long term.

An internal resilience workforce is recruited from internal staff that are competent in core skills, and can be extended to non-operational staff to carry out specific roles during a period of disruption.

The health and safety, competence, training of an internal resilience workforce remains with the WMFRA. This approach can be in conjunction with all options to provide appropriate business continuity arrangements.

4.1.2 Option 1(b) External Resilience Workforce

An external resilience workforce to support appropriate business continuity arrangements can be adopted in various models. The resilience workforce can be recruited from members of the public, retired and/or previously employed people and be implemented alongside all other business continuity arrangements.

An external resilience workforce is often restricted in the role they can carry out. WMFRA are responsible for the ongoing employment and health and safety requirements regarding maintenance of competence and supervision of the external resilience workforce. This can take around 4 months to implement due to timeframes for recruitment and training.

WMFS has the option of reviewing the 4 R's policy to incorporate the option to retain staff in a capacity that maintains their skills, in readiness for a period if business continuity arrangements were required.

4.1.3 Option 2 External Provider

In 2019, a recommendation was made to Fire Authority, which was referred to Scrutiny Committee, to engage with external providers and instigate a procurement process, to provide appropriate business continuity arrangements if required. The Fire Authority determined that volunteering non-striking staff would provide sufficient business continuity arrangements if required.

- 4.2 Following Fire Authority on 10 October 2022, we have confirmed that, whilst a procurement process can commence immediately for a medium to long term solution, in the short term, up to 4-6 months, an external provider would not be an option to provide appropriate business continuity arrangements. This is due to procurement timeframes.
- 4.3 Whilst this approach will take up to 3-6 months to implement, it does provide high levels of assurance that WMFRA will meet its statutory requirements through business continuity arrangements with less on-going management.
- 4.4 Upon the request of the Committee, representatives from a range of stakeholders will be requested to provide information for consideration by Members.
- 4.5 Additionally, a legal advisor and Officers of the Service are available in an advisory capacity to provide information for consideration by Members.
- 4.6 The information provided by the stakeholders and Officers, in addition to the information that Members have already received via the September 2022 Audit and Risk Report and the October 2022 Fire Authority Report outlining 'Business Continuity Arrangements', will provide the evidence base for the Committee to come to a decision on the two options that have been put forward by the Service.
- 4.7 Following agreement by Members, the Committee is to submit its recommendation regarding the two options to the Fire Authority at the next scheduled meeting of the Authority on 12 December 2022. The recommendation of the Committee will be submitted in addition to the report on the business continuity arrangements (which had been previously deferred on 10 October 2022).
- 4.8 Members should note that, in accordance with the Committee's terms of reference, 'In order to allow for separation of the scrutiny and decision-making functions, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.'

5. **EQUALITY IMPACT ASSESSMENT**

In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out. The matters contained within this report will not lead to a policy change.

6. **LEGAL IMPLICATIONS**

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

7. **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

8. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

BACKGROUND PAPERS

Audit and Risk – Business Continuity Arrangements 26 September 2022
Fire Authority 10 October 2022 – Business Continuity Arrangements Report
(report deferred)
Scrutiny Committee Terms of Reference

The contact name for this report is Wayne Brown, Deputy Chief Fire Officer, telephone number 0121 380 7742.

KAREN GOWREESUNKER
CLERK TO THE AUTHORITY