



WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Monday, 21 November 2016 at 11:00

**FIRE SERVICE HEADQUARTERS,
99 VAUXHALL ROAD,
BIRMINGHAM, B7 4HW**

Distribution of Councillors	
<u>Birmingham</u>	D Barrie K Booth A Cartwright L Clinton B Dad N Eustace M Idrees R Sealey G Singh Atwal S Spence
<u>Coventry</u>	B Singh D Skinner S Walsh
<u>Dudley</u>	A Aston N Barlow M Mottram
<u>Sandwell</u>	K Allcock J Edwards C Tranter
<u>Solihull</u>	S Davis P Hogarth
<u>Walsall</u>	O Bennett S Craddock A Young
<u>Wolverhampton</u>	G Brackenridge P Singh T Singh

Car Parking will be available for Members at Fire Service Headquarters.

Accommodation has been arranged from 10.00 am for meetings of the various Political Groups.

Fire Authority

You are summoned to attend the meeting of Fire Authority to be held on
Monday, 21 November 2016 at 11:00

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 in contracts or other matters
- 3 Chair's announcements
- 4 Minutes of Fire Authority 19 September 2016 5 - 16
- 5 Integrated Risk Management Plan Consultation 17 - 36
- 6 Management of Information 37 - 40
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- 9 Result of Fire Service Prosecutions 91 - 94
- 10 Minutes of the Audit Committee held on 5 September 2016 95 - 98
- 11 Minutes of the Scrutiny Committee held on 5 September 2016 99 - 106
- 12 Notes of the Policy Planning Forum 5 September 2016 107 - 116

13	<u>Notes of Joint Consultative Panel held on 19 September 2016</u>	117 - 124
14	<u>Minutes of the Executive Committee held on 10 October 2016</u>	125 - 128
15	<u>Minutes of the Scrutiny Committee held on 10 October 2016</u>	129 - 134
16	<u>Exclusion of the public and press</u> Chair to move:- <i>"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 for the reasons stated below."</i>	

Agenda (not open to public and press)

- 17 Planned Procurement Exercise**
- Information relating to the financial or business affairs of any particular person (including the authority holding that information);
- 18 Action of the Chief Fire Officer in Consultation with the Chair and Vice Chair**
- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

Agenda prepared by Julie Connor

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

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Minutes of the Annual Meeting of the West Midlands Fire and Rescue Authority

**19 September 2016 at 11.00 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

- Present:** Councillor Edwards (Chair)
Councillor Idrees (Vice-Chair);
Councillors Allcock, Aston, Singh Atwal,
Bennett, Booth, Brackenridge,
Cartwright, Clinton, Davis,
Eustace, Hogarth, Idrees,
Sealey, B Singh, P Singh, T Singh, Skinner,
Spence, Tranter, Walsh and Young.
- Apologies:** Councillor Barrie, Barlow, Bennett, Craddock, Dad,
Mottram
- Observer:** Mr Ager

58/16 Declarations of Interest

Councillor Edwards declared a personal and non-pecuniary interest in Minute No. 63/16 below (Monitoring of Finances).

Councillor Brackenridge declared a personal and non-pecuniary interest in Minute No.63/16 (Monitoring of Finances).

59/16 Chair's Announcements

The Chair informed the Authority of the recent resignation of the Monitoring Officer, Melanie Dudley, from Sandwell MBC. Deputy Monitoring Officer, Satinder Sahota would be acting as Monitoring Officer in the meantime and a further report would be presented regarding a review of the arrangements at or before the 2017 Annual General Meeting.

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Members were reminded to complete their CMIS forms and Skills Grids and return them to Julie Connor as soon as possible.

The Chief Fire Officer informed the Authority of the recent announcement that the West Midlands Fire and Rescue Authority had made its debut in the Inclusive Top 50 UK Employers List realising 31st place. A flyer was circulated to Members explaining that the list spotlights organisations that promote inclusion across all protected characteristics such as age, disability, race, faith or sexual orientation with a focus on representation at management, senior, executive and board level. The award represents the Authority's commitment to the overarching Diversity, Inclusion, Cohesion and Equality (DICE) strategy and the outcomes being achieved. The Chief Fire Officer stated his delighted with the placing and felt that it indicated the progress that the Authority were making in respect of DICE.

Members were informed that the Authority had also become Members of Stonewall following an equality assessment and a good direction of travel was being made.

In answer to a Member's question in respect of the progress being made for baptised Sikhs to join the Service, the Strategic Enabler (People Support Services) confirmed that the Service was engaging with under-represented groups to overcome the barriers faced by Sikhs wishing to join the Service. The Service were currently recruiting and would use this opportunity to engage with members of the Sikh community and use this feedback to evaluate the barriers.

The Chief Fire Officer informed the Authority that the Sikh Channel had held an open day at Fire Service Headquarters where the health and safety issues of Sikh men wearing turbans and beards had been discussed in relation to the wearing of breathing apparatus.

Councillor Atwal Singh informed the Authority that he had been involved with discussions on this issue, particularly in respect of construction sites and offered to help with his contacts at the Sikh Council UK and their expertise in this area nationally.

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The Chair felt the achievement of being included on the List was remarkable and indicated the achievements made in this area and gave recognition to the Authority being a serious player in this area. The Authority thanked the Strategic Enabler (PSS) for the work that had been carried out.

60/16 **Minutes**

Resolved that the minutes of the meeting held on 27 June 2016, be confirmed as a correct record.

61/16 **Audit Findings**

The Authority noted the Audit Findings Report (AFR) 2015/16 from Grant Thornton. The AFR is designed to support the Auditor's opinions and conclusions and is a requirement of the Code of Audit Practice. The report had been presented to the Audit Committee on 25 July 2016 for approval. Following this meeting the Auditors were able to provide an unqualified opinion on the Authority's 2015/16 financial statements included in the Authority's Statement of Accounts and Value for Money.

The key audit and financial reporting issues were set out in the AFR but no adjustments were required. The Auditor stated that Officers had provided a sound set of accounts and the accounts had been prepared early allowing the External Audit Opinion to be signed early at the end of July. The Authority were now in a strong position to bring forward the accounts in 2016/17 as this was expected of all of local government.

The Auditor was also required to provide a value for money conclusion. In carrying out this work, the auditor is required to follow the National Audit Office's Auditor Guidance Note 3 (AGN 03). The Auditor concluded that for 2015/16 the Authority had proper arrangements in all significant respects to secure economy, efficiency and effectiveness and to ensure it delivered value for money in its use of resources.

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The Auditor stated that the Authority is in a reasonably strong financial position and the assumptions indicate that it will be able to carry on with the level of current performance despite the financial challenges it faces. It was recommended that the Authority should continue to work with partner organisations and to “tell its story” and this will ensure that the Authority are doing the right thing in respect of Value for Money to the community.

The Auditor thanked the officers for their work in respect of the accounts and the Audit Committee for their scrutiny of the papers at the end of July.

The Chair thanked the Auditor and the team who deliver against the Plan to enable such a good new report and the Authority were pleased to receive a clean bill of health whilst having the best response time to Category 1 incidents.

62/16 Statement of Accounts

The Authority noted the Statement of Accounts 2015/16 and summary of the Statement of Accounts. The Treasurer confirmed that the Statement of Accounts had been reviewed by the Audit Committee and who had also met in a separate workshop to discuss the accounts in detail. The Audit Committee appreciated the work that had been undertaken on the accounts.

The Treasurer stated that there had been a modest movement in the last financial year of the general fund balances of £0.002 million leaving £9.233 million.

Earmarked reserves had moved upwards by £3,899m from £36.266m to £40.165m. This was due to capital related initiatives in ICT, staffing arrangements and initiatives to support the Combined Authority. A summary list of earmarked reserves was set out in the Statement of Accounts.

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The Treasurer referred to the Authority not undertaking long term borrowing during 2015/16. The closing figure of £38,627k had reduced from the previous year. The Treasurer advised the Authority that the long term loans had supported capital investment and the Authority had £154m in long term assets shown on the Balance Sheet. Long term borrowing was continuing in a downward path.

The Chair reiterated that earmarked reserves were reasonably substantial, but the Authority would be using its earmarked reserves for the replacement of Coventry and Aston Fire Stations and the reserves will be committed to capital projects for the next four years and no further capital resources would be received from the Government.

In response to a Member's enquiry, the Treasurer confirmed the loans associated with Dudley MBC are a residue from the old West Midlands County Council and each Metropolitan District Council has a proportion of the debt. The Public Works Loan Board provided the remainder of the long term loans. The interest rates on the loans is higher than current interest rates, and so a 'premium charge' would be incurred if the Authority wished to repay any of the loans early.

63/16 Monitoring of Finances

The Authority noted the Monitoring of Finances. Appendix A showed the current position of the Revenue Budget and a favourable variance of £0.110m at this part of the financial year. There was currently an overspend of £164,000 that related to the Voluntary Additional Shifts under the new staffing model, this would be monitored closely as the system becomes embedded. Appendix B of the report set out the position in respect of the Firefighters' Pension Schemes and Appendix C indicated the current Capital Budget spend to August of £828,000. The forecast spend of £7.9m is in line with the total budget. The Coventry and Aston Schemes together with the Vehicle Replacement Programme account for £5.6m of the total expenditure.

64/16 Contracts Awards Summary for Period to 31 August 2016

The Authority noted the Appendix to the report which provided a six monthly summary of all contracts in excess of £250,000 that had been awarded since March 2016.

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It was noted that the contract for Hi-Viz Jackets relates to a Framework contract for other UK Fire and Rescue Services.

65/16 **West Midlands Fire Service Fleet Availability**

The Authority noted the report from the Assistant Chief Fire Officer (Service Delivery) setting out:

- the policy changes creating an impact on the Ridership factor leading to pressures on the Staffing Model;
- the West Midlands Fire Service's fleet availability within the Service Delivery Model;
- the delegations to the Chief Fire Officer relating to resource deployment.

The report informed Members of the Service Delivery Model and the day to day work of the Fire Service. It was explained that each Fire Authority have a duty to identify and assess risk and in the West Midlands Fire Service (WMFS) this is achieved and set out in the Integrated Risk Management Plan (IRMP), the Community Safety Strategy (CSS), The Plan and the Statement of Assurance.

WMFS have used the academic research into survivability and have included this in its Vision Statement to make the WMFS Safer, Stronger and Healthier. This is achieved through the Service Delivery Model (SDM) and an integrated approach through the core functions of Prevention, Protection and Response.

The SDM is currently delivered through a fleet of 41 fire appliances, 19 Brigade Response Vehicles (BRVs) and 3 Business Support Vehicles (BSVs) strategically located at 38 community fire stations with whole-time firefighters

Emergency incidents are categorised into five areas. Category 1 (High Risk) current has a risk based attendance standard of 5 minutes and this provides the best chance of survivability. The Corporate Performance Indicator 1, currently indicates an average attendance of 4.40 minutes to this category and is the best response time in the country.

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The reduction in core funding of £10m over the next four years has resulted in the need for the Service to develop alternative approaches. This has seen changes to shift patterns, the introduction of flexible crewing and Prevention, Protection and Response (PPR) being delivered in an integrated manner. 277 post have been lost and the establishment has fallen below the 1322 optimum crewing required. The new staffing model uses a ridership factor to calculate how many operational personnel the Service need to employ to maintain emergency cover for resources. The ridership factor considers a wide range of factors that will reduce staff availability to ride appliances such as leave and sickness and policy decisions such as Maternity/Paternity leave and flexible working.

The whole-time SDM ensures the greatest level of fleet availability and improved availability of personnel to deliver PPF activities and to develop a highly trained workforce to deliver excellence to the communities of the West Midlands. The number of resources can fluctuate due to routine vehicle maintenance, shift patterns, off shift training, staff sickness and operational commitment.

A new system of maximised response has been designed to support the SDM and will be implemented by January 2017 and is complemented by the Distributed Training Model (DTM). The Service have been able to improve fleet availability to 95% and decrease attendance times.

The Service are developing the Dynamic Cover Tool (DCT) to more effectively manage resources. The DCT analyses and models 150,000 historical incidents to support the decision making by Fire Control. The DCT will be implemented during the Autumn of 2016.

One Member commented on the repetition of reports and felt that Members had already received the information at the Policy Planning Forum (PPF), where an open debate was held. He felt this was a regular occurrence but was aware that some of the newer Members of the Authority were not as informed as some of the more long standing members of the Authority, however, he felt it was a good report.

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The Chair stated that the Fire Authority via the Scrutiny Committee receive regular performance related reports and welcome the information and celebrate the achievements by the WMFS in having the lowest response times in the country. It was also stated that the reports come to the Fire Authority as they are public meetings, unlike PPF, and are therefore informing a wider readership and assuring the public. The Chair felt that the good news should be placed on record in the form of a Press Release.

In response to another question that had come up at a recent Scrutiny Committee, it was confirmed that although a different response, if a person was in difficulty in water, the response would be a similar to a category 1 high risk incident. It was confirmed that the information would be brought back to the next Scrutiny Committee.

Another Member felt that the positive direction of travel both in relation to attendance times and fleet availability should be shared with the public and congratulated the Chief Fire Officer on the performance.

One Member stated that he had secured an appointment with Brandon Lewis, MP, Minister of State for Policing and the Fire Service, and asked if the Authority wished to raise anything with him. The CFO confirmed he would be happy to brief the Councillor on the latest position in respect of sprinklers.

The Chair stated the Authority had formally invited the Minister and would be pleased to see the Minister in the Brigade.

The CFO agreed to ensure that all information is presented to the Authority in a concise way. He stated that information that was shared at Policy Planning Forum's was to enable Members to understand the complex nature of the Service Delivery Model and to be able to take the information back to their individual Councils to justify the Model and the community it serves. The purpose was to use this as a reference point for the members and to maximise the Service's impact as it moves towards the Combined Authority. The CFO informed the Authority that he had been meeting with Chief Executives of the Metropolitan District Councils.

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66/16 Efficiency Plan 2016/2020

The Authority received a report seeking comments and consideration of the proposed Efficiency Plan 2016/2020 due for submission by 14 October 2016.

Members considered the response that set out how the Authority planned to achieve the £10m deficit in its budget. This was the Authority's response to the Home Office request for firm efficiency plans in return for a four year funding settlement.

The Chair stated that the report set out how the Authority would now be using its reserves as it would not be receiving any capital funding. The report also set out how the Authority would be using Voluntary Additional Shifts as a flexible approach to staffing to enable efficiencies to be made and maintain the Service Delivery Model. The Chair hoped that the government would accept the efficiency plan and core funding would then be provided up to 2020 in line with the provisional settlement.

In response to a Member's enquiry, the Treasurer stated that the Authority would start to have a better sense of the long term economic outlook following Brexit when the Chancellor of the Exchequer presents the Autumn Statement. The Treasurer stated that that cuts may be deeper or longer, but in applying for a four year settlement provides the Authority potentially with more certainty up to 2020.

It was noted that the Home Office had requested the Efficiency Plans before the Brexit vote. The potential move to Business Rates Retention and the Authority's involvement in the Combined Authority could also have an impact.

67/16 100% Business Rates Retention

The Authority noted a report on the proposed response to question 13 of the Government's 100% business rates retention consultation exercise.

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The report brought the Authority's attention to the first consultation exercise in relation to the proposed introduction of a 100% business rate retention funding model for local government.

The Fire Service had been transferred from the Department of Communities and Local Government to the Home Office and this had prompted the question of funding for the Fire Service and if it should be funded in a similar way to the Police.

It was felt that the Authority had a strong role to play in local government e.g. with its "Keeping Business in Business" work, the road networks and the Combined Authority. The report indicated that the Authority wished to be part of the business rate retention scheme with local authorities rather than being left to direct Home Office funding. More details of this form of funding would become available in the future.

It was noted that if there was a downturn in the economy, there would be a reduction in receipts from business rates, but the system would have safety measures to dampen this effect.

The Chair stated that a downturn in the economy would bring central government funding cutbacks as well and it was confirmed that the document reflected the Authority's position at the current time and would be returned on behalf of the Authority.

68/16 Minutes of the Audit Committee

The minutes of the Audit Committee held on 25 July 2016 were received.

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69/16 **Exclusion of the Public and Press**

Resolved 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 relating to the financial or business affairs of any particular person (including the authority holding that information) and information relating to any action taken, or to be taken in connection with the prevention, investigation or prosecution or crime).

70/16 **Planned Procurement Exercise for 2016/17**

The Authority received a report that provided the rationale for the planned tender exercises for the provision of smoke alarms to West Midlands Fire Service and included the proposed route to market and funding provision as per Standing Order 1/8.

Resolved that the tender exercise for the provision of smoke alarms to West Midlands Fire and Rescue Authority during 2016/17 be approved.

(The meeting ended at 1230 hours)

<p>Contact Officer: Julie Connor Strategic Hub West Midlands Fire Service 0121 380 6906</p>

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

21 NOVEMBER 2016

1. **INTEGRATED RISK MANAGEMENT PLAN CONSULTATION**

Report of the Chief Fire Officer.

RECOMMENDED

THAT Members approve the engagement strategy for the consultation of the Integrated Risk Management Plan (IRMP) in December 2016 and the themes to be consulted on.

2. **PURPOSE OF REPORT**

This report is submitted to inform and seek approval for the proposed consultation of West Midlands Fire and Rescue Authority's (WMFRA) IRMP commencing in December 2016.

3. **BACKGROUND**

- 3.1 Under the National Fire & Rescue Framework, West Midlands Fire and Rescue Authority (WMFRA) is required to consult on our IRMP every three years, or where there is a material change to it. WMFRA is committed to enabling the wider community to understand the strength in the risk based approach to the delivery of services across the West Midlands. An online interactive tool which allows users to explore our IRMP was launched in April 2016 and demonstrates our commitment to providing open and transparent information to the communities of the West Midlands. Whilst WMFRA has consulted on elements of the IRMP on an ongoing basis, the last holistic consultation incorporating all aspects of the IRMP occurred in 2013.
- 3.2 With the national and local external environment shifting significantly during the last three years, Members will recall that the Vision and

Priorities in The Plan 2016-2019 were refreshed earlier this year in response to this.

Importantly, this change in The Plan enabled WMFRA to reflect how services had and continue to develop and adapt to deliver against WMFRA priorities, as well as wider public service priorities.

- 3.3 It is therefore an appropriate time for WMFRA to complete an effective, informative and meaningful consultation with our communities, partners and businesses across the West Midlands region.
- 3.4 Following the Fire Peer Challenge in October 2016, an area for consideration focused on how the Authority communicates its vision externally, along with how informed the public are around our priorities and the evidence basis of our Service Delivery Model (SDM). This consultation provides a timely opportunity to begin addressing this area of feedback by the peer team and act upon the findings.
- 3.5 Following the outcomes of the Scrutiny Committee review around Public Consultation in 2013/2014, the approach to consultation set out in this report has taken into consideration these outcomes and sought to address them. Three key areas are:
 - The format of the questions will ensure a more open approach, which is intended not to lead the respondent or be repetitive.
 - The Community Members membership, an outcome of the Scrutiny review, will be a key stakeholder in this consultation.
 - Authority members are actively involved in the consultation exercises
- 3.6 An online interactive tool allowing users to explore our IRMP was launched on our website (<https://www.wmfs.net/your-fire-service/your-area/>) in April 2016 and will be due for a 12 month evaluation and review in April 2017. This review will be designed to not only evaluate its use to date, but also how it can be evolved to greater reflect our vision and work which has changed since its initial conception and design.

4. **IRMP CONSULTATION APPROACH**

- 4.1 WMFRA takes a risk based approach towards its decision making around the IRMP. The consultation will provide an opportunity to present the evidence base behind our SDM to our communities and partners to determine whether our approach is supported. In addition to this, the consultation will seek to engage members of the public about emerging issues for the organisation.
- 4.2 It is proposed that WMFRA consult on three themes during the consultation. These themes are detailed in Appendix 1. For each theme, evidence will be provided to enable the respondent to make informed decisions when providing feedback.
- 4.3 It is proposed that the consultation will run from 1 December 2016 until 10 January 2017. The outcomes of this consultation will have a direct impact on the development of The Plan and therefore consideration has been given to the corporate planning timelines in developing and presenting 'The Plan' to the Fire Authority.

26 October 2016	IRMP Consultation Paper to Informal Strategic Enabling Team (SET)
7 November 2016	IRMP Consultation to Policy Planning Forum (PPF)
21 November 2016	Authority approval of consultation approach
1 December 2016	Consultation Begins
10 January 2017	Consultation Closes
16 January 2017	PPF – Present Plan / Outcomes and IRMP Consultation Outcomes
20 February 2017	Authority – Plan Sign Off

- 4.4 The IRMP consultation will engage a broad range of demographics in line with the diverse communities we serve which will include partners and businesses. Measures of success will include:
- a representative response from our diverse communities, partners and businesses ensuring a good range of views and opinions are collected.

- meaningful responses which can be used by a range of teams across WMFS when delivering their level 3 plans and for consideration by the Chief Fire Officer (CFO) and SET when reshaping the three year rolling strategy.
- the generation of both qualitative and quantitative data for analysis.

4.5 We aim to gather the greatest range of information possible from the consultation which can be used to inform our existing approaches and when seeking to influence externally. A stakeholder analysis and action plan has been included in Appendices 2 and 3.

5. **ENGAGEMENT STRATEGY**

5.1 When shaping our services to manage risk, we are committed to meaningful consultation and engagement with the community we serve.

5.2 History tells us that it is difficult to achieve results that we would hope for or expect. Our last IRMP consultation in 2013 achieved 2,291 responses across the West Midlands.

5.3 It is our intention to make the consultation as accessible as possible to respondents by utilising multiple platforms (social media, focus groups, partners, face-to-face etc). To make this process as seamless as possible all relevant material will be available from Corporate Communications or www.wmfs.net.

5.4 Engagement with members of our communities will require the support of all SET members to help embed, drive and push awareness. Authority members, in their role as ambassadors and leaders, will have a key role in ensuring their constituents and communities are made aware of the consultation. A key asset in this strategy will be the Community Members who will be mobilised to gather responses from their local area.

5.5 It is also intended that all employees will seek opportunities during existing events/meetings programmed during the consultation period to highlight and promote the consultation as appropriate.

6. **EQUALITY IMPACT ASSESSMENT**

In preparing this report a full Equality Impact Assessment has been undertaken and can be found in Appendix 4.

7. **LEGAL IMPLICATIONS**

The consultation proposed in this paper meets the Authority's requirements under the National Fire and Rescue Framework for England 2012.

8. **FINANCIAL IMPLICATIONS**

Costs incurred for room hire, publications etc. are estimated to be approximately £2k. Funding for this has been provided as part of the Authority's budget arrangements.

BACKGROUND PAPERS

National Fire and Rescue Framework for England 2012
Scrutiny Committee Review of Public Consultation

The contact name for this report is Mark Hamilton-Russell, telephone number 0121 380 6114.

PHIL LOACH
CHIEF FIRE OFFICER

Proposed Consultation Themes**Theme 1: Governance**

WMFS is accountable to the public via the West Midlands Fire and Rescue Authority (WMFRA) made up of 27 Elected Members of the seven Councils in the West Midlands. Headed by the Chair of the Fire Authority they set the direction for the Service in the best interests of the community. The Service is managed directly by three Brigade Managers – the Chief Fire Officer (CFO), Deputy Chief Fire Officer and Assistant Chief Fire Officer. The Service's activities are governed by the Home Office and legislative responsibilities are set out in the Fire and Rescue Services Act 2004 and the Fire and Rescue National Framework for England.

Due to the proposed introduction of legislation around closer collaboration and devolution powers to be given to the West Midlands Combined Authority (WMCA) through an elected Mayor in 2017, an opportunity exists to explore the benefits of future governance options for West Midlands Fire Service. We are currently undertaking work through the Future Governance Working Group to consider potential governance options and their impact on Trust, Transparency, Accountability and Performance.

Consultation Opportunities

The IRMP consultation provides an opportunity to consult on the views and opinions of the public around our current governance model and the potential options which will exist in future:

- Police Crime Commissioners
- Elected Mayor under West Midlands Combined Authority
- Fire – Fire Combinations
- Reformed Fire Authority

If the options presented to the public align to those being considered by the working group, then the consultation outcomes could potentially be fed into this process for consideration prior to the group presenting its findings in February 2017.

Theme 2: Flexible Funding

WMFRA is required to deliver a balanced budget. Our funding streams consist of a central government grant, council tax precept and business rates. Business rates are collected by local authorities from businesses across the West Midlands which is then paid into a central pool and given back to all local authorities as part of a formula grant. It is proposed in future that this will change and that local authorities will receive a 100% of the business rates they generate.

With ongoing budget reductions, WMFRA has had to consider how it can deliver our services more efficiently whilst maintaining effectiveness to enable us to continue our commitment to a 5-minute risk based attendance standard as well as our daily focus on prevention and protection which benefit the communities and businesses across the West Midlands.

We are already providing commissioned services on behalf of other agencies through activities such as telecare (falls response) and hospital discharge which recycles public money. This is currently managed by our business development team.

Consultation Opportunities

Should the Fire Service consider looking for funding streams through public and private sector sources outside of core government and council tax funding which will assist us in supporting our service delivery model and 5 minute risk based attendance standard.

WMFRA is currently part of business rates retention which sees us receive a percentage of funding. Would our communities be willing for WMFRA to increase the amount of funding we receive through business rate retention schemes even if it meant us competing with other public services for it?

Theme 3: Service Delivery

The way we deliver our service is shaped by our understanding of the risk analysis which informs us of the optimum locations for our resources to deliver a range of prevention, protection and response activities to reduce the risk to our communities. The Community Safety Strategy provides the evidence base for our service delivery model and, through academic research, evidences the need for a 5 minute risk-based response time to the most serious emergencies we attend.

We deliver a range of services through an integrated approach where our prevention, protection and response activities work to reduce the risk and make the West Midlands safer, stronger and healthier. Our three year rolling plan sets out our priorities which reflect the areas of work we undertake which were refreshed, along with our vision and priorities earlier this year.

Consultation Opportunities

Do our communities support our evidence based approach and the way we manage risk through our service delivery model built around the need to get to incidents that pose the greatest risk to life and property in a 5 minute risk based attendance standard?

How understood is our vision and do members of the public feel that our priorities contribute to making our communities Safer, Stronger and Healthier?

Do our public feel that we should be doing anything more to achieve our vision of Making the West Midlands Safer, Stronger and Healthier?

Appendix 2**Consultation Engagement Plan**

What do we want to achieve	How could we do this	Who could take responsibility for delivery
To improve the quantity of responses from the last consultation of the people we engage with	<p>Activate our community members to contribute</p> <p>Utilise a wider stakeholder analysis</p> <p>Each employee to personally deliver 5 responses to the consultation</p>	<p>Corporate communications</p> <p>Local fire stations</p> <p>Individuals</p>
Collect both qualitative and quantitative responses to enable a broader consultation	<p>Using an online survey / data collection tool</p> <p>Undertaking focus groups from partners</p> <p>Undertaking focus groups from the public</p> <p>Undertaking focus groups with politicians/Partner CEO's</p>	<p>Corporate Communications</p> <p>Local command areas</p> <p>Local watches</p> <p>SET members/Ops Commanders</p> <p>Community Safety team</p> <p>Use 3rd sector?</p>
Improve the diversity of responses	<p>Engage with Community members (and their networks) through local fire station accounts</p> <p>Engage with youth through Youth Emergency Services YES</p> <p>Could we consider or commission health watch to collect data?</p>	<p>Local fire stations</p> <p>Ops Commanders through Health and Wellbeing relationships</p>

Promote responses through social media	Activate link from all social media avenues to provide a quantitative return of 10% of our follower base Create a hash tag - 1 click strategy	Corporate Communications Local accounts Individual accounts
Utilise all employees effectively	Clear, timely & imaginative internal communications plan inc. management briefing 10 Nov	All
Design engagement sessions that link to health objectives	Work in partnership with health colleagues for multi purpose events	Local stations Community Safety team Ops commanders

Appendix 3**Stakeholder Analysis**

STAKEHOLDER NAME	CONTACT PERSON(s)	Qualitative	Quantitative	ENGAGEMENT (how best to)
Internal				
SET	All			Informal SET paper, PPF, Conversations
Employees	All			CFO updates, Management Briefing, Middle Managers Webex, presentations, SET visits,
Government/Local Government				
Local Authorities/ MP's	Individual MP's	x	x	Strategic Hub. Letter directing to website
Fire Authority	Individual Members	x		Chair/Strategic Hub. PPF/Email
Home Office	Dan Greaves	x		Strategic Hub. Conversation/email directing to website
Shadow Home Sec/ Fire Minister	Lynn Brown Andy Burnham	x		Strategic Hub. Letter directing to website
Fire Minister	Brandon Lewis	x		CFO/Strategic Hub. Letter directing to website
CFRA	Peter Holland	x		CFO/Strategic Hub. Letter directing to website
LGA		x	x	Strategic Hub
Rep Bodies				
FBU/Unison/FOA	Local reps	x		Informal SET
CFOA/AMFRA				
CFOA Board		x	x	Strategic Hub. CFO meetings/Email/conversations
CFOA Members?	ALL, would include Scotland too?		x	Strategic Hub. CFOA community channels
AMFRA		x	x	Strategic Hub
Local Partners				

WMCA	PSR Board Local leaders/ Chief Execs	x	x	CFO / SET Operations Commanders Station Commanders Agenda item – tell our story again
PCC		x		Chair CFO SET
Fire Service College			x	
WMAS			x	CFO/FA members
Health Sector				
Health & Wellbeing Boards		x	x	Ops Commanders – meetings – media – wide distribution list Agenda item – tell our story again
Local Public Health departments		x	x	Ops/station commanders – regular meetings
PHE		x	x	SET/CS – promote on our behalf
CCG staff	Dr Surgery's Care nurse setc		x	Local teams through community events and undertaking an local assets assessment
Communities				
Representative Groups	Authority Members, Community Members		x	Chair, Corp. Comms. Community Members/Station based personnel/website/Social media
Youth	Estella Edwards		x	YES
BME	Community Members	x	x	
Businesses				
Partners, SME	Chamber of Commerce, Business representatives,		x	Fire Safety. Targeted approach through current channels, Business Education Safety Team (BEST)
	LEP's		x	Strategic Hub

FULL EQUALITY IMPACT ASSESSMENT

Name of policy/activity/project

IRMP Consultation

Is this a new or an existing policy/activity/project?

This is an activity that occurs at least every three years.

Scope/timescales for project or activity (including review date)
--

The consultation activity from an external perspective is due to be launched on 1st December 2016 and will close on 10th January 2017. The outcomes of the consultation activity will inform the Service's Corporate Strategy – The Plan 2017. Internal preparation has already commenced.

Department/Directorate

Strategic Hub and Corporate Communications

Policy/project lead

Mark Hamilton-Russell and Karen Gowreesunker

Author of EIA

Justine Eustace

STAGE 1 – AIMS

What are the aims of the activity or policy?

The consultation will provide an opportunity to present the evidence basis behind our Service Delivery Model to the public and partners and through questioning determine whether our approach is supported and understood by our communities and partners.

The domestic and business communities across the West Midlands will benefit.

It is our intention that this consultation will engage a broad range of demographics in line with the diverse communities we serve which will include partners and businesses.

What are your outcomes (what is it that you hope to achieve)?

A representative response from our diverse communities, partners and businesses ensuring a good range of views and opinions are collected.

Meaningful responses which can be used by a range of teams across WMFS when delivering their Level 3 plans and for consideration by the Chief Fire Officer (CFO) and SET when re-shaping the 3 year rolling strategy.

The generation of both qualitative and quantitative data for analysis and to inform future consultation exercises.

How does this project or policy align with 'The Plan'

.....

.....

STAGE 2 – DATA COLLECTION

For each of the protected characteristics listed below, provide data to evidence that you have researched the possible impact of your policy on WMFS staff and/or the community. (Please refer to guidance notes on sources of data). Your data collection must be **robust**. Further help and advice from the Equality and Diversity team is available:-

Ethnicity (including race, national or ethnic identity)

Our last IRMP consultation in 2013 achieved 2,291 responses across the West Midlands.

Following on from the 2013 consultation, analysis is not available through ethnicity, gender, disability or religion and belief, but we will ensure it is included in the survey for this consultation.

Gender (including transgender)

As above.

Disability

As above.

Religion and Belief

As above.

Age

As above.

Sexual Orientation

As above.

Maternity/Paternity

N/A

STAGE 3 – ASSESS AND ANALYSE IMPACT

Having gathered sufficient data you now need to analyse any potential or real impact.

Who benefits?

The communities of the West Midlands will benefit by assisting in shaping our services.

Who doesn't benefit and why not?

N/A

What consultation have you carried out or plan to carry out? (Attach evidence)
--

N/A

<p>Is there any evidence of higher or lower participation by different groups? (If this is a new function how are you going to gather data on this and when do you plan to review it?)</p>
--

Following on from previous consultations, analysis is not available.

If there is a greater impact on one group, is that appropriate and consistent with the policy's objectives?

N/A

Could any part of the activity discriminate unlawfully?

No.

Does the policy/activity meet the communities varied needs?
(If yes, detail how.)

Briefing pack for internal staff to ensure consistent messaging

Community magazine/newspaper adverts

Leaflets/paper based survey for doctor surgeries, libraries etc

Web based survey with video, infographics and further information if wanted –
The plan etc.

Face to face communication to aid completion of survey using key members of
staff who can translate languages

Community member focus groups

Authority members to engage with their constituents to encourage participation
with consultation.

Authority members to also organise focus groups within their local constituency

Social media promoting links to survey

Does the policy/activity support WMFS in fulfilling its general or specific duties
under the Equality Act 2010? (Advance,
Eliminate, Foster)

N/A

STAGE 4 – ADDRESS ISSUES/REDUCE ADVERSE IMPACTS

Please attach **action plan** of how you are going to reduce, where possible, any adverse impact.

Your action plan should include specific and practical solutions with key dates and where there are gaps in your data, how and when you are planning to plug the gaps?

STAGE 5 – FINDINGS, COMMUNICATION REVIEW AND MONITORING

You should now be ready to make an **informed** judgement about the impact of your policy/activity. Please select and complete the **single** most appropriate section below:-

No major change needed

How does your analysis support this conclusion?

What are your monitoring/review arrangements?

Adjust the policy/activity

What is your evidence for the need to adjust the policy/activity?

Need data to do this but look for trends by end of January 2017. We will use this to inform any future consultation.

How are you planning to adjust the policy to reduce potential impact?

What are your timescales on this?

What are your monitoring/review arrangements?

Continue the policy/activity (despite potential or actual adverse impact)

What are your justifications for continuing policy/activity despite potential or actual adverse impacts?

What are your monitoring/review arrangements?

Stop and remove the policy/activity

What is your justification for this? What potentially unlawful discrimination has your analysis indicated?

What is your next step? Is the policy/activity still needed? If still needed what is going to replace it and when?

Equality and Diversity feedback

21 NOVEMBER 2016

1. **MANAGEMENT OF INFORMATION**

Report of the Chief Fire Officer.

RECOMMENDED

THAT the Authority considers and comments on the Management of Information framework as set out in the draft Standing Order (Appendix 1).

2. **PURPOSE OF REPORT**

This report is submitted to inform Members of the Management of Information framework and seek comments on the draft Standing Order covering this area.

3. **BACKGROUND**

- 3.1 The term 'Management of Information' covers the whole lifecycle of the Brigade's information governance. This includes data inputs, handling instructions, processing and data outputs.
- 3.2 The Chief Fire Officer delegates responsibility for the Management of Information to the Deputy Chief Fire Officer as the designated Senior Information Risk Owner.
- 3.3 There are two processes covered within this lifecycle, namely 'Classification and Marking' and 'Requests for Information'.
- 3.4 Classification and marking is where the Brigade assesses and classifies the information received from various sources before appropriately labelling and handling that information.
- 3.5 The Government Security Classifications Scheme's move to three categories (OFFICIAL, SECRET and TOP SECRET) provides greater flexibility on how each organisation governs its information.

Ref. AU/AUTH/2016/Nov/20411162

- 3.6 In seeking to appropriately protect the Brigade whilst maximising the opportunity for flexible working, the following OFFICIAL WMFS categories have been identified:
- OFFICIAL WMFS – PUBLIC
 - OFFICIAL WMFS – LOW
 - OFFICIAL WMFS – MEDIUM
 - OFFICIAL WMFS – HIGH
- 3.7 The flexibility within the Government Security Classifications Scheme introduces further complexity and potential confusion when sharing data with other agencies who may adopt different approaches under these general headings.
- 3.8 Therefore, awareness of other organisations' classification labels and handling instructions is vital when receiving external data. Likewise it is imperative to provide WMFS handling instructions alongside any data provided to external bodies.
- 3.9 The Information Asset Register underpins the classification process and consequently needs to be maintained by the Data Manager, Deputy Chief Fire Officer as the Senior Information Risk Owner and the Strategic Enablers as the Information Asset Owners for their respective areas of responsibility.
- 3.10 Requests for information are regularly received across the Brigade. As per the Standing Order, the processing of requests falls into three categories namely General, Freedom of Information and Data Protection.
- 3.11 The flowchart within the Standing Order highlights the need for all Freedom of Information and Data Protection requests to be referred to Data Management with all other requests logged and processed accordingly to the classification of the information requested.
- 3.12 Systems will need to be implemented to aid in the logging and analysis of all requests received to further support Organisational Intelligence.

3.13 In supporting the framework, the following changes have been made to the Freedom of Information processes. These amendments are to help in clarifying SET and Authority Members' responsibilities:-

- For each Freedom of Information request received, the relevant SET member will be notified of the request.
- A monthly report will be produced by Data Management and distributed to all SET members for awareness.
- Requests specifically relating to the Fire Authority will be handled in line with the process above and liaison will occur with Authority Members.
- In line with best practice, anonymised requests will be published in a disclosure log on the Brigade website to further promote openness and transparency.

3.14 These changes highlight how Freedom of Information requests are processed under the wider Management of Information framework. This provides a single approach for Members in receiving requests for information and provides clarity on how requests for information are received and handled by both the Service and the Authority.

3.15 In order to aid communication and simplify the Management of Information framework, the following six Standing Orders have been merged into the single Management of Information Standing Order (Appendix 1):-

- 1/5 Freedom of Information 2000
- 1/10 Environmental Information Regulations 2004
- 1/17 Re-use Public Sector Information 2005
- 1/30 Government Classification Scheme
- 2/16 Data Protection Act 1998
- 2/21 Personal Information Policy.

3.16 The draft Standing Order is being circulated for consultation to the wider Brigade including Representative Bodies.

- 3.17 Work continues with Corporate Communications and Training Teams to ensure all staff and Members are aware of their responsibilities within the Management of Information lifecycle.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out. The matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

- 5.1 The creation of an overarching framework to improve the management of information ensures that relevant guidance related to legislation such as the Data Protection Act 1998 and the Freedom of Information Act 2000 is grouped more logically.
- 5.2 This will assist with raising awareness within the organisation and reducing the risk of monetary penalties and damage to reputation from inappropriate handling of information.

6. **FINANCIAL IMPLICATIONS**

There are no direct financial implications relating to the matters set out within this report.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no direct environmental implications arising from this work.

The contact name for this report is Deputy Chief Fire Officer Phil Hales on 0121 380 6907.

PHIL LOACH
CHIEF FIRE OFFICER

ORDER NO. 1/XX
WEST MIDLANDS FIRE SERVICE
MANAGEMENT OF INFORMATION

1. STRATEGY

It is the strategy of the West Midlands Fire and Rescue Service to manage its information assets to facilitate access to accurate, reliable and timely information in order to support its core activities and legislative obligations.

The government has laid down clear guidance through the Cabinet Office about how this is to be achieved within its framework document [Her Majesty's Government Security Policy Framework \(HMG SPF\)](#). Information is a key strategic asset and through appropriate governance and management can lead to efficiencies and better decision making. The Strategic Enabling Team (SET) are responsible for information assets in their respective areas and must be involved with decisions to release information.

The organisation will identify its information assets and create an Information Asset Register (IAR) to risk assess and classify information to ensure it is adequately protected.

The IAR will be available to enable accurate classification of information assets.

The Brigade will promote a culture of openness and accountability and where possible will publish information electronically on the Brigade [website](#)

The Authority will ensure that requests for information are responded to promptly and in line with relevant legislation.

Management of Information includes Classification and Marking, Requests for Information, Data sharing and Handling Instructions - See Appendix 1 for overarching Management of Information Flowchart

2. PROCEDURES

The role of Senior Information Risk Owner (SIRO) is held by the Deputy Chief Fire Officer with responsibility for information security within West Midlands Fire Service.

The SIRO role is supported by the information Asset Owners (IAO) who are the Strategic Enabling Team (SET) with responsibilities for information assets within their respective areas.

2.1 CLASSIFICATION AND MARKING

The Government classification Scheme (GCS) is the overarching framework that defines how information assets should be protected. There are three levels of classification **OFFICIAL**, **SECRET** and **TOP SECRET**.

There will be a very limited amount of information within the organization that will be marked SECRET or TOP SECRET and they are likely to be documents that have originated from partner agencies such as West Midlands Police. The originator of this category of information will specify their data handling instructions prior to dispatch of this information.

Within this new classification system, unless explicitly stated, all WMFS information is classed as OFFICIAL and WMFS systems are deemed appropriate to adequately protect OFFICIAL information.

There are no plans to retrospectively mark documents within the organization.

2.1.1 OFFICIAL

This new system replaces all previous systems of classification such as PROTECTED, RESTRICTED and CONFIDENTIAL.

Each organisation will have its own labels with its own handling instructions with no predefined meaning to the labels.

The following labels have been approved by the Strategic Enabling Team (SET) for use within WMFS.

OFFICIAL - WMFS PUBLIC – Information that can be published openly on the Internet and released without restriction into the public domain

E.g. A Published copy of The Plan, Information about becoming a volunteer, Community Open days at fire stations

OFFICIAL – WMFS LOW – Information that if released would cause annoyance or inconvenience to individuals or the organisation but no potential physical, financial or other distress or damage.

E.g. Purchase order for office furniture, schedule of vehicle maintenance

OFFICIAL – WMFS MEDIUM – Information that if released would cause distress to individuals, cause financial loss or improper gain, prejudice the investigation or facilitate the commission of crime or disadvantage the organisation in commercial or policy negotiations with others. It may be protected under legislation e.g. Data Protection Act 1998

E.g. Occupational Health report about an individual, details of vulnerable people,

OFFICIAL – WMFS HIGH – Information that if released or compromised would cause significant distress to individuals, compromise law enforcement and resilience arrangements and impede the ability of the organisation to perform core functions such as responding to incidents.

E.g. Access to the mobilising system.

This new system allows greater flexibility to enable organisations to manage their information using their own naming standards and handling instructions to suit the requirements of the organisation. However, this does mean that:

- People outside the brigade will not understand what these labels mean; and
- Other organisations may use the same labels but have completely different meanings and handling instructions.

Therefore, you will note that our labels all have 'WMFS' in them to help distinguish our labels from other organisations' labels.

It is important that:

- You label all information correctly;
- You understand and follow WMFS handling instructions - see Appendix A
- You provide handling instructions for recipients of your information e.g. Recipient only – no onward forwarding without permission;
- You understand and follow handling instructions provided by others e.g. *OFFICIAL – WMFS HIGH* may differ from another organisation's definition of *OFFICIAL -HIGH*;
- You check with information originator if no handling instructions are received.

When classifying information, a risk assessment should be undertaken to consider the likely impact if the asset were to be compromised and assisting with determining the correct level of marking required.

2.1.2 MARKING OF DOCUMENTS AND OTHER MATERIAL

This is applicable to both paper and electronic documents such as reports, spreadsheets and presentations, handwritten notes and other unstructured data.

The presence of a protective marking does not mean that the material should not be disclosed in appropriate circumstances (e.g. to other agencies involved in joint operations or the release of personal data to data subjects under the provisions of the Data Protection Act 1998).

Conversely the absence of a protective marking does not mean that a document should be made freely available or published. The above definitions of OFFICIAL – WMFS PUBLIC, OFFICIAL – WMFS LOW, OFFICIAL- WMFS MEDIUM and OFFICIAL- WMFS HIGH should be applied to assess the risk to the information contained within it and appropriate protective measures applied assess the risk to the information contained within it and appropriate protective measures applied.

Protectively marked electronic medium such as DVDs, USB devices and DVDs are to be treated in the same way as other documents. They must be visibly marked and numbered and all other measures are to be implemented

- Protective markings must be clear so that the value of material is clearly conveyed to those who handle it. Each page must be marked at both the top and the bottom with the correct security marking;
- blank pages within classified material must be marked with the legend 'intentional blank page' apart from those classified as OFFICIAL – WMFS PUBLIC as these documents do not require this level of protection;
- all pages within a protectively marked document must be given consecutive page numbering apart from those classified as OFFICIAL – WMFS PUBLIC as these documents do not require this level of protection;

Thought must be given to limiting the number of copies produced.

2.2 REQUESTS FOR INFORMATION

There are two main pieces of legislation that enable the requesting of information from the organisation.

The Freedom of Information Act 2000 gives people the right to request information from public authorities and is intended to promote a culture of openness, transparency and accountability amongst public sector bodies and enable the public to better understand how public authorities carry out their duties, how they make decisions and how they spend their money.

See Appendix 2 for further information about the Freedom of Information Act 2000.

The Data Protection Act 1998 gives data subjects the right to access personal information that the Brigade may hold about them. A data subject may be a service user, an employee including temporary and volunteers and the communities that we serve.

See Appendix 3 for further information about the Data Protection Act 1998.

Other legislation that may facilitate formal access to information is the Environmental Information Regulations 2004 ([See Appendix 4](#)) and the Re-use of Public Sector Information Regulations 2005([See Appendix 5](#))

The process for handling formal requests for information as detailed above is well established within the organisation and these are managed by the Data Management team in ICT.

All FOI requests are published anonymously on the internet in a [Disclosure Log](#)

2.2.1 Classification of Requests

Other requests for information that are received that do not fit under the legislation above should be risk assessed and classified in line with the categories above e.g. OFFICIAL WMFS- MEDIUM

The handling procedures for the different categories of information are aligned to the levels that are detailed in the classification scheme.

OFFICIAL - WMFS PUBLIC – Requester will be asking for information that is publicly available and should be directed to the website in the first instance as the information will be published and there is no requirement to notify SET member.

OFFICIAL – WMFS LOW – Requesters will be requesting routine information whereby there are likely to be established processes such as for IRS report requests from insurance companies and there is no requirement to notify SET member.

OFFICIAL – WMFS MEDIUM – Requester will be asking for information that is not routinely available and there is no established process for release. Relevant SET member needs to be consulted to approve or not the release of the information and inform Data Management to maintain a log of requests.

OFFICIAL – WMFS HIGH – Requesters will be requesting information that is considered to be operationally critical and the relevant SET member needs to be consulted to approve or not the release of the information and inform Data Management to maintain log of request.

West Midlands Fire Authority will be consulted about requests for information specifically related to the business of the Fire Authority but the responsibility for notification, response and disclosure solely rests with West Midlands Fire Service.

See Appendix 6 for Requests for Information Flowchart

2.3 DATA SHARING

As part of collaborative arrangements with partner agencies, the Brigade is a member of many information sharing initiatives and these arrangements are documented and agreed by all participants. These initiatives are described in many differing ways such as Information Sharing Protocol, Data Exchange Agreement, and Data Sharing Agreement but essentially they mean the same and it is a considered means whereby organisations can share data to achieve outcomes. These information sharing agreements provide an invaluable exchange of information related to vulnerable people thus enabling the Brigade to target its resources in the most appropriate areas.

There are established processes for the exchange of information and all employees involved with this work are aware of their roles and responsibilities and are expected to operate within authorised procedures contained within the agreement.

The Information Commissioner's Office has issued a [Code of Practice](#) related to Data Sharing.

The relevant SET member should be involved with the decision to enter into data sharing arrangement with partner agencies but they do not require notification about every item of data that is exchanged.

2.4 HANDLING INSTRUCTIONS

Basic security measures must be applied to all organisational information thereby ensuring material is given an agreed level of protection by those who handle it. Material should not be over or under-classified as this may prevent effective use of the information within the organisation.

- Organisational information should be handled in line with the guidance provided in Appendix A;
- the distribution of organisational material should be confined to those with a genuine 'need to know';
- the originator should review protectively marked documents with a view to downgrading or destroying them e.g. documents that are subsequently published on the Intranet should be marked as OFFICIAL –WMFS PUBLIC.

2.4.1 Physical storage

Protectively marked material should be stored in a secure environment (which is defined as 'a barrier, or combination of barriers, providing protection appropriate to the risk of compromise') as follows.

- **OFFICIAL – WMFS PUBLIC:** material may be freely distributed and published externally;
- **OFFICIAL- WMFS LOW:** material should be protected by one level of protection (e.g. Proximity pass for access to the building and appropriate areas)
- **OFFICIAL – WMFS MEDIUM:** material should be protected by two levels of protection (e.g. a locked container within a building with access controls). Effective control systems must be in use to ensure that access is limited to those who need access to the material.
- **OFFICIAL – WMFS HIGH:** material should be stored in a purpose built storage room with restricted access. Where an IT system is used to store protectively marked data, physical security measures should be taken to secure all of its components. Removable parts of IT systems, such as removable hard drives, should be stored in the way appropriate to the protective marking of the data they contain.

2.4.2 Destruction of documents

- **OFFICIAL – WMFS PUBLIC:** no requirement to control disposal or destruction of documents;
- **OFFICIAL- WMFS LOW:** all documents to be disposed of in line with the organisational policy related to the retention and disposal of records
- **OFFICIAL- WMFS MEDIUM and OFFICIAL-WMFS HIGH:** all documents to be shredded.

2.4.3 Destruction of other material

- **OFFICIAL – WMFS PUBLIC:** no requirement to control disposal or destruction of material;

Material that is protectively marked **OFFICIAL – WMFS LOW, OFFICIAL - WMFS MEDIUM** and **OFFICIAL – WMFS HIGH** and is stored on magnetic media should be destroyed by the following methods:

- CDs and DVDs containing such data may be destroyed by dismantling the casing and cutting the disk itself into at least quarters; the fragments may then be treated as normal waste.
- Data should be securely erased by ICT if the system is being reused within the authority,
- If the system is being disposed of external to the organization then the ICT team should have appropriate processes and procedures in place to ensure that the data is securely erased and assurance is received to confirm this.

2.4.4 Time limited classification

The degree of sensitivity of information often decreases over time, e.g. when consultation has closed and a policy has been formulated. Once this has occurred the IAO may want to downgrade or remove restrictions altogether.

2.4.5 Markings from other government agencies and international organisations

Many governments and some international organisations (e.g. NATO) have classification systems similar to this one. Agreements often exist for the mutual recognition and protection of marked documents.

In all cases, staff are required to provide the level of protection indicated by the originator. In some cases international organisations use the word 'restricted' to mean 'for official use only'. If any doubt exists about how any such information should be treated, a check should be made with the originator.

2.4.6 Movement

If protectively marked material classified as **OFFICIAL – WMFS LOW** or above is being carried in a public place, it must be kept under cover with no outward indication of the contents. The material must not be left unattended and outside the immediate direct control of the carrier at any time.

When carrying protectively marked material, all items must be treated according to the highest marking.

2.4.7 Royal Mail and courier services

It should be noted that all undeliverable Royal Mail is forwarded to Northern Ireland to be processed and this could, in extreme circumstances, lead to a breach of security. Where there is a risk of compromise ensure a return address is shown on the back of the envelope.

When sending protectively marked material within Great Britain by Royal Mail or courier services the following rules apply:

- **OFFICIAL- WMFS PUBLIC, OFFICIAL – WMFS LOW and OFFICIAL-MEDIUM** material may be sent by ordinary post. It must be sent in a sealed envelope with no protective marking visible (except '**PERSONAL**', where appropriate).
- **OFFICIAL – WMFS HIGH** material should not be sent by ordinary post.

2.4.8 Telecommunications

2.4.9 Answerphones and voicemail

Answerphones, voicemail or any other answering service should not be used for protectively marked information above **OFFICIAL- WMFS LOW**.

2.4.10 Mobile telephones

Mobile phones offer some degree of protection when used as radio transmissions between the handset and the base station are encrypted. However, when a call is passed onto another base station within the network, or to the main telephone network, it is not encrypted. Care should be taken when passing information higher than **OFFICIAL- WMFS MEDIUM**.

2.4.11 Radio systems

The Airwave system is encrypted and capable of carrying traffic up to (and including) **OFFICIAL- WMFS HIGH**. However, all users should be aware that

transmissions may still be heard by other authorised users of the Airwave system (for example, fire and rescue service staff throughout the country who are monitoring the relevant talkgroup) Therefore, suitable precautions must still be taken to ensure the confidentiality of radio transmissions.

Fireground radios should only be used to pass information **OFFICIAL – WMFS PUBLIC** and **OFFICIAL - WMFS LOW**.

The Emergency Services Network (ESN) will replace the current Airwave system and will be capable of carrying traffic up to (and including) **OFFICIAL- WMFS HIGH**.

2.4.12 Message pager systems

Message pager systems are inherently insecure and can easily be intercepted. It should only be used to carry information of level **OFFICIAL – WMFS PUBLIC** or **OFFICIAL – WMFS LOW**.

2.4.13 Working away from authority premises

The home environment is usually less secure than the controlled environment of the organisation's premises. Protectively marked documents or removable media of **OFFICIAL – WMFS HIGH** must not be taken home nor may it leave authority premises.

Permission to work at home on protectively marked material up to and including **OFFICIAL – WMFS MEDIUM** may be given by a member of SET. Caution and discretion must be used and it is the responsibility of the end user to protect the information.

2.5 MONITORING

When FOI requests are received in the organisation, SET members are made aware of the request for information. The details of the requester are not disclosed to the SET member in line with the Information Commissioner's guidelines related to FOI requests being 'applicant blind'

SET will receive a monthly report to provide detail about FOI requests and informal requests for information at level received within the month.

Information Sharing Agreements are reviewed periodically and most will stipulate that an audit trail is kept of disclosures under the agreement. This contributes to assessing the effectiveness of the arrangements and the value to the Brigade.

3. SYSTEMS

New systems are being designed to facilitate access to all organisational information and will respect the classification of the material and protect it both in transit and at rest in terms of confidentiality, integrity and availability.

In the interim there is a personal accountability to ensure that information is adequately protected in line with this framework and any other overarching legislation that is applicable e.g. Data Protection Act 1998.

Electronically stored documents and e-mail attachments of **OFFICIAL - WMFS MEDIUM** and **OFFICIAL - WMFS HIGH** may be e-mailed within the authority i.e. between *wmfs.net* and *wmfs.net* e-mail addresses, but must **not** be e-mailed outside the internal IT network unless via a secure network such as the Criminal Justice Secure Email (CJSM) system. Further advice about using this system should be sought from ICT.

Organisational information classified as **OFFICIAL – WMFS MEDIUM** or above should not be stored on personal devices or within other cloud storage services that are not part of WMFS provision.

4. IF YOU REQUIRE ANY ASSISTANCE WITH ANY ASPECT OF THIS FRAMEWORK THEN PLEASE CONTACT THE DATA MANAGER.CROSS REFERENCES

Information Commissioner's Office website www.informationcommissioner.gov.uk.
Local Government Transparency Code 2014

5. KEY CONSULTEES

To be arranged

6. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment was not necessary as there is no impact on people.

7. OWNERSHIP

This order has been approved by SET.

8. RESPONSIBILITY AND REVIEW/AMENDMENT

8.1 Responsible Corporate Board Member/Department

SE ICT/SIRO – Deputy Chief Fire Officer

8.2 Created/fully reviewed/amended

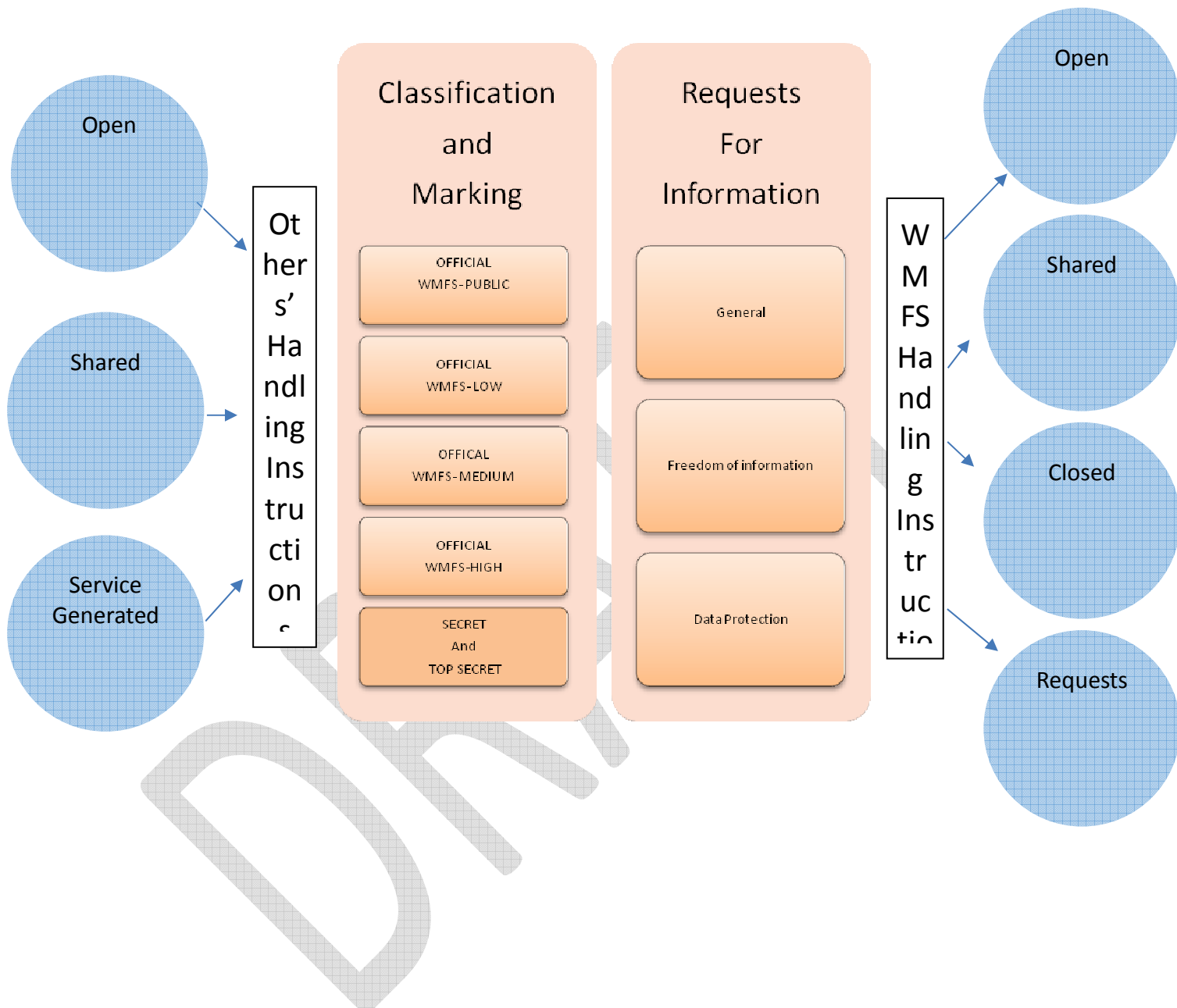
This Order has been created by the Data Manager in October 2016

APPENDIX 1

Data Inputs

Processing

Data Outputs



APPENDIX 2

FREEDOM OF INFORMATION ACT 2000

1. PROCEDURES

The Freedom of Information Act 2000 gives people the right to request information from public authorities and is intended to promote a culture of openness, transparency and accountability amongst public sector bodies and enable the public to better understand how public authorities carry out their duties, how they make decisions and how they spend their money.

The main features of the Act are:

- A general access to information held by public authorities.
- A duty on public authorities to adopt publication schemes.
- Exemptions from the duty to provide certain categories of information.
- A requirement on public authorities to exercise discretion and balance the requirement to provide information with a duty to withhold it (the 'public interest test').
- Arrangements in respect of costs and fees.
- Arrangements for enforcement and appeal.
- Guidance within Codes of Practice.

A requirement of the Act is for each public authority to produce and maintain a 'Publication Scheme'. The Publication Scheme sets out what information is already available in a set format how that information can be requested and whether there is a charge for providing that information.

The Authority's [Publication Scheme](#) is published on the [Brigade](#) website and on the Intranet.

It is the responsibility of the Data Manager to maintain and update the scheme.

1.1 Rights of access

Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request and to have that information communicated.

This is commonly described as 'the duty to confirm or deny that information is held, and to provide it'.

There are six reasons why a public authority may not have to meet this provision.

- 1) Where it is possible that further information is needed before the request can be answered.
- 2) An exemption applies.
- 3) The public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 4) When any fee is charged, and that fee is not paid within three months of fees notice being issued.
- 5) If the public authority estimates the cost of complying with the request would exceed the 'appropriate limit'.
- 6) If the request is vexatious or repeated.

Under some exemptions, certain conditions have to be met before the duty to confirm or deny is not applicable. The duty to confirm or deny does not arise when information is already accessible or when information is intended for future publication.

1.2 Requests for information

A request for information is 'a request which is in writing, states the name of the applicant and an address for correspondence, and describes the information requested.'

There are three essentials that have to be met by anyone requesting information under the Act:

- 1) Put it in writing.
- 2) Name and address of applicant (email address is acceptable).
- 3) Description of the information requested.

Some other features of requests for information are:

- A request is treated 'as in writing' where the text is transmitted electronically and is received in legible form. It should also be capable of being used as subsequent reference by the Authority.
- The applicant does not have to mention the Act itself when making the request.
- An applicant has to identify him/herself for the purposes of the request, but the identity of the applicant is of no concern to the Authority except in the case of vexatious or repeated requests and personal information (see paragraph 3.4).
- The applicant need not be a United Kingdom national or resident. A request can be made by anybody, anywhere in the world.
- There is no restriction on the reasons why the information is being requested and the Authority cannot make enquiries as to why the information is being sought or what it will be used for.
- The Authority can request further information from the applicant in order to identify or locate the information.
- There are no formal requirements on applicants to describe the information in a certain way, e.g. by reference number, but the description has to be sufficient to be able to locate and identify the information.
- The information communicated to the applicant has to be the information held at the time the request was received. Account may be taken of amendments or deletions that would have been made in the normal course of events.
- The Authority must help the applicant to frame a request for information if they are not able to do so on their own, for example, writing down a request on the telephone and then confirming with the applicant the contents of the request are accurate.
- As soon as verification of the request is received the Authority has 20 working days to comply with the request.

Each Authority can decide whether to charge for providing information that will satisfy the request, for example if there are substantial administration costs to gather and reproduce the information.

If a request for information is received in a department, section or on a station it must be date stamped and forwarded immediately for the attention of the Data Manager, Data Management section, marked 'Freedom of Information Request'.

The Data Manager will be responsible for recording the request, obtaining the information from the relevant department, charging any appropriate fees and ensuring that the request is answered within the timescale.

The Data Manager will liaise with the appropriate section or department concerned for assistance in providing the information requested. It is imperative that information is provided in a timely manner to ensure that the specified timescales are met.

The Data Manager may contact you for information about your station, section or team: it is essential that you provide the information as requested – **you must not withhold information because you do not agree with the request, or feel it is unfair.** You can highlight your concerns with the Data Manager upon providing the information, who will determine whether an exemption may apply.

For each request received the relevant SET member will be notified of the request. *There may be some requests for information that are routinely published on the Brigade website and it is not necessary to notify SET members of these requests.*

A monthly report will be produced by Data Management and distributed to all SET members for awareness.

Requests specifically relating to the fire authority will be handled in line with the process above and liaison will occur with authority members through an agreed process.

1.3 In line with best practice, anonymised requests will be published in a Disclosure Log on the Brigade website to further promote openness and transparency. Important legislation to consider

The Freedom of Information Act 2000 needs to be considered in conjunction with the Environmental Information Regulations 2004. Both sets of legislation aim to encourage more open and accountable government by establishing a general statutory right of access to official records and information held by public authorities.

This complements and is influenced by the Data Protection Act 1998, as generally information which involves, or can identify an individual is exempt. However some information relating to more senior employees within the organisation such as the salary is published routinely on the internet as part of the government's local transparency agenda.

Any request for information needs to take into consideration the requirements of all three pieces of legislation. All requests of this nature must be forwarded to the Data Manager at Headquarters who will establish what legislation any request may come under, and provide a formal response.

1.3.1 Exemptions

Under Freedom of Information, there is a presumption of openness, irrespective of the date of the information, unless an exemption applies. There are two categories of exemptions:

- 1) Public interest – those in which the public authority seeking to reply on the exemption has to establish that the public interest in maintaining the exemption outweighs the public interest in disclosing information.
- 2) Absolute – where no public interest test is required.

There are a number of exemptions to providing data under the Freedom of Information Act but the main ones most likely to apply are:

- Already accessible – Absolute.
- Information intended for future publication – Absolute.
- Information provided in confidence – Absolute.
- Law Enforcement – Public Interest.
- National Security – Public Interest.
- Commercial Interests – Public Interest.

The Data Manager will advise on the full range of exemptions if required and will consider whether an exemption applies on receipt of a request for information under the Freedom of Information Act.

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APPENDIX 3

DATA PROTECTION ACT 1998

1. PROCEDURES

West Midlands Fire Service fully endorse and adhere to the principles of the Data Protection Act 1998.

The Service regards the lawful and correct treatment of personal information as very important to successful service delivery and to maintain confidence between service users, employees including temporary staff, volunteers and those communities we serve. The Service is committed to respecting all rights of those individuals whose personal data it processes and will ensure personal information will be treated lawfully and correctly in accordance with the legislation. It will adopt best practice as designated by the Information Commissioner's Office where possible.

The Service has defined a number of distinctive roles to manage data protection.

Role Title	Position in the Organisation
Data Protection Officer	Data Management Officer
Information Asset Owner (IAO)	SET member from each function responsible for data management within their respective function. Also to be the liaison point for the Data Protection Officer.
Data User	All those that handle data. All individuals have a responsibility to ensure the integrity of the data they use.

Each employee or potential data user will be given such information, instructions and training as is necessary in order to ensure that they are aware of their contractual responsibilities in relation to personal data and so that they are aware that they can, in some cases, be held personally responsible if any personal data is improperly disclosed, destroyed or obtained.

The Data Protection Officer has responsibility to co-ordinate the Service's response to the Data Protection Act 1998 and the Freedom of Information Act 2000, to ensure that the provisions of the legislation are met.

The IAO will have overall responsibility for the personal data kept within their particular department to ensure that such data is maintained in accordance with the principles of the Data Protection Act 1998. This does not absolve Data Users from their responsibility of ensuring that personal data is maintained in accordance with these principles.

1.1 Scope of personal data

Definition of Personal data or information

- Is any information held electronically (including all emails) or manually – which relates to a **living** individual who can be identified:
 - from the information ;
 - from the information combined with other information which is in the possession of the Service or is likely to come in to the possession of the Service; or
 - includes any intentions or opinions the Service may have towards the individual.

Sensitive Personal data

The Data Protection Act 1998 defines sensitive personal information as information related to:

- Racial or ethnic origin;
 - Political opinions;
 - Religious or other similar beliefs;
 - Membership of trade unions;
 - Physical or mental health or condition;
 - Sexual life; and
 - Convictions, proceedings and criminal acts
- (See Appendices 1 and 2 for further information)

1.2 Personal records

All information held on a Personal Record File (PRF) will be maintained with a high level of confidentiality and only disclosed to those individuals who reasonably require it as part of their duties.

Files that are maintained locally or within the Occupational Health Unit will comply with the same level of confidentiality.

Information held on a Personal Record File will not be kept for longer than is absolutely necessary and documents will be removed and destroyed in a timely manner following the period agreed below.

1.3.1 Computerised Personal Record File

It is the policy of West Midlands Fire Service that one primary Personal Record File will be maintained for each employee. The information in this file will relate to the individual only and will be maintained by People Support Services (PSS) and the employee in accordance with the Data Protection Act 1998.

Appendix 3 details the information that can be held in the Computerised Personal Record File.

1.3 Local Personal Record File

It is acknowledged that in order to manage locally, certain items of personal information must be retained locally on station or within sections; these include performance, attendance management, training information and Permits to Work. These files must be maintained in accordance with the Data Protection Act 1998.

A Personal Record File can be maintained at the location of the individual but must only contain the items of information as listed in Appendix 3.

These files should be sent back to PSS when the employee ceases employment. If an employee moves temporarily for more than 4 weeks or permanently to another location the file should be forwarded to the other locations clearly marked confidential and addressed to the new line manager. Any movement of files must be conducted under confidential cover in sealed envelopes, with the delivery and receipt recorded.

All information must be kept securely and in confidence.

1.4 Employee Access

1.4.1 Personal record file

All employees under the terms of the Data Protection Act 1998 are entitled to know what personal information the organisation holds about them and how it is being processed. If an employee requires access to their personal record file (PRF) information, the following procedure must be followed.

- Requests should be made in writing to the PSS, giving a minimum of 3 days notice.
- PSS will liaise with the employee to facilitate access,
- The Data Protection Act 1998 gives employees an entitlement to information and not documents

If the employee wishes a third party to be present when viewing the file, for example, a legal or trade union representative, this must be included in the request. Representatives will not be allowed to view the file independently without the explicit written consent of the employee concerned.

Every employee has the ability to view their electronic personal information file. If inaccurate information is found on the system and the employee does not have the access to amend it, details should be forwarded to the PSS who will make the amendments on their behalf.

If line managers wish to view a member of staff's Personal Record File, the procedure described above must be followed where a reason must be provided for needing to view the file.

1.4.2 Occupational health records

Access to occupational health records will follow the procedure described above except that the request to view the records is to be submitted to the Practice Manager, Occupational Health who may need to liaise with the OH Manager or their delegated representative.

1.4.3 Other personal records

Requests to access other personal information that the organisation might hold should be made in writing to the Data Protection Officer at Fire Service Headquarters. The information will then be located and a fee charged if appropriate. If the information contains data about any third parties then the information will be released if it is reasonable to do so in line with the legislation, redacted i.e. personal data removed or a summary of the information provided.

1.5 Information released to a third party

Requests are sometimes received either in writing or via telephone from third parties to release personal information about employees, in all cases written permission of the individual must be given before this information is released, exception to this will be in certain circumstances where requests are made by statutory bodies for information.

Sports and Welfare

Such organisations were previously exempt from the Act, but must now comply, but are not required to register under the Data Protection Act 1998.

Whilst it is not necessary to notify the Information Commissioner of the personal data held, this does not exempt clubs from the first principle of the Act, that is, personal data shall be processed fairly and lawfully.

1.6 Requests for information

All other requests for information in whatever form, for example, paper records, computer records, tapes, and so on, should be forwarded through to the Data Protection Officer.

If a request for information is received in a department, section or on a station it must be date stamped and forwarded immediately for the attention of the Data Protection Officer, Data Management Section, marked 'Confidential - Data Protection Request'. If possible, the request should be sent by e-mail.

The Data Protection Officer will be responsible for recording the request, obtaining the information from the relevant department, charging any appropriate fees and ensuring that the request is answered within the timescale. The timescale for response to requests for information is 40 days and the suggested fee is £10 but this is not always charged.

Requests for the disclosure of personal data related to the 'Transfer of Undertakings (Protection of Employment) Regulations' (TUPE) 2006 are the responsibility of PSS department. These need to be in line with TUPE and Data Protection Act 1998 requirements.

The Data Protection Officer will liaise with the department or station concerned for assistance in providing the information requested. It is imperative that information is provided in a timely manner to ensure that the specified timescales are met.

1.6.1 Requests for incident information

The Service receives enquiries from solicitors, loss adjusters, insurance companies and other interested parties for details of fires and other Fire Service activities. The intentions of the enquirer are often unknown or liable to change at a later date.

The Service is not entitled to release information about a data subject to any third party without the data subject's consent; there are a few exceptions, for example, data requested by the police to assist them with criminal investigations. Fire Service reports, in particular the Incident Recording System (IRS) Fire Report, contain information about persons involved in incidents and are therefore not to be released by fire stations.

All such requests must be submitted in writing by the party wishing to obtain the information. This is to be forwarded to the Central Administration team at e-mail address InformationDisclosure@wmfs.net. A fee will usually be charged for this information.

1.6.2 Release of information for legal proceedings

When the Fire Service is involved in legal proceedings, the Civil Procedure Rules require that all relevant documents shall be disclosed to the other parties involved. This includes all documents which are, **or have been** in the possession, custody or power of the relevant party and which relate to any matter in question between the parties.

A request for such documentation will usually be made by the PSS Section to the relevant section, department or station. This request includes **all** relevant documents, including original or rough notes, and whether they are supportive or potentially damaging, so a thorough search must be made.

In general terms, it is likely that all available documentation is disclosable and therefore, personnel should forward all documents, which will be considered by the Service's advisors before disclosure.

If original documents are forwarded, copies should be taken and preserved by the forwarding party. Where copies of documents are forwarded, care must be taken to ensure the best possible quality copy is obtained.

Stringent time limits are imposed for disclosure of documentation. Hence it is vital that all documents are forwarded, as soon as possible after the request has been made.

1.6.3 Definition of documents (legal proceedings)

As all relevant documentation should be disclosed, it is not possible to provide a definitive list. However, for the purposes of this order, examples include: **all** paper records, written or printed, reports – including IRS and narratives (where provided), internal and external memoranda, accounts, invoices and contracts, any information held on computer or other mode of electronic storage, for example, e-mails, CD-ROM, diagrams, plans, maps, photographs and videos.

It should be noted that the marking of any disclosable document 'confidential' or 'personal' does not necessarily preclude disclosure in respect of legal proceedings.

The requirements of this standing order emphasise the importance of maintaining comprehensive and accurate filing systems, as the implications of non-disclosure of relevant documents are far reaching.

1.6.4 Information received or requested from the police about employees

On occasions, the Service maybe contacted by police officers, who have either requested personal information about employees, or have notified the Service that employees have been arrested or involved in incidents to which the police have been called. The Fire Service is not a 'notifiable occupation' for disclosing convictions of persons for certain employers.

Therefore, the following procedure will be adopted upon receipt of such requests from the police, or where information is received about individual employees:

- where the police request information from a station, the officer in charge should only confirm whether or not an individual is employed at the station;
- any requests for further information about employees should be refused and the requesting police officer referred to the duty principal command officer via Fire Control. The Service will then only release personal details where a serious crime is being investigated or where a warrant has been issued;
- information will only be released after receipt of the police force's standard disclosure form;
- employees are obliged to notify the Service if they have been charged with a criminal offence, (senior officers do not visit police stations if informed by the police that an individual has been detained or questioned whilst off duty). The Service does provide welfare support should individuals require it; this should be discussed with the Line Manager.
- personnel who are being questioned or detained by the Police and who would be unable to report for duty as a result, should request the police to contact Fire Control and inform the duty officer that they will be unable to attend for duty. The duty principal command officer will then be informed and will take appropriate action; and
- requests from the police for copies of recordings from Fire Control will be managed and actioned by Fire Control. The procedure is detailed in Fire Control.

1.7 Complaints

Any complaints must be submitted through the Customer Care and Compliments, Comments and Complaints procedure.

1. Schedule 2 Conditions (Data Protection Act 1998)

Schedules 2 and 3 set out specific conditions that have to be met before processing of personal data can take place; these relate to the first of the 8 principles. The conditions are different for sensitive data and non-sensitive data.

Broadly, **non-sensitive data** is not to be processed unless at least **one** of the following conditions has been met:

- the data subject has given their consent to the processing;
- the processing is **necessary** for the performance of a contract to which the data subject is party (the employment contract), or for taking steps to enter into such a contract;
- the Data Controller has to process the information in order to comply with non-contractual legal obligations (such as health and safety obligations);
- the processing is **necessary** to protect the vital interests of the data subject;
- the processing is **necessary** for the administration of justice, exercise of crown functions, or the exercise of any other functions of a public nature exercised in the public interest; or
- the processing is **necessary** for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data is disclosed, except where the processing is unwarranted in any particular case because of prejudice to the rights and freedoms or legitimate interests of the data subject. The Secretary of State may by order specify particular circumstances in which this condition is, or is not, to be taken to be satisfied.

2. Schedule 3 Conditions (Data Protection Act 1998)

In the case of sensitive data, processing is permitted only if at least one of the following conditions is met:

- the data is of sensitive personal nature consisting of information as to racial or ethnic origin;
- the individual has given their explicit consent to the processing;
- the processing is necessary for the purposes of exercising or performing any right conferred or obligation imposed by law on the Data Controller in connection with employment;
- the processing is necessary to protect the vital interests of the individual in a case where either the consent cannot be given (incapacity, for example) or else the Data Controller cannot reasonably be expected to obtain consent (for example, the individual cannot be contacted despite various attempts over a considerable length of time);
- the processing is carried out in the course of its legitimate activities by any body or association not established for profit and which exists for political, philosophical or trade union purposes, and which relates only to individuals who are members of that body;
- the individual has already made the information public, by taking deliberate steps;

- the processing is necessary for the purpose of or in connection with legal proceedings, obtaining legal advice or establishing or exercising or defending legal rights;
- the processing is necessary for the administration of justice or exercise of crown functions;
- the processing is necessary for medical purposes and is undertaken by a health professional; or
- the personal data are processed in circumstances specified in an order made by the Secretary of State.

Information Commissioner's Office

The Information Commissioner's Office is the data protection regulator for the United Kingdom. Its responsibility is to publish guidance on and enforce compliance with the Data Protection Act 1998, Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Electronic Information Regulations 2003.

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Principles of the Data Protection Act 1998

1 Principle 1 - fair processing

The Data Protection Act 1998 states that the manager cannot hold personal data unless you meet at least one criterion from Schedules 2 and 3 of the Act.

If the organisation does not meet at least one criterion, then there will be in breach of the Act.

Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:

- at least one of the conditions is met; and
- in the case of sensitive personal data, at least one of the conditions is also met.

Any activity whatsoever that involves personal information – held electronically or manually, such as obtaining, recording, holding, disseminating or making available the information, or carrying out any operation or set of operations on the information. It includes organising, adapting, amending and processing the information, retrieval, consultation, disclosure, erasure or destruction of the information. **It is difficult to envisage any activity which does not amount to processing and consideration should be given to conducting a Privacy Impact Assessment (PIA) when embarking on projects and/or activities that may involve processing personal data.**

If the organisation or the employee holds any data that matches any of the above criteria, then they will have to legitimise why they are holding this data. The organisation or employee will also be in breach of the Act if it cannot legitimise the reason for holding the data even if it does match one of the criteria. If data controllers or data users are at all unsure regarding what is a legitimate reason for holding the data, they should seek the advice of the Data Protection Officer.

The processing of data for the purposes of carrying out of 'directed' and intrusive covert surveillance; the use of covert human intelligence sources; the interception of communications; and the acquisition and disclosure of communications data is covered under the Regulation of Investigatory Powers Act 2000 (RIPA).

2 Principle 2 - compatible purposes

Personal data shall be obtained for only one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

3 Principle 3 - extent of data

Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

4 Principle 4 - data accuracy

Personal data shall be accurate and, where necessary, kept up to date.

5 Principle 5 - retention period

Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or purposes.

6 Principle 6 - Data Subject Rights

Personal data shall be processed in accordance with the rights of data subjects under this Act. Data subjects include service users, employees including temporary and volunteers and those communities we serve.

The rights that are applicable to all data subjects are:

- the right to be informed that processing is being undertaken;
- the right to access personal data;
- the right to prevent processing in certain circumstances;
- the right to rectify, block or erase data; and
- the right to claim compensation for certain breaches of the Act.

7 Principle 7 - security and management of data

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss of, destruction of, or damage to personal data.

8 Principle 8 - foreign data transfer

Personal data shall not be transferred to a country or territory outside the European Community unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

PERSONAL INFORMATION

Personal information can be obtained from a number of sources, from the employee themselves, from the circumstances of their employment for example, salary information, from their progression through the organisation or from development, training and assessment situations.

This information then allows the organisation to plan and formulate policies and strategies and, in some instances, to conform to legislative requirements. Planning, policy and strategy formulation depends on information which is effective and accurate and will enable the organisation to recruit, train and develop employees to their full potential, to be as effective as possible within the organisation and to provide good service to our community.

It is the intention of the Service to hold information electronically where possible, in preference for paper based records.

Personal information on an employee must be held and maintained for a legitimate purpose which could include:

- as part of the recruitment process;
- to ensure a full and accurate account of the individual's employment history;
- to ensure payment of the correct level of salary, pension, and sick pay;
- to ensure that the proper levels of training are conducted for the specific role;
- to ensure emergency contact details are available;
- to provide the organisation with data from which management information can be obtained enabling policy and strategy formulation;
- to comply with legal obligations; and
- equality and diversity monitoring.

If information is withheld or not updated an employee may not receive benefits to which they are entitled.

Personal Record File contents

Computerised Personal Record File

A computerised Personal Record File will hold the following information:

Type of information	Content	Purpose	Duration held
Employment	Original application form Employment references Qualification certificates Contract of employment (inc. relevant role profile)	Recruitment Recruitment Recruitment Recruitment	Minimum duration life of employment and 6 years after.

	<p>Next of kin information</p> <p>Details of promotion, and successful applications</p> <p>Transfers, successful requests and requests refused</p>	<p>Emergency contacts</p> <p>Career progression</p> <p>Equality and Diversity monitoring</p>	
Attendance	<p>Sickness record, PR25, Doctor's certificates</p> <p>Exemptions granted</p> <p>Correspondence issued under the Attendance Management Policy</p> <p>Copies of injury reports</p> <p>Attendance record cards</p> <p>Maternity leave applications</p> <p>Applications for special leave</p> <p>Parental leave applications</p> <p>Paternity leave applications</p> <p>Adoption leave applications</p> <p>PR12 Injury Report Forms</p>	<p>Sickness payments</p> <p>Management of attendance</p> <p>Maternity payments</p> <p>Management of attendance and appropriate payments</p> <p>Accident information</p>	Minimum duration life of employment and 6 years after.
Training	<p>Training courses nominations and results of attendance</p> <p>Examination results</p> <p>Application for post entry training</p> <p>Qualification certificates</p>	<p>Job competency and development</p> <p>Development</p> <p>Requirement of post entry training funding</p> <p>Development</p>	Minimum duration life of employment and 6 years after.
Performance	<p>Assessments/ advice/monitoring of performance</p> <p>IPDR form</p>	<p>Management of performance</p> <p>Personal development and</p>	Minimum duration life of employment and 6 years after

		review	
Awards/ Achievements	Compliments, Letters of thanks Achievements Letters of commendation	Personal achievement	Minimum duration life of employment and 6 years after
Discipline	Records of any disciplinary action taken, and associated papers where necessary	Management of discipline	Minimum duration life of employment and 6 years after
General Correspondence	General correspondence that does not fall within any of the categories above.	For example 'Request for reference'	Minimum duration life of employment and 6 years after

Local Personal Record File

A Personal Record File maintained at the location of the individual must only contain the following items of information:

Section	Content	Purpose	Duration held
Training records	Permit to work	Job competency and development	Duration of employment
Performance	Assessments or warnings on performance IPDR	Management of Performance Personal development and review	Until end of warning of monitoring or improvement (then sent to PSS for PRF held for duration of employment) Duration of employment
Attendance Management Information	Absence data	Monitoring	Duration of employment?

APPENDIX 4

ENVIRONMENTAL INFORMATION REGULATIONS 2004

1. PROCEDURES

The Environmental Information Regulations 2004 complement the Freedom of Information Act ([Standing Order 1/5](#)) and intend to provide a culture of openness and accountability amongst public sector bodies and enable the public to access information about any impact upon the environment of policies, processes and procedures.

In some ways, the Regulations are more encompassing than the Freedom of Information Act and many everyday requests for information may come under the definitions of the Environmental Information Regulations. Environmental Information is defined as information about:

- State of air, water, soil, land, landscape, natural sites.
- Substances, energy, noise, radiation, waste – and other releases into the environment.
- Policies, legislation, plans, etc. affecting above elements.
- Reports on implementation of environmental legislation.
- Economic analyses of environmental measures.
- Human health and safety, contamination of food chain.
- Effect of above elements on living conditions, cultural sites, built structures.

As many practices or events can impact upon the above elements the area covered by the Regulations is extensive.

1.1 Rights of access/scope of regulations

Any person making a request for environmental information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request and to have that information communicated.

This is commonly described as 'the duty to confirm or deny that information is held, and to provide it'.

The Environmental Information Regulations provide access in line with the Freedom of Information Act 2000 ([Standing Order 1/5](#)). There are, however, some differences which make the regulations more extensive.

The main differences are:

- The range of bodies covered by the EIR is wider to allow for consistency with the EC Directive and includes public utilities and certain public private partnerships and private companies, such as those in the water, waste, transport and energy sectors.
- Requests for environmental information need not be in writing.
- The information held by a public authority includes holding information held on behalf of any other person.
- The duty to provide advice and assistance requires a public authority to respond within 20 working days when requesting more particulars from the applicant.
- The time limits for responding to a request apply to ALL requests including those involving consideration of the public interest. Regulation 7 allows for an extension from 20 to 40 working days for complex and high volume requests.
- No exception is made for requests that will involve costs in excess of the 'appropriate limit' within the meaning of the Fees Regulations made under sections 9, 12 and 13 of the Freedom of Information Act. Except in specified limited circumstances, ALL requests must be dealt with and any charges imposed must be reasonable.
- There are differences in the exceptions available under Environmental Information Regulations and the exemptions available under Freedom of Information Act.
- The requirement for public authorities to have in place a complaints and reconsideration procedure to deal with representations alleging non-compliance with the Environmental Information Regulations is mandatory.

As the request does not have to be in writing, any verbal request for information of an environmental nature must be considered under the Regulations.

1.2 Requests for information

Requests for information fall in line with the Freedom of Information Act 2000 but as requests can be verbal, it is important to document the name and correspondence address of the individual requesting the information, in order to reply to the request. (Email address is acceptable).

Some other features of requests for information are:

- The applicant does not have to mention the Regulations when making the request.
- An applicant has to identify him/herself for the purposes of the request, but the identity of the applicant is of no concern to the Authority except in the case of vexatious or repeated requests and personal information (see paragraph 3.4).
- The applicant need not be a United Kingdom national or resident. A request can be made by anybody, anywhere in the world.
- There is no restriction on the reasons why the information is being requested and the Authority cannot make enquiries as to why the information is being sought or what it will be used for.
- The Authority can request further information from the applicant in order to identify or locate the information.
- There are no formal requirements on applicants to describe the information in a certain way, for example, by reference number, but the description has to be sufficient to be able to locate and identify the information.

- The information communicated to the applicant has to be the information held at the time the request was received. Account may be taken of amendments or deletions that would have been made in the normal course of events.
- The Authority must help the applicant to frame a request for information if they are not able to do so themselves, for example writing down a request on the telephone and then confirming with the applicant the contents of the request are accurate.
- As soon as verification of the request is received the Authority has 20 working days to comply with the request (40 days for complex requests).

Each Authority can decide whether to charge for providing information that will satisfy the request, for example if there are substantial administration costs to gather and reproduce the information.

If a request for information is received in a department, section or on a station it must be forwarded immediately for the attention of the Data Manager, Data Management Section, marked 'Environmental Information Request'.

The Data Manager will be responsible for recording the request, obtaining the information from the relevant department, charging any appropriate fees and ensuring that the request is answered within the timescale.

The Data Manager will liaise with the Data Controller of the Section or Department concerned for assistance in providing the information requested. It is imperative that information is provided in a timely manner to ensure that the specified timescales are met.

1.2.1 Exceptions

Under the Environmental Information Regulations there is a presumption of openness, irrespective of the date of the information unless an exception applies. There are two categories of exceptions:

- 3) Public interest – those in which the public authority seeking to reply on the exemption has to establish that the public interest in maintaining the exception outweighs the public interest in disclosing information.
- 4) Absolute – where no public interest test is required.

There are a number of exceptions to providing data under the Environmental Information Regulations. A public authority may refuse to disclose information to the extent that:

- It does not hold that information when an applicant's request is received.
- The request for information is manifestly unreasonable.
- The request for information is formulated in too general a manner and the public authority has complied with regulation 9 (that is, provided advice and assistance).
- The request relates to material which is still in the course of completion, to unfinished documents or to incomplete data; or
- The request involves the disclosure of internal communications.

Other circumstances which may provide an exemption consider whether disclosure of the information would adversely impact on:

- International relations, defence, national security or public safety.
- Course of justice.
- Intellectual property rights.
- Legal confidentiality of organisation's proceedings.
- Protection of legitimate economic interests.

- Information provided voluntarily but with no consent to its disclosure.
- Protection of the environment the information relates to.

The Data Manager will advise on the full range of exceptions if required and will consider whether an exception applies on receipt of a request for information under the Environmental Information Regulations.

DRAFT

APPENDIX 5

REUSE OF PUBLIC SECTOR INFORMATION REGULATIONS 2005

1. PROCEDURES

The Re-use of Public Sector Information Regulations 2005 were developed to promote the re-use of information as a valuable resource. The regulations therefore actively promote providing information created within the public sector, to be utilised for example by the private sector. The regulations allow public sector organisations to capitalise on information produced in the course of their duties, where perhaps it was previously felt improper to do so. The basic principles and objectives are:

- To identify public sector documents that are available for re-use.
- To make such documents available at marginal cost to the applicant.
- That public sector bodies deal with applications to re-use information in a timely manner which is open and transparent.
- The process should be fair, consistent and non-discriminatory.
- Best practice in providing the information is applied across the public sector.

1.2 Scope of regulations

The regulations apply to all public sector bodies. To 're-use' means using a document for another purpose than it was initially made for. Although the regulations refer specifically to documents, 'document' means:

"...any content, including any part of such content, whether in writing or stored in electronic form or as a sound, visual or audio-visual recording, other than a computer program".

'Content' is defined as:

"...information recorded in any form".

1.3 Requests for information

Requests for re-using information need to be dealt with in a similar manner to Freedom of Information requests and therefore need to be formally responded to by the Data Manager. If you receive a request, it is important to document the name and correspondence address of the individual requesting the information, in order to reply to the request (e-mail address is acceptable). In addition, the person making the request must specify the document requested and state the purpose for which the document is to be re-used.

The organisation is under no obligation to permit re-use of a document, but must respond to the request within 20 days. Once permission for re-use has been granted then certain conditions apply, such as:

- where available, the document is provided in an electronic format.
- there is no obligation to create or adapt a document for re-use.
- there is no obligation to continue to produce a document for re-use.

In addition, the organisation can impose conditions on re-use as long as these do not discriminate between applicants who request re-using a document for comparable purposes. The organisation cannot enter into an exclusive arrangement, or contract unless this would be in the public's interest, and then only after publishing the details of this arrangement.

1.4 Exemptions

The Regulations apply to all documents held by the Fire Service although the requirements of the Data Protection Act (see [Standing Order 2/16](#)) are not affected by the Regulations and therefore the processing of personal data must be fair: in general terms, this would require the explicit permission of an individual before their personal data is supplied in a document. In addition, there are exemptions to what can be supplied under the Regulations:

- Documents which would be exempt under the Freedom of Information Act
- Documents where the copyright or intellectual property rights belong to a person or organisation external to the Fire Service.
- Documents which fall out of the scope of the core tasks or responsibilities of the Fire Service.

Also for the regulations to apply, the document:

- Must have been identified as available for re-use.
- Must have been made available to the applicant, or has been provided by means other than through an application made under the Data Protection Act 1998, Freedom of Information Act 2000 or Environmental Information Regulations 2004

There are also public sector institutions which are exempt, such as Public Sector Broadcasters, Schools, Libraries and Museums.

1.5 Charging

The regulations allow for charging a fee for an applicant's re-use of an organisational document. This fee can be calculated to include the commercial value of re-use, that is to say the cost of collection, production, reproduction and dissemination, plus any return on investment. In practice, many documents such as digital documents would not cost very much to provide and may have little commercial value.

Any charges need to be reasonable and justifiable if audited. Under the regulations, it is not possible to charge one applicant to re-use a document and then allow another to re-use the same document in the same circumstances for free. The Regulations promote competition in the free market and therefore all applicants must be treated equally.

1.6 Partnerships

The Fire Service may enter into partnerships with other public and private sector organisations in the course of their operational activity. In general terms, it is important to nominate which public sector partner should have responsibility for authorising re-use: if both parties are public sector organisations, it is advisable to nominate one body to authorise the re-use of documents.

It should be made clear to any applicants that if any copyright or intellectual property rights belong to a private sector partner, then permission for re-use must be gained from that partner.

The Fire Service should not authorise a private sector organisation to authorise the re-use of public sector (Fire Service) documents.

1.7 Asset lists

In this context, an asset is a document which is of value to the organisation and therefore may be of value to others, if re-used. The organisation already maintains a list of types of information available under the Freedom of Information Act: this is called a publication schedule and will be added to with assets (documents) which may be re-used, indicating any charges which are payable if the documents are re-used. To enable efficient location of such documents, it is important that documents which are

being re-used are included on the publication schedule and that the Data Manager is informed of any documents which have the potential for re-use.

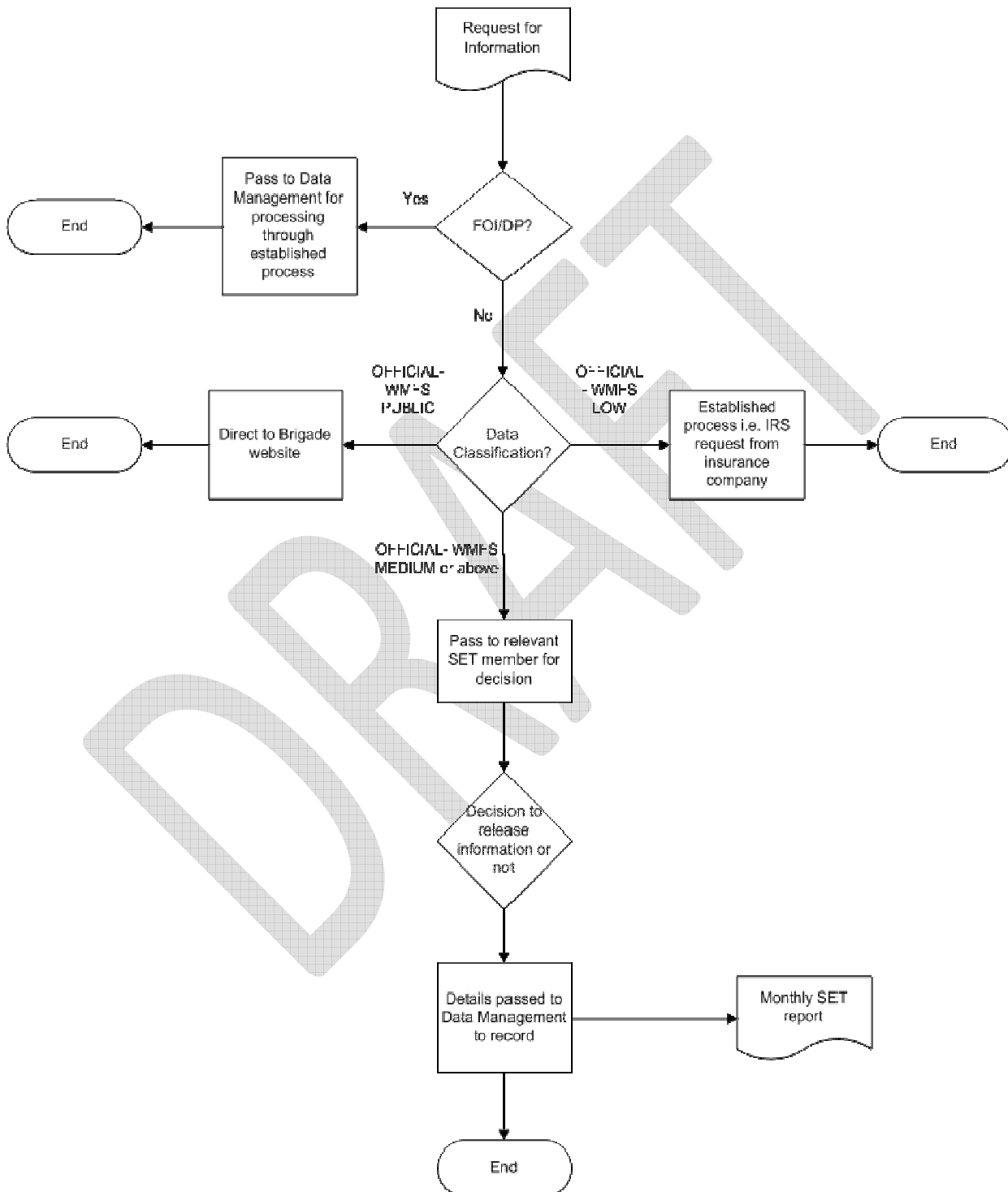
1.8 Important legislation to consider – classification of request

The Re-use of Public Sector Information Regulations 2005 need to be considered in conjunction with the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. This set of legislation aims to encourage more open and accountable government by establishing a general statutory right of access to official records and information held by public authorities. These complement and are influenced by the Data Protection act 1998 as generally information which involves or can identify an individual is exempt.

Documents may be provided under the Freedom of Information Act free of charge, but the Re-use of Public Sector Information Regulations may allow for charges to be applied if the information is re-used. Therefore, any request for information needs to take into consideration the requirements of all three pieces of legislation. All requests of this nature must be forwarded to the Data Manager at Headquarters who will establish what legislation any request may come under, and provide a formal response.

APPENDIX 6

Requests for Information



WEST MIDLANDS FIRE AND RESCUE AUTHORITY

21 NOVEMBER 2016

1. **DISCRETIONS POLICY – LOCAL GOVERNMENT PENSION SCHEME**

Report of the Chief Fire Officer

RECOMMENDED

THAT the Fire and Rescue Authority approves the changes to the Discretions Policy –Local Government Pension Scheme.

2. **PURPOSE OF REPORT**

To request approval for changes to the Discretions Policy – Local Government Pension Scheme.

3. **BACKGROUND**

- 3.1 Employees eligible to join the Local Government Pension Scheme (LGPS) have the opportunity to pay Additional Voluntary Contributions (AVC's) under an agreement with the Prudential. These contributions are deducted from an individuals' pay on the same basis as their standard pension contribution and attract tax relief in the same manner.
- 3.2 Use of this scheme by employees is optional and the Fire Authority incurs no additional costs if members exercise this option.
- 3.3 West Midlands Fire Service has identified potential savings of approximately £17,000 per annum in Employer National Insurance contributions by offering employees the opportunity to use a Shared Cost Additional Voluntary Contribution operated under Salary Sacrifice arrangements as an alternative to the existing scheme.
- 3.4 In addition to the tax savings which an AVC scheme offers choosing the Salary Sacrifice option would give employees a reduction in their National Insurance contributions.

- 3.5 To enable the implementation of such a scheme West Midlands Fire Service needs to amend their policy on one of the discretions available under the Local Government Pension Scheme regulations.
- 3.6 The Discretion to be amended covers regulations 16(2)(e) and 16(4)(d) which currently states:

Regulations 16(2)(e) and 16(4)(d) - Funding of Additional Pension

Explanation

Where an active member opts to make Additional Pension Contributions (APC) under Rule 16(2)(e) these may be funded in whole or in part by the Employer. Under Rule 16(4)(d) the employee may opt to pay APC as a Lump Sum and this may also be funded in full or part by the employer.

Policy

The Fire Authority will not fund in whole or in part any other APC purchased either by periodical payments or Lump Sum direct from a members Net Pay.

- 3.7 It is proposed to change the policy on use of this discretion to read as follows;

Policy

The Fire Authority will fund in whole or in part any Annual Pension Contribution (APC) operated by themselves under a salary sacrifice arrangement.

The Fire Authority will, however, not fund in whole or in part any other APC purchased either by periodical payments or Lump Sum direct from a members Net Pay.

- 3.8 The term Additional Pension Contribution is used in the LGPS Regulations to refer to any situation where an employee enters into an agreement to purchase increased pension by paying

additional contributions either under an Additional Voluntary Contribution (AVC) arrangement or under Additional Pension Contributions (APC). The latter arrangement is available only where a member has lost pension under the 2014 scheme regulations due to unpaid absence.

- 3.9 The Discretions Policy – Local Government Pension Scheme is attached as Appendix 1.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment has been carried out and no employees will be adversely impacted by this change in policy.

5. **LEGAL IMPLICATIONS**

There is a statutory requirement for West Midlands Fire and Rescue Authority to comply with the rules of the Local Government Pension Scheme.

6. **FINANCIAL IMPLICATIONS**

The Discretions policy does not result in any additional costs being incurred by the Authority. Implementing a shared cost AVC will lead to estimated savings of £17,000 per year being made.

7. **BACKGROUND PAPERS**

The Local Government Pension Scheme Regulations 2013

The contact name for this report is Phil Hales, Deputy Chief Fire Officer, 0121 380 6907.

PHIL LOACH
CHIEF FIRE OFFICER

Ref. AU/2016/Nov/90311167

STATEMENT OF POLICY

Under Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, operative from 29 November 2006, each employer must formulate, keep under review and publish their policies on certain discretions contained within the Regulations.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the Local Government Pension Scheme (LGPS).

Regulation 5 - Power to increase statutory redundancy payments

Explanation

Employers have the discretion to resolve to use the employee's actual pay instead of the statutory maximum pay permitted under the Employments Rights Act 1996, in the calculation of redundancy payments.

Policy

The Fire Authority will always use the employees' actual pay when calculating redundancy payments.

Regulation 6 –Discretionary Compensation

Explanation

The Authority has the discretion to resolve to increase the lump sum compensation payable under the Employments Rights Act 1996 to an employee who loses their employment with the Authority, up to a maximum of 104 weeks' pay.

Policy

The Fire Authority will not exercise this discretion and therefore will not increase the maximum payable beyond the statutory limit of 30 weeks' pay.

STATEMENT OF POLICY

1 April 2014

Under Regulation 60 (1) of the Local Government Pension Scheme (LGPS) Regulations 2013, each employer must formulate, keep under review and publish their policies on certain discretions contained within the LGPS Regulations.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the LGPS.

1. Regulation 30 (8) – Waiving of actuarial reduction

Explanation

From age 55, members who have left local government employment receive early payment of their retirement benefits and do not need their employer's consent. The pension benefits must be reduced in accordance with guidance provided by the Government actuary. Employers may determine on compassionate grounds that the benefits are not reduced.

For a member who joined the scheme prior to 1 October 2006 where the member's age and membership (in whole years) satisfies the "rule of 85" then the benefits would be reduced, unless the employer chooses to exercise the discretion within the regulations. For a member who joined the Scheme on or after 1 October 2006, then reduced benefits would be payable if taken before age 65.

Policy

Each specific case will be judged equally and fairly on its own merits and would need to be funded by a lump sum contribution into the Pensions Fund by the Fire Authority. This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a three year period.

This discretion will be exercised by the Strategic Enabler (People Support Services) as delegated by Chief Fire Officer in conjunction with the Treasurer and Chairman to approve existing severance packages and members will be notified where discretion is

exercised.

2. Regulation 31 - Power of the Employing Authority to award Additional Pension

Explanation

An employer may resolve to award a member additional pension of not more than £6,500 a year, payable from the same date as their pension is payable under any other provision of these regulations. An additional pension may be paid in addition to any increase to total membership resolved under Regulation 16 so long as the overall total does not breach the limits laid down within these regulations.

Policy

Each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs.

3. Regulation 30 (6) - Flexible Retirement

Explanation

A member who is aged 55 or over and with their employer's consent reduces their hours or grade can then, but only with the agreement of the employer, make an election to the administering authority for payment of their accrued benefits without having retired from that employment.

Policy

Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs. This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a three year period.

4. Regulations 16(2)(e) and 16(4)(d) - Funding of Additional Pension

Explanation

Where an active member opts to make Additional Pension Contributions (APC) under Rule 16(2)(e) these may be funded in whole or in part by the Employer. Under Rule 16(4)(d) the employee may opt to pay APC as a Lump Sum and this may also

be funded in full or part by the employer.

Policy

The Fire Authority will fund in whole or in part any APC operated by themselves under a salary sacrifice arrangement.

The Fire Authority will, however, not fund in whole or in part any other APC purchased either by periodical payments or Lump Sum direct from a members Net Pay.

The Fire Authority is not obliged by the Regulations to publish a statement on the following discretions contained within the LGPS 2013 Regulations but has chosen to do so.

5. **Regulation 22(8)(b) - Re-employed and Rejoining Deferred Members**

Explanation

Where a deferred member becomes an active member again before becoming entitled to the immediate payment of retirement benefits in respect of their former membership, their former membership will be aggregated with their current active membership unless within 12 months from the date of the active member's pension account being opened they make an election in writing to the member's appropriate administering authority. The period of 12 months may be extended at the discretion of the employing authority.

Policy

The Fire Authority will extend the period of 12 months beginning with the date that the active member's pension account is opened again to allow a member to choose not to aggregate his/her former membership in exceptional circumstances or where it was beyond the member's control.

6. **Regulation 100 (6) – Inward Transfer of Pension Rights**

Explanation

A person who becomes an active member who has relevant pension rights may request his fund authority to accept a transfer value for some, or all, of his former rights. An election must be made in writing before the expiry of the period of 12 months

beginning with the date that he became an active member or any such longer period as his employer may allow.

Policy

The Fire Authority will extend the period of 12 months beginning with the date that he/she became an active member – thereby, allowing a member to transfer some or all of his/her rights from the relevant transferor in exceptional circumstances or in circumstances beyond the member's control.

7. **Choice of early payment of Deferred Pension**

Explanation

Where a member became a deferred member between 31 March 2008 and 1 April 2014, they can apply for early release of benefits, and the Fire Authority can fund the costs of the release.

Policy

Each specific case will be judged equally and fairly on its own merits and would need to be funded by a lump sum contribution into the Pensions Fund by the Fire Authority. This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a three year period.

This discretion will be exercised by the Strategic Enabler (People Support Services) as delegated by Chief Fire Officer in conjunction with the Treasurer and Chairman to approve existing severance packages and members will be notified where discretion is exercised.

From 1 June 2004, an amended Internal disputes resolution procedure applies to active members of the LGPS and to others such as deferred and pensioner members, whose position may be affected by decisions taken by their former employer or LGPS administering authority.

8. **The Internal Dispute Resolution Procedure**

Explanation

Responsibility for determinations under the first stage of the

procedure now rests with a 'specified person' appointed by your (former) employer. The Fire Authority must specify the job title and address of the person to whom applications should be directed.

Policy

The specified person for the West Midlands Fire and Rescue Authority is:-

Mr P Hales
Deputy Chief Fire Officer
West Midlands Fire Service HQ
99 Vauxhall Road
Birmingham
B7 4HW

The discretions within this Policy Statement will be reviewed at the point of regulation change but no less than yearly in line with the Authority's Pay Policy Statement.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

21 NOVEMBER 2016

1. **MONITORING OF FINANCES**

Joint report of the Chief Fire Officer and Treasurer.

RECOMMENDED

THAT the report be noted.

2. **PURPOSE OF REPORT**

2.1 This report deals with the monitoring of the finances of the Authority in the current financial year and covers revenue expenditure and the Capital Programme.

2.2 Expenditure is compared with a profile of the Authority's budget.

3. **BACKGROUND**

3.1 **Revenue Expenditure**

Appendix A compares the revenue budgeted to the end of October 2016 with the actuals to that date. Devolved budgets are managed by the Department responsible for incurring the expenditure as opposed to corporate budgets, which are managed by the named Department on behalf of the Brigade as a whole.

The Authority's 2016/2017 Council Tax requirement is £37.874 million and the revenue budget is £97.413 million. Actual spend to October 2016, including commitments, was £55.998 million compared to a projected budget of £55.912 million, an overall adverse variance of £0.086. This mainly relates to an overspend in expenditure on Operational staffing, offset by savings arising from staff vacancies across Support Services and additional income.

Appendix B provides statistical data relating to the Firefighters' Pension Scheme.

3.2 **Capital Expenditure**

The Authority's approved capital programme for 2016/2017 is £8.090 million. A scheme analysis is shown on Appendix C. Expenditure to the end of October 2016 is shown as £1.151 million.

The main variance within the capital programme relates to the Vehicle Replacement Programme (VRP), as a result of a delay in the completion of Pump Rescue Ladders (PRLs) in the current financial year. Other variances relate to the roof replacements at Aldridge and Ward End Fire Stations which are no longer required following a structural survey, review of ICT options for the X-Plan project and after the withdrawal of West Midlands Ambulance Service from the Aston Project, the initial design is to be reassessed.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

5. **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.

6. **FINANCIAL IMPLICATIONS**

These are contained in the body of the report and the attached Appendices.

BACKGROUND PAPERS

Authority's Budget and Precept Report – February 2016
Finance Office Budget Monitoring Files

The contact officer for this report is Philip Hales, Deputy Chief Fire Officer, telephone number 0121 380 6907

PHIL LOACH
CHIEF FIRE OFFICER

MIKE GRIFFITHS
TREASURER

Ref: AU/Nov/2016/92110162/KS/AMH

REVENUE MONITORING SUMMARY TO OCTOBER 2016

	LATEST BUDGET 2016/2017 £'000	PROFILED BUDGET £'000	ACTUALS + COMMIT- MENTS £'000	VARIANCE TO PROFILED BUDGET £'000
DEVOLVED BUDGETS				
Corporate Management	3,319	2,425	2,384	-41
Service Support				
People Support Services	5,565	3,201	3,113	-88
Business Development	94	59	70	11
Operational Preparedness	1,199	714	674	-40
Operational Assurance	447	260	273	13
Finance & Resources	4,473	2,324	2,240	-84
ICT	4,042	2,000	1,938	-62
Service Delivery				
Operations	50,662	29,541	29,855	314
CORPORATE BUDGETS				
Service Support				
People Support Services	2,645	1,388	1,403	15
Operational Preparedness	12	82	101	19
Finance and Resources	19,925	10,993	10,970	-23
Service Delivery				
Response	5,065	2,950	3,017	67
Prevention	-14	0	0	0
Protection	-21	-25	-40	-15
TOTAL (NET BUDGET REQUIREMENT)	97,413	55,912	55,998	86
Grant Funding	- 59,539	-37,889	-37,889	0
TOTAL (COUNCIL TAX REQUIREMENT)	37,874	18,023	18,109	86

FIREFIGHTERS' PENSION SCHEMES**NON-FINANCIAL
INFORMATION**

	2016/17 PROJECTION				ACTUAL POSITION AS AT OCTOBER 2016*			
	1992 FPS	2006 FPS	2015 FPS	TOTAL	1992 FPS	2006 FPS	2015 FPS	TOTAL
Members of FPS at 1st April 2016	470	16	887	1,373	470	16	887	1,373
New Members	-	-	-	-	-	-	-	-
Opt-In	-	-	-	-	-	-	-	-
Transitional Members during year	-33	-5	38	-	-18	-5	23	-
Transfers from Other Pension Schemes	-	-	2	2	-	-	-	-
Transfers to Other Pension Schemes	-	-	-5	-5	-	-	-	-
Retirements	-66	-1	-	-67	-38	-	-	-38
Opt-Out	-	-	-4	-4	-	-	-8	-8
Leavers	-	-	-	-	-	-	-8	-8
Ill-Health Retirements	-3	-	-	-3	-	-	-	-
Members of the Fire Pension Schemes as at 31st October 2016					414	11	894	1,319

* Note: Excludes any Auto-Re-Enrolments in August 2016

CAPITAL MONITORING STATEMENT 2016/17

Scheme	Year 2016/17	Latest Budget £'000	Actuals October 2016 £'000	Forecast £'000	Variance £'000
<u>LAND & BUILDINGS</u>					
Coventry Fire Station	2 of 3	2,412	147	2,412	-
Aston Fire Station	2 of 4	191	10	20	-171
Training at Height Facilities	11 of 11	363	3	363	-
Boiler Replacement Programme	Ongoing	306	81	306	-
Roof Replacements	Ongoing	132	0	14	-118
Windows/Door Replacement	Ongoing	138	0	224	+86
Rewires	Ongoing	210	0	210	-
Bilston Modification Works	1 of 1	90	89	89	-1
X-Plan	1 of 1	299	0	0	-299
Haden Cross Fire Station	4 of 4	49	47	50	+1
Dignity at Work	3 of 3	4	4	4	-
Secondary Control Room Relocation	1 of 1	500	32	500	-
<u>VEHICLES</u>					
Vehicle Replacement Programme	Ongoing	3,007	686	2,463	-544
<u>ICT & EQUIPMENT</u>					
MDT Upgrade / Replacements	1 of 1	310	0	300	-10
Oracle Licensing	8 of 8	25	0	25	-
PBX Upgrade	2 of 2	54	52	54	-
Grand Total		8,090	1,151	7,034	-1,056
<u>Funded By</u>					
Prudential Borrowing		0		0	-
Capital Grants / Contributions		2,635		2,635	-
Capital Receipts to be Applied		1,105		1,105	-
Revenue Financing / Earmarked Reserves		4,350		3,294	-1,056
TOTAL		8,090		7,034	-1,056
SURPLUS(-)/DEFICIT(+)					

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

21 NOVEMBER 2016

1. **RESULT OF FIRE SAFETY PROSECUTIONS**

Report of the Chief Fire Officer and Clerk

RECOMMENDED

THAT the details of the fire safety prosecutions be noted.

2. **PURPOSE OF REPORT**

This report is submitted to inform the Authority of the result of prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

3. **BACKGROUND**

3.1 **161 Hagley Road, Edgbaston, Birmingham, B16 8UQ**

3.1.1 This section of the report relates to 161 Hagley Road, Edgbaston, Birmingham, B16 8UQ, that was pursued by this Authority following an anonymous complaint which identified a number of multiple failures to comply with fire safety legislation and which constituted a risk of death or serious injury in the event of fire.

3.1.2 Mr. Cyrus Bassiri, as the Responsible Person for the premises, failed to comply with the Regulatory Reform (Fire Safety) Order 2005 and these constituted 14 offences in total. These failures included a fire alarm which was not working, inadequate fire resistance and failing to comply with two enforcement notices.

3.1.3 Mr. Bassiri pleaded guilty to five offences and was subsequently sentenced at Birmingham Crown Court on 18th March 2016.

3.1.4 Mr. Bassiri was sentenced to a total of 19 months immediate custody and was ordered to pay £13,820.65 costs for bringing the prosecution.

3.2 Intelligent Foods Central Limited (trading as Subway), 24 Queen Square, Wolverhampton, WV1 1TQ

3.2.1 This section of the report relates to Subway, 24 Queen Square, Wolverhampton, WV1 1TQ, that was pursued by this Authority following a routine inspection of an adjoining premises which identified a number of number of multiple failures to comply with fire safety legislation and which constituted a risk of death or serious injury in the event of fire.

3.2.2 Mr. Dharmendar Singh Khag, as the director and Responsible Person for the limited company, failed to comply with the Regulatory Reform (Fire Safety) Order 2005 and these constituted three offences in total.

3.2.3 Mr. Khag pleaded guilty to those offences at Wolverhampton Magistrates Court on 19th January 2016. The company was fined £15,000 and he was ordered to pay £5,868.30 costs for bringing the prosecution.

3.3 Mr. Simon Fox

3.3.1 This section of the report relates to 254 Humber Road, Coventry, and was pursued by this Authority following a serious fire resulting in life changing injuries to one casualty and identified a number of failures to comply with fire safety legislation.

3.3.2 Mr. Simon Fox, as the Responsible Person, failed to comply with the Regulatory Reform (Fire Safety) Order 2005 and these constituted six offences in total. These failures included an inadequate fire alarm, inadequate fire doors to protect the escape route and failing to maintain such fire doors as were present.

3.3.3 Mr. Fox pleaded guilty to one offence which incorporated the full facts of the remaining offences at Crown Court at Leamington on 23rd September 2016.

3.3.4 Mr. Fox was sentenced to four months imprisonment suspended for two years and 250 hours unpaid work; he was fined £25,000 and was ordered to pay costs of £24,300 for bringing the prosecution.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out as the matters contained in this report do not represent a change in policies or functions of the Authority.

5. **LEGAL IMPLICATIONS**

The Regulatory Reform (Fire Safety) Order 2005 places a general duty on 'responsible persons' to provide general fire precautions to keep people safe in case of fire. The Order extends to the common areas of domestic premises. The Order imposes a statutory duty on Fire and Rescue Authorities to enforce the provisions of the Order. The Authority is responsible for ensuring public safety by monitoring compliance with the law and, as appropriate, enforcing the requirements of the legislation.

6. **FINANCIAL IMPLICATIONS**

The award against defendants covers the legal costs incurred by the Authority in preparing the relevant prosecution file. The award also compensates for officers' time spent on each case; this amounted to £13,820.65 in the case of the Cyrus Bassiri, £5,868.30 in the case of Intelligent Foods Central Limited and £24,300.00 in the case of Simon Fox.

BACKGROUND PAPERS

Fire Safety files.

The contact name for this report is Gary Taylor, Assistant Chief Fire Officer, 0121 380 6907.

PHIL LOACH
CHIEF FIRE OFFICER

KAREN GOWREESUNKER
CLERK TO THE AUTHORITY

Minutes of the Audit Committee

Item 10

5 September 2016 at 12.30 pm
at Fire Service Headquarters, Vauxhall Road, Birmingham B7 4HW

Present: Councillors Aston, Idrees, Sealey, B Singh,
P Singh and T Singh (Chair)
Mr Ager (Independent Member)

Apologies: Mr James Cook – Grant Thornton

39/16 **Minutes of the Audit Committee held on 25 July 2016**

Resolved that the minutes of the meeting held on 25 July 2016, be approved as a correct record.

Councillor Aston's request at the previous meeting to review the Risk Assurance Map would be facilitated.

40/16 **Corporate Risk Update**

The Committee received the Corporate Risk Update. This was the first of the new cycle of six monthly reports and included the Corporate Risk Assurance Map Summary and the Position Statement. The Deputy Chief Fire Officer stated that this was a routine report that covered Quarter 4 to May 2016 (2015/16) and Quarter 1 to July, (2016/17).

There had been an increase in overall Corporate Risk Scores. In Quarter 4, 2015/16, the risk score for Corporate Risk 11 increased. The decision was made due to a trade dispute registered by the Fire Brigades Union involving Fire Control staff. However, this had decreased in Quarter 1, 2016/17 due to a local collective agreement on the staff and supervision arrangements for the shared Fire Control.

In Quarter 4, 2015/16 the risk score for Corporate Risk 5, decreased. The decision was made due to positive engagement and negotiations between senior management and Representative Bodies regarding the staffing trials. In Quarter 1, 2016/17 the risk score for Corporate Risk 1, decreased. The decision was made due to certain aspects of the Shared Fire Control review still being ongoing, there is a collective agreement for staffing and supervision arrangements.

In Quarter 1, 2016/17 the risk for Corporate Risk 6 decreased. The decision was made due to the trade dispute being lifted and the negotiated position in relation to staffing having been agreed.

The Corporate Risk Assurance Map Summaries for May 2016 (Quarter 4 2015/16) and July (Quarter 1 2016/17) were attached as appendices to the report together with the Corporate Risk Position Statements for Quarter 4 and Quarter 1.

Confidence levels were improving and there were no “red” risk scores in Quarter 1 for 2016/17.

In answer to a question regarding emerging risks from Brexit and future governance arrangements, the Deputy Chief Fire Officer explained that the Corporate Risks had been reviewed and two additional risks had been identified as External (Political and legislative) Environment and Business Development. A Future Governance Working Group had been set up and would be considering future arrangements.

Officers would attend future Audit Committees to provide interim briefings on specific risks and any changes to risks.

There was uncertainty on the impact and timeframes of Brexit on the West Midlands Community.

In answer to another question regarding a spike in arson incidents, it was explained that this stands alone and is not a high level corporate risk. Any increase in arson incidents would be reviewed at the Quarterly Performance meeting and this in turn is reported to Scrutiny Committee. If there was a massive spike in all indicators then this would be shown as a risk and be reported in the indicators. A rise in antisocial incidents would also be raised with the Police and the Committee were reassured that there was a good relationship with the Police and regular meetings were held at all levels.

Resolved that the Corporate Risk Assurance Map Summary be noted and the Position Statement for each risk be approved.

41/16 **Notification of Submission of the Annual Scheme Return to the Pension Regulator**

The Committee noted the submission of the following returns to The Pension Regulator under the requirements of the Pensions Act 2004:

- West Midlands Fire Service Firefighters Pension Scheme 1992 – Scheme Return 2015 – 2016
- West Midlands Fire Service Firefighters Pension Scheme 2015 – Scheme Return 2015 – 2016

42/16 **Audit Committee Update for WMFRA**

The Committee noted the CIPFA Audit Committee Update. The update focused on progress of the audit and high level summary. The Auditors were planning for the following years audit. The update reported on:

- The changing face of Corporate Reporting (Integrated Reporting)
- The Grant Thornton Website relaunch and dedicated section for the fire sector
- Advancing closure: the benefits to local authorities – the Fire Authority were on target to deliver
- CFO Insights – driving performance improvement
- Future Events and Workshops
 - Joint Venture Seminar at Grant Thornton Leicester Office on 13 September 2016
 - Income Generation Workshop 28 September 2016 in Birmingham

The Auditor informed the Committee of the electronic links to the documents highlighted and also offered to provide hard copies of the documents if required.

The Auditor confirmed that the Whole of Government Accounts would be completed week commencing 12 September 2016 and the Annual Audit Letter would be presented to the Audit Committee on 14 November 2016.

43/16 **CIPFA Audit Committee (Update No. 20)**

The Committee received the CIPFA Audit Committee Update No. 20. The update focused on the CIPFA survey into audit committees in local authorities and police. The remainder of the issue provided an update on recent legislation, reports and guidance. The Auditor felt that following the update on risks, there was nothing for Members of the Committee to concern themselves.

The update also provided a list of workshops and training events for Audit Committee Members. There was a development date for local government audit committees on 7 December in Birmingham and further details would be available soon.

Members were asked to complete the knowledge and skills framework at their earliest convenience. The forms would be circulated and should be returned to the Clerk by 19 September 2016.

44/16 **Audit Committee Work Programme 2016/17**

The Committee noted its Work Programme for 2016/17 and that the next meeting of the Audit Committee would be on 14 November 2016.

45/16 **Update on Topical, Legal and Regulatory Issues**

There was no new information to be presented

(The meeting ended 13.00)

Contact Officer: Julie Connor Strategic Hub 0121 380 6906

Minutes of the Scrutiny Committee

05 September 2016 at 12.30pm
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Spence (Vice Chair);
Councillors Barrie, Hogarth, Skinner and Young

Apology:

Councillor Brackenridge, Dad, and Tranter

Observer:

16/16 **Declarations of Interest**

There were no declarations of interest.

17/16 **Minutes**

Resolved:-

That the minutes of the meeting held on 21st March 2016, be approved as a correct record, subject to the following amendments in respect of minute 13/16:

- A Member requested that further information be reported to the Committee surrounding incidents involving rescue from water, including details of response times and the number of incidents

In light of the amendment to the minutes, ACFO Taylor agreed that the information requested on incidents involving rescue from water would be reported at the next meeting of the Committee (10 October 2016).

18/16

Dispute Resolution Report – 1 January to 30 June 2016

Wendy Browning-Sampson, People Support Manager, provided an overview of the Dispute Resolution Report:

An error within the report was brought to the Committee's attention. Namely, the table within Appendix 1, Section B: Investigation Activity. The number of investigations into Gross Misconduct was quoted as 21, when it was actually 22 investigations for the period reported.

It was noted that 22 Gross Misconduct investigations was an increase from the previous six months, however 11 investigations were involved in just one case, which was unusual.

A debrief process had been agreed and implemented with a debrief taking place after every disciplinary process. As a result, the Service continued to learn and improve its processes.

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

- The definition of gross misconduct is the same for green book and grey book staff.
- Members of staff who had resigned whilst an investigation was ongoing may not have done so purely due to the investigation itself (for example, a staff member's contract may be due to end within the timeframe of the investigation and may decide to terminate their contract early).
- It was acknowledged that there had been an increase in the last six months but increases were observed occasionally. It was important that such trends in the number of investigations did not become a constant and therefore the normal rate of investigations.
- It was noted that although there had been an increase in the number of investigations in the last six months, the overall number remained lower than it had been previously and that performance as a whole had improved.

- The number of investigations would continue to be monitored to ensure that the right direction of travel was achieved.

19/16

An Analysis of Progress of Quarterly Performance against 'The Plan' – Quarter One 2016/17

ACFO Taylor provided an overview of the Analysis of Progress of Quarterly Performance against 'The Plan' – Quarter One 2016/17:

PI 1 'The risk based attendance standard', at 4 minutes and 40 seconds for category one incidents was an all-time low.

Attendance times for category two, three and four incident types were all outperforming the respective targets.

PI 2 'The number of accidental dwelling fires': performance was very good with the number of incidents below the lower tolerance level.

PI 3 'Injuries from accidental fires in dwellings', taken to hospital' was one above the target (although within the tolerance levels) although a significant reduction had been observed.

PI 4 'The number of deaths from accidental fires in dwellings', does not have a target but at just two fatalities was positive and would hopefully be maintained going forward.

PI 5 'The percentage of Home Safety Checks referred by our partners': a significant improvement in performance had been observed as a result of the outcomes of the Scrutiny Committee review of partnerships taking effect.

ACFO Taylor expressed his appreciation to the Members of the Committee for the work undertaken in the review of partnerships.

PI 7 'The number of people killed or seriously injured in road traffic collisions': the numbers were decreasing after an upward trend observed last year.

With regard to PI 7, a Member asked how many incidents occurred on roads within the West Midlands and if it was possible to breakdown the figures into the number of people killed, and the number of people seriously injured.

It was agreed that the Service struggled with obtaining the data and that the Service did not necessarily measure the proactive prevention work that was undertaken, unlike response where such

data was measured. The Service was open to change and different methods of measuring performance within this area.

It was acknowledged that, whereas the Service 'owned' data on fires, road traffic collision data was very different due to multiple partnerships and geographical implications.

With the exception of PI 11 'The number of arson rubbish fires' which was demonstrating over performance against the tolerance levels, the performance indicators relating to arson (PI 8, 9, 10 and 12) were under performing against the tolerance levels. A thematic review had been commissioned and the findings of the report was due to be submitted to the Quarterly Performance Review meeting for quarter 2 2016/17. The findings of the report would then be presented to the Committee.

The protection performance indicators, PI 13 'The number of accidental fires in non-domestic premises', and 'PI 14 'The number of false alarm calls due to fire alarm equipment' were both performing well.

In response to Members' question with regard to PI 14, it was noted that there was an opportunity to charge re-offenders but legislation provided such premises a certain amount of calls. The number of incidents had decreased and the introduction of the Business Support Vehicles would continue to assist with this. The Service would continue to work with repeat offenders and was currently looking to develop a more business friendly approach.

Sarah Warnes, Strategic Enabler for People Support Services, provided an overview of the people performance indicators:

PI 15 'The percentage of employees that have disclosed their disability status had observed a minor improvement in performance to 89% (compared to a target of 100% disclosure).

A number of disability workshops for managers have been run by the Diversity, Inclusion, Cohesion and Equality (DICE) team, progress continues to be made on providing an inclusive working

environment including the DICE ally scheme, and work continues with Stonewall. The importance of disclosure would be emphasised to managers and staff.

The Service had recently secured position 31 in the Inclusive Top 50 Employer List. Additionally, the Equality Index would be assessing the organisation in the near future.

PI 16 'The number of female uniformed staff', and PI 17 'The percentage of all staff from ethnic minority communities': the number of female uniformed staff was on target at 75. The Service would commence recruitment in 2017 which would provide an opportunity to address this area as well as the percentage of staff from Black and Minority Ethnic (BME) communities.

It was noted that it was important that the Community Membership Model was representative of the West Midlands population. A detailed report of the Community Members was now collated on a six monthly basis. Community Members were currently made up of 49% female, and 24% BME.

In terms of staff progression, 24% of female uniformed staff, and 24% of BME uniformed staff, were in management roles.

In answer to a Members' question with regard to PI 17, it was acknowledged that the percentage of staff from BME communities was lower than that of the West Midlands population. The Service was engaging with these communities as part of its communications surrounding recruitment, targeting under-represented groups. One of the aims was to educate people that working for the Fire and Rescue Service was a wider role than just firefighting. There was evidence to suggest that some people deselect themselves from the application process and that some people did not realise that there can be a good career within the Fire and Rescue Service.

PI 19 'The average number of working days / shifts lost due to sickness – non-uniformed and Fire Control staff', and PI 20 'The average number of working days / shifts lost due to sickness – all staff', demonstrated performance on target and within the tolerance levels, and that attendance management was moving in a positive direction of travel.

PI 21 'The total number of injuries' demonstrates under performance against the tolerance levels. The main trend is slips, trips and falls.

PI 22 'The total number of RIDDOR injuries' demonstrates over performance against the tolerance levels. Performance was particularly good considering the size of the organisation and the type of work that is undertaken.

PI 24 'To reduce the gas use of Fire Authority premises', and PI 25 'To reduce the electricity use of Fire Authority premises': provisional information had been provided and there was some question regarding how the Service collects the information.

20/16 Update on Progress of the Data Sharing Review

With reference to the update on the progress of the data sharing review, Members did not have any further questions or comments.

It was agreed that progress would be reported to the Committee at the next meeting (10 October 2016).

21/16 Update on the reviews of Partnerships and Safeside

It was noted that it was timely to revisit the two previous reviews and that updates would be provided post review and post implementation.

The updates would be reported to the Committee at the next meeting (10 October 2016).

22/16 Scrutiny Committee Work Programme 2016/17

The Committee noted the progress of the work programme for 2016/17.

(Meeting ended at 13:30 pm)

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

**5 September 2016 at 10.30 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Members of the Authority
Councillor Edwards (Chair)
Councillor Idrees (Vice Chair)
Councillors Allcock, Atwal Singh, Barlow, Barrie, Davis, Eustace, Hogarth, Mottram, Sealey, B Singh, P Singh, T Singh, Skinner, Spence, and Young
Mr Ager.

Officers: West Midlands Fire Service
Chief Fire Officer (P Loach)
Deputy Chief Fire Officer (P Hales)
Assistant Chief Fire Officer (G Taylor)
M Griffiths (Treasurer), M Hamilton-Russell, P Shergill, J Connor, S Taylor, S Timmington, S Vincent, M Ward-White, S Warnes

Clerk and Monitoring Officer

K Gowreesunker (Clerk)
S Sahota (Deputy Monitoring Officer)

Apologies: Councillors: Aston, Bennett, Booth, Brackenridge, Cartwright, Clinton, Craddock, Dad, Tranter and Walsh
M Dudley (Monitoring Officer)

Observers: Nil

14/16 Chair and CFO Announcements

The Chair and Chief Fire Officer welcomed all attendees to the Policy Planning Forum.

Upon commencement of the meeting, thirty seconds silence was held in memory of Watch Commander John Sales.

Following an article published in the Mail on Sunday regarding the decision by the Department of Education that it would not be recommending that sprinklers be fitted in new schools in the future, Cllr Hogarth had written to the newspaper. The Cllr's letter had been published in the following Sunday edition of the newspaper.

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Cllr Hogarth had contacted Julian Knight MP, regarding this issue and as a result, a question would be asked in parliament on the subject of sprinklers within new schools.

The Chief Fire Officer reported that there had been a great response to open days and public events over the summer period and thanked all Members who had supported the initiatives. The number of people signed up to the Community Membership Model had increased as a result. All Members were more than welcome to attend the Headquarters open day which was to take place on 10 September.

The Chief Fire Officer advised Members of a number of developments:

- The Service continued to develop its role within the West Midlands Combined Authority (WMCA) as part of public sector reform, with the Service being an example of a public service which had transformed. As part of this, the Chief Fire Officer had been offered the role of public reform within the WMCA, reporting to Steve Eling.
- West Midlands Fire & Rescue Authority (WMFRA) had become a member of the Birmingham Chamber of Commerce, developing understanding of how reducing vulnerability contributes to the economy through the protection work undertaken by the Service.
- The Service had reached number 31 within the top 50 inclusive employers. This was an achievement that the Service was proud of, and wanted to build upon, with a paper to go to the Fire Authority in due course.
- The Operational Assessment and Fire Peer Challenge was coming up in October 2016, with Alasdair Hay, Chief Fire Officer of the Scottish Fire and Rescue Service, leading a peer team made up of a diverse group of members from the fire sector and beyond, to assess the Service.
- The Service continued to provide a lead support, via Chief Fire Officers' Association (CFOA), in sector reform and the pending Fire Service Inspectorate, using it as a platform for sector improvement.

15/16 Operational Assessment and Fire Peer Challenge

Karen Gowreesunker, Clerk to the Fire Authority, delivered a presentation on the Operational Assessment (OpA) and Fire Peer Challenge:

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OpA is an established approach to sector improvement, having previously taken the form of the Comprehensive Area Assessment, amongst others. It is a voluntary process supported by CFOA and the Local Government Association (LGA), not mandatory or an inspection, and as a result seen as a strength by the sector as organisations willingly sign up to the process.

OpA has an operational focus with additional key areas of focus regarding corporate capacity and leadership. It consists of two elements: desktop self-assessments, and a Peer Challenge, where a team of peers from the fire sector and beyond visit the Service over a four day period.

The self-assessments cover seven key assessment areas:

- Community Risk Management
- Prevention
- Protection
- Preparedness
- Response
- Health, safety and welfare
- Training and development

The Service had been working on the self-assessments over the previous two months. The seven key area assessment areas are split into a number of questions which the Service have to answer, selecting a descriptor that reflects how developed the Service is within that area (developing, established and advanced), and providing evidence to support its position. The self-assessments are submitted to the peer team who will then review these prior to visiting the Service.

The corporate capacity and leadership element of the Peer Challenge is comprised of six cross-cutting themes which enable the peer team to understand the whole picture, how the Service is lead, and how the Service prioritises across the organisation:

- Understanding of local context and priority setting
- Delivering outcomes for local communities
- Financial planning and viability
- Political and managerial leadership
- Governance and decision making
- Organisational capacity

Additionally, a number of specific focus areas have been requested by the Service:

- Wider prevention agenda
- Integrated duty response
- Governance and decision making

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- Section 13 and 16 FRS Act
- Fire Control
- Equality and diversity
- Strategic Management and Leadership

The peer team are comprised of:

- Alasdair Hay - Chief Fire Officer - Fire Service Scotland (Lead Peer)
- Councillor Rebecca Knox – Dorset and Wiltshire FRS (Member Peer)
- Mark McAteer – Director of Strategic Planning, Performance and Communications – Fire Service Scotland
- Nick Page – Chief Executive Solihull Borough Council
- Geoff Howsego – Director of Professional Services, Hampshire FRS
- David Sibbert - Fire Safety and IRMP Advisor
Fire Brigades Union
- Gill Elliott, LGA Peer Challenge Manager

The Fire Peer Challenge involves interviews with Members, Principal Officers, Strategic Managers, and staff at various levels, engagement with members of partner organisations, focus groups, and visits to Fire Stations and functional areas.

The peer team would be visiting the Service 17 to 20 October 2016, culminating with a presentation to the Chair and the Strategic Enabling Team. A draft report would be submitted via the WMFRA, along with an accompanying action plan which would be managed by the Scrutiny Committee.

DCFO Hales provided an overview of the forthcoming Fire Service Inspectorate:

- The Policing and Crime Bill reintroduces the Fire Service Inspectorate
- The Home Office was developing the Inspectorate for Fire in liaison with Her Majesty's Inspectorate of Constabulary (HMIC)
- The sector, including WMFS, had the opportunity to shape and influence
- It was acknowledged that Peer Review was an embedded process for improvement and there was an aim to ensure that any Inspectorate took a similar approach to Peer Review, a well-rounded approach that was not too direct, and one that was proportionate to the sector
- A pilot could be run by the Home Office next April (2017)

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16/16 Fleet Management

Martin Ward-White, Integrated Risk Manager, delivered a presentation on fleet management:

The Fire and Rescue Services Act 2004 informs Fire and Rescue Services what is expected. The Act references the Fire and Rescue National Framework which is a high level document enabling the flexibility for Fire and Rescue Services to develop their respective service delivery models. However, the requirement of an Integrated Risk Management Plan (IRMP) is a consistent requirement for every Fire and Rescue Service.

The IRMP is owned by the Chief Fire Officer and it identifies all risk and potential incidents, with the Service demonstrating how it applies its prevention, protection and response activities to deal with these. The IRMP, in conjunction with the FRA Constitution, supports the effective delivery of The Plan.

There are four elements to the IRMP:

- Risk analysis
- Community Safety Strategy
- The Plan
- Annual Assurance Report to the FRA

Level two, three and four plans are based on, and aligned with, The Plan, ensuring decisions made are within the strategic plan.

Research undertaken into survivability has demonstrated that a five minute response time is essential for category 1 incident types. This evidence accompanied by data has indicated the need for the Service Delivery Model (SDM).

The challenge has been how to afford this SDM in light of cuts to government funding (approximately 50% reduction between the years 2010 and 2020). This has meant that the Service has had to be inventive in how it provides the SDM, looking at the fleet and how it is staffed, culminating in new initiatives including the introduction of:

- Brigade Response Vehicles (BRVs)
- Business Support Vehicles (BSVs)
- Dual crewing of special appliances
- Resilience groups
- Voluntary additional shifts

Decisions have not been based purely on finances but also on the IRMP, making the SDM more efficient.

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Not all of the fleet is available all of the time. This can be due:

- Reasons the Service can control:
 - Training and exercising
 - Shift patterns (late and core)
 - Vehicle maintenance
- Reasons the Service can't control:
 - Sickness
 - Incidents
 - Unplanned / exceptional circumstances
 - Critical incident debriefs

Many scenarios are managed by senior managers and Fire Control as part of resource management, ensuring resources are available for high risk communities and ensuring the five minute attendance standard is maintained.

Historically, resource management had been carried out using professional judgement. However, in recent years software has been developed which analyses data which supports officers in the decision making process. This has enabled a greater degree of flexibility with fleet availability, with the ability to analyse and identify when peaks in demand occur and where, allowing resources to be positioned accordingly.

Additionally, Section 13 and 16 arrangements provide the ability to request resources from other Fire and Rescue Services, for example the Smethwick fire.

To provide assurance to the Service and Authority, data for the previous four years illustrate response times have been met although fleet availability is rarely 100%.

17/16 Business Development Update

Preith Shergill, Strategic Enabler of Business Development, delivered a presentation and update:

One of the key aims of business development is to support the £10m budget deficit and the SDM.

The capability and capacity of staff has enabled an integrated business delivery model, part of the SDM, allowing it to be cost effective for both the Service and the commissioner. The Service is looking to use the public pound most effectively and the scope allows the Service to work more collaboratively and in innovative ways.

The Service has placed a focus on prevention work, taking into account resources available including Vulnerable Persons Officers and

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Partnership Officers, as well as access to 30,000 Safe and Well visits, to enable a holistic approach. This work has created a lot of credibility for example the Marmot endorsement and the Royal Society for Public Health partnership, upskilling firefighters to understand health issues, and acknowledging the Service's contribution to health.

The offer provided by the Service includes:

- Cost effective /business benefit
- Trusted brand
- 24/7 cover
- Rapid response
- Local community fire stations
- Causes behind the causes
- Capability and expertise
- Evaluation / data sharing

The Service is meeting the strategic outcomes within the NHS Outcomes Framework and Public Health England Framework, building upon the existing Marmot work.

Examples of tangible community health outcomes include:

- Reducing;
 - Slips, trips and falls
 - Hospital admissions / discharges
 - The pressure on GP surgeries
 - Winter pressures
 - Ambulance conveyances
- Delivering wellbeing messages within peoples' homes

These opportunities are in addition to existing income generation avenues such as the primary authority. The Service is also to explore additional areas within protection such as investigating the potential for Fire Control to act as an alarm receiving centre.

Social value will be explored in more detail during years two and three.

Income worth £119k was generated during 2015/16, comprised of preliminary work and pilots that had been carried out. A target of £250k had been set for 2016/17, with current projections indicating the generation of approximately £220k.

The work involved in flexible funding is about more than simply raising money. It is about providing services to vulnerable communities, for example the Telecare Falls Response provides potential access to approximately 1300 homes. Additionally, the percentage of calls that resulted in no referral to the Ambulance Service has been 90.6% in Coventry, and 85.8% in Wolverhampton.

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There are a number of challenges that the Service faces including:

- the research and design of services whilst simultaneously delivering services
- a constantly changing environment
- a number of opportunities at the conceptual stage
- very tight deadlines

The Service acknowledges that there is an amount of calculated risk due to new ways of working. It is important that the Service takes employees and representative bodies on this journey.

Emerging opportunities include:

- Alarm Receiving Centre: calls would go direct to Fire Control rather than an alarm handling centre
- Fire Control to deal with Telecare calls
- Subcontracting domiciliary care provision
- Patient transfers (from hospital)
- Befriending services for vulnerable people and 'frequent flyers' (tie in with Safe and Well visits)
- New technologies
- Hospital discharges (currently commissioned in Coventry as a proof of concept)

In answer to Members' questions:

Taking on the role of an alarm receiving centre would entail Fire Control receiving calls directly from social housing organisation rather than through an alarm centre.

In terms of capacity within the workforce, the current principle of delivering such services is via an integrated delivery model, with the majority of commissioning opportunities based around the SDM. All opportunities are analysed by the Strategic Hub in terms of resources.

With regard to domiciliary care, it is acknowledged that this a new area for the Fire Service, and that currently a lot of firefighters are not equipped to undertake such a role, and it is not an area that is seen as a role of a firefighter, at least at this current time. This raises the question as to whether the Service may employ people directly to undertake such roles, or to potentially use sub-contractor(s).

DCFO Hales noted that the Policy Planning Forum was a vehicle for discussing ideas, with requests for advice and Member involvement. The Telecare Falls Response is an example of a new area of work that was initially raised 12 months ago with some justified concerns, but 12 months on, the Service was in the process of implementing and

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delivering the service. It was acknowledged that there may be times where the Service may look at options and note that the Service does not possess the capacity or skills required at that time, but such options would still be explored.

The meeting closed at 12:25 hours.

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

Notes of Joint Consultative Panel

19 September 2016
at Fire Service Headquarters, Vauxhall Road, Birmingham

- Present: Councillor Clinton (Chair)
Councillor Booth (Vice Chair)
Councillors Allcock and P. Singh
- Apologies: Councillors Dad, Idrees (Substitute) and Bennett
Andrew Scattergood – Fire Brigades Union (FBU)
CFO Andy Hickmott, Association of Principal Fire Officers (APFO)
Vic Mallabar – (UNISON)
- Employees Side: Steve Price-Hunt – Fire Brigades Union (FBU)
Angela Johnson (FBU)
- Officers: Sarah Warnes, Strategic Enabler (People Support Services)
Wendy Browning-Sampson, People Support Manager

8/16 Declarations of Interest

There were no declarations of interest.

9/16 Notes of the Joint Consultative Panel held on 11 April 2016

The notes of the Joint Consultative Panel held on 11 April 2016 were approved as a correct record.

A note indicating the Business Partners and Business Assistants areas of responsibility was circulated to the members of the Panel and will also be emailed to Members of the Panel. It was explained that the People Support Services support just under 2,000 members of staff. They support both line managers and their staff.

It was agreed that at the next Joint Consultative Panel on the 7 November, a demonstration of one or two of the Effective Manager Series videos will be shown to the Panel. Members of the Panel will also be shown how to access the videos via Ecademy.

Further to a report received by the Joint Consultative Panel in February 2016, where the MIND “Blue Light” Pledge was signed, the Panel were further informed of the Wellbeing Strategy, Blue Light programme and new initiatives that have been developed and are currently being embedded within the organisation.

The Wellbeing Strategy was launched in December 2015 and an update on activities was provided:

- A fire service choir “The Choir Brigade” has been formed.
- A number of leadership forums have been held, including informative and informal activities on health and wellbeing.
- Global Corporate Challenge began on 25 May 2016, a 100 day wellbeing programme involving 27 WMFS teams competing in a virtual race around the world, counting as many steps as possible each day. This programme will be evaluated.
- Operational Fitness Assessment – Shortly, all operational employees will be required to undertake an Annual Fitness test using a new method, the Chester Treadmill Test (CTT). A Policy would be issued and will encourage staff to think about their health, fitness and well being. The test will be carried out on sites using the calibrated treadmills and recorded electronically as an Activity Role. The tests will be repeated annually and quarterly reports will be provided to Operational Commanders. Previously, assessments were three yearly and the new 12 month programme had been achieved with support from the FBU.
- Individuals who don’t achieve the required standard but remain above an identified safety threshold level will be referred to the Brigade Fitness Advisor for further gas analysis testing (Covox) and advice.
- Individuals who fail completely could be a risk to themselves, colleagues and the community and will be taken off the run and given advice by the Brigade Fitness Advisor. They will be placed on a work up programme with involvement with the line manager and Business Partner from People Support.

- Menopause Training for Managers had been well received. The Service had worked closely with the West Midlands Association of Women in Policing in raising the profile of the effects of the menopause in the workforce.
- A series of short videos of employees talking about their disabilities and dyslexia videos had been received.
- World Suicide Prevention Day – 10 September – The Service raised awareness of this day as the highest suicide rate in the UK in 2014 was for men aged 45-49 (our demographic). The Service would be highlighting the support that is available internally and externally such as through the Employee Assistance Programme OPTUM 24/7, Occupational Health and the Samaritans. Help them to get the help they need.
- It was explained that OPTUM 24/7 is an Employee Assistance Programme who provide a counselling service to members who are struggling with their work and life stresses
- The work also underlines the Critical Incident Support and debriefings and shows that External support can be brought in to help.
- Working with the FBU Learning Centre, 60 places have been secured for WMFS staff on the Level 3 Certificate in Personal training qualification. The course is free of charge to employees and last for 15 months. It will benefit all operational staff to have a local Personal Trainer that they can utilise to improve their fitness and lifestyle.
- MIND Blue Light Programme

In January 2016, the WMFS action plan was approved by MIND and the Service became authorised signatories to the Pledge. Over the past twelve months, WMFS has worked closely with MINDS and a lot of managers had attended the training. Positive feedback had been received and an intern was currently evaluating the impact of the programme. The training had been open to the wider workforce. WMFS will continue to work with MIND and to implement the action plan.

The Wellbeing Strategy continues to be implemented and supports programmes for employees' wellbeing. It is a supporting strategy and will continue to be embedded within the organisation. It has been recognised that illnesses caused by stress and mental health issues can manifest themselves in aches and pains and is an area for the organisation to focus on. This can also lead to improved sickness levels and directly links to the Service Delivery Model.

The Chair of the Panel thanked officers for the report and felt it was useful in making men aware of their problems and helping them to become more confident to bring issues forward. It was felt that special awareness days should be celebrated and it was confirmed that the Service does raise awareness in this way.

It was confirmed that staff trust and value the Occupational Health Department and engage with them. There was a good level of understanding of mental health issues and staff watch out for each other and feel able to approach a colleague if they noticed any changes.

WMFS would continue to work with MIND as there was some scepticism amongst staff and they would prefer to Occupational Health and Welfare.

Councillor Paul Singh indicated that he was very proud of the work undertaken in respect of MIND and had issued a Press Release earlier in the year. He stated that this was a hidden problem, but there were over 6,000 lives lost a year to suicide, but it would be amazing if the work saved a life and possibly this work would save more lives from suicide than from fire.

Councillor Keith Allcock was really pleased with the work being carried out in respect of mental health.

Councillor Allcock enquired to the level of support given to people leaving or have left the Fire Service. It was explained that this was an ongoing issue and plan was being put in place. Retirement courses are run to support individuals with the next steps of their life.

It was confirmed the staff leaving the service have access to the Employee Assistance Programme that provide information on debt management and financial support. The Firefighters Charity also provides support to individuals when they have left and the Chair stated that if staff had been a member of a union they would have access to support from the Union as well. The Fire Service Chaplain is also available.

The Panel noted the report and thanked the officers for their work with the Union.

11/16

Dispute Resolution Report

The Panel received the Dispute Resolution Report for the period 1 January 2016 to 30 June 2016. It was noted that officers were looking at simplifying and condensing the report from September to make it easier to read.

It was explained to new Members of that the report had been produced at the request of the FBU when there had been a rise in appeals. The report is produced in order that Members of the Panel have the information and also the approaches being taken by the Service to address any issues. The report provides a summary of lessons learned, taking into account issues raised by Trade Unions/Representative Bodies, Line Managers and People Support Services Business partners, specifically issues raised during the discussions at the Joint Consultative Committee and Joint Working Party.

It was explained that Green Book applies to staff on local government terms and conditions such as non uniformed staff.

Grey Book applies to the Conditions of Service for operational staff.

11.1 Grievances

Appendix 1 Section A provides details of 11 grievance cases during 1 January 2016 to 30 June 2016.

There were:

5 Grey Book employees

6 Green Book employees

None of the grievances had led to a complaint being filed with the Employment Tribunal Service as at 30 June 2016.

The number of formal grievances had increased by 3 compared to the previous year.

11.2 An increase in disciplinary investigations was detailed in Appendix 1 Section B

There were 30 investigations commenced in this reporting period, 22 were undertaken at Gross Misconduct level and 8 at Misconduct level.

Of these 21 concerned Grey book employees and 9 concerned green book employees, 29 were male and 1 was female.

17 of the 30 went to Gross Misconduct which were covering Grey Book employees. There were 4 hearings, 3 at Misconduct level and 1 at Gross Misconduct level.

36.6% of the investigations are linked to 1 station. The outcome of 11 disciplinaries was that no formal action was taken following investigation. A Management enquiry is still ongoing.

There were no trends to report and the data is proportionally reflective of the service.

11.3 Employment Tribunal Activity

The one outstanding claim against WMFS lodged with the Employment Tribunals Service had been settled.

Two cases were in the pre-conciliation process, but no agreement had been reached so complaints may come in.

11.4 Lessons Learned

One of the lessons learned was to nip issues in the bud and move forward.

The People Support Services Team are working on the revised toolkit for managers including template letters. The toolkit will be shared with the Trade Unions/Representative Bodies and will be shared with Member the next Joint Consultative Panel meeting when the report comes to Panel.

Collaborative working between Managers, People Support Services and the Trade Unions/Representative bodies has been taking place. The Chair of the Authority has a blog and this has been used to communicate information. The People Support Service were constantly working with unions to improve relationships and this had significantly improved.

11.5 Failure to consult/agree

A Trade dispute was going to come to previous Joint Consultative Panel. However, it was decided to work together to find a way forward and this work is continuing to ensure there is a better platform to start from.

Steve Price-Hunt, confirm that the FBU had decided not to bring the trade dispute to Joint Consultative Panel and it was resolved by dialogue. Members agree to changes in working practices. There was a big change at the moment with the Fire Brigades Union working together with management to implement different and new ways of working and to provide a period of stability during a time of austerity.

SPH welcomes new structure. By way of background, it was explained that the Fire Brigades Union raised concerns about the amount of grievances and disciplinary investigations being undertaken. The amount was alarmingly high and Joint Consultative Panel looked at this and instructed the People Support Services to look at it.

PSS looked at working practices, and introduced an education programme of new measures and over the last 18 months, the numbers have reduced to a level acceptable for an organisation of this size.

The Joint Consultative Panel had put this in place and People Support Service put the education programme in place and this was producing encouraging results.

Councillor Paul Singh was surprised by the large number of incidents and wondered if this would reduce.

Steve Price-Hunt explained that any investigation takes a lot of time and resources. Education has been taken on board and figures have come down to an acceptable level and the organisation can cope with this.

The Chair felt that the FBU and PSS had done well and that the education programme had worked.

Sarah Warnes confirmed that managers had received their training and there had been a positive improvement

The aim was to strive for zero and disciplinary cases to become the exception rather than the norm and they would continue to focus on key areas. Out of the debrief process.

The Chair stated that they would look at the report again in six months' time, but if there is anything that needs to be highlighted before the meeting in April, it should be reported to the Joint Consultative Panel.

(The meeting closed at 1320 hours)

Contact Officer: Julie Connor
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Minutes of the Executive Committee

10 October 2016 at 1000 hours
Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Edwards (Chair)
 Councillor Idrees (Vice Chair)
 Councillors Allcock, Singh Atwal, Cartwright,
 Dad, Davis, Sealey, Singh

Apologies: Cllr Mottram

7/16 **Minutes of the Executive Committee held on 21 March 2016**

Resolved that the minutes of the meeting held on 21 March 2016, be approved as a correct record.

8/16 **Declarations of Interest**

There were no Declarations of Interest.

9/16 **Future Governance Working Group Sounding Board Terms of Reference**

Richard Bacon, Director, Price Waterhouse Cooper, addressed the Committee via Telephone Conference Call. Richard introduced himself as the Independent Chair of the Future Governance Working Group and stated that he had over 30 years' experience of working with local government and had worked with both the Police and Health Services, but had not worked directly with Fire before.

The Committee were given an outline of the purpose of the Group following the Authority recommendation to commence their work in February. This had been brought about

following the issue of the Police and Crime Bill, the (then) Home Secretary's (Theresa May) speech and the pending duty for all blue light emergency services to collaborate in an efficient and effective way.

A strong Working Group had been set up including five Members of the Fire and Rescue Authority and a broad spectrum of external professionals including:

Phil Loach, Chief Fire Officer
Jonathan Jardine, Chief Executive, Office of the PCC
Judy Foster, Deputy Police and Crime Commissioner
Simon Brake, Coventry and Warwickshire NHS
Barbara Watts, Royal Society of Public Health
Tony Yeoman, Deputy Chairman, NHS England
Brian Nash, Home Office
Paul Faulkner, Birmingham Chambers of Commerce
Keith Ireland, Chief Executive, Wolverhampton
Karen Gowreesunker, Clerk to the Fire Authority
Satinder Sahota, Monitoring Officer

A number of members of West Midlands Fire Service are involved in the preparation of papers and facilitation of meetings.

The Group had discussed the Terms of Reference at the first meeting and had looked at areas of collaboration at the second meeting. The third meeting had addressed areas of Risk, Vulnerable Persons Officers, Data and Emergency Planning with the aim to evaluate these areas against the possible future governance options agreed by the working group.

The Group planned to look at the possibilities around collaboration first and governance secondly, as it was felt to be more important to understand the potential to deliver future services in a more collaborative (efficient and effective) way.

The Group had identified the possible future governance options for West Midlands Fire Service and would be evaluating these options before Christmas. The findings and

draft documents would then be produced in the New Year and presented to the Authority in February 2017.

The Chair thanked Richard Bacon for a succinct summary of the progress of the Working Group. It was noted that there would be a second feedback session at the Executive Committee on 12 December 2016, where it was felt there would be more meaningful evaluation feedback.

The Chair confirmed that the Working Group would be meeting twice during November and the dates of the meetings were included in the Terms of Reference attached to the pack of papers for the meeting.

The meeting concluded at 1018.

Contact Officer: Julie Connor Strategic Hub West Midlands Fire Service 0121 380 6906

Minutes of the Scrutiny Committee

10 October 2016 at 12.30pm
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Tranter (Chair);
Councillors Barrie, Brackenridge, Dad, Hogarth, Skinner,
Spence and Young

Apology:

Nil

Observer:

Councillor P Singh

23/16 **Declarations of Interest**

There were no declarations of interest.

24/16 **Minutes**

Councillor Young noted that 24% of management roles were held by female and BME staff and enquired how many members of staff the 24% equated to.

Wendy Browning-Sampson, People Support Services Manager, advised that the figures would be collated and fed back.

ACFO Taylor advised that the scheduled agenda item 'Update on the Progress of the Data Sharing Review' would not be presented at the meeting due to no further notable progress having been made since the previous update (on 5 September), which was partly due to the meetings being scheduled so close to each other.

Councillor Tranter agreed that the update would be submitted to the committee at the next scheduled meeting (14 November).

Resolved:-

That the minutes of the meeting held on 5 September 2016, be approved as a correct record.

25/16 Update on the Scrutiny Review of Partnerships

ACFO Taylor provided an overview of the Update on the Scrutiny Review of Partnerships:

The review, which was carried out during 2015, was a systematic review of partnerships, systems and processes. The outcomes of the review were 90% complete, including the restructure of the partnerships team and the review of processes and procedures. Additionally, governance arrangements had been revised and the partnerships policy reviewed. Centralised support had been provided to ensure more assurance, guidance and leadership, including the assignment of a Partnerships Business Partner to each of the Command teams. Every member of the partnerships team had also been briefed on commissioning to support them in the identification of such opportunities.

The changes that had been made following the review had resulted in an improvement in performance and had been met with positive feedback from stations and partners.

Wendy Browning-Sampson advised that the consultation process undertaken as part of the partnerships review had received positive feedback from the Trade Unions and the same process would be applied to other change management processes.

26/16 Update on the Scrutiny Review of Safeside

ACFO Taylor provided an overview of the Update on the Scrutiny Review of Safeside:

The review, which was carried out in 2013, had taken a holistic approach to the Safeside facilities at Eastside and Handsworth. Safeside had been found to be engaging well with partners, both public and private.

Since the review had been completed, a new Safeside manager had taken overall responsibility for both sites and had recently reviewed the

management structures, the recommendations from which had been included within the wider review of the Community Safety Team as recommended by the Scrutiny Committee's Partnerships Review.

It had been noted that the environment that Safeside operated in had changed significantly since the review was conducted. In education, the rise of academies continued to make it difficult to engage schools collectively. Pressure on curriculum and school budgets made it increasingly hard for schools to support trips, with costs increasingly being passed onto parents.

One outcome of the review had been the identification that travel for schools was a key problem. A full subsidy on transport costs was provided during the period January 2015 to March 2016 which resulted in a dramatic increase in the number of visitors (approximately double the number). However, the funding and arrangements had proved to be unsustainable and had been withdrawn, resulting in an approximate 50% reduction in the number of visitors (returning to previous levels).

In a bid to address this issue, staff at Safeside and within the Community Safety Team had been asked to explore options and opportunities for further funding such as sponsorship, with a temporary measure put in place. However, the need to resolve the issue of funding remained.

In answer to Member's questions and comments, the following points were raised:

- The Service had explored pupil premium and the funding of vulnerable children within schools. However, it was found that schools decided how such funding was spent, with it normally spent internally, and not on things such as transport.
- The approach taken to Safeside was for the facility to be self-funding, which it was. However, travel (how people get there), was not funded.
- The costing model was based on the self-funding approach; if the cost charged for visitors to attend was decreased, the difference would have to be made up from elsewhere.
- Members had a responsibility to communicate and to act as champions of the Safeside facility, in particular section 41 Members who could raise the profile of Safeside when reporting back to their respective local authorities.

- The Service was actively engaging with schools as part of its engagement strategy, although the situation had differed due to the establishment of free schools, etc.
- Alternative funding options and opportunities had been and still were being explored including possible opportunities under the Social Value Act.

It was agreed that ACFO Taylor would provide a further update at the next meeting including further analysis, ideas and options. Members input and ideas would also be appreciated.

It was agreed that the manager of Safeside, Carol Morgan, would attend the next meeting with ACFO Taylor.

Resolved:-

ACFO Taylor to provide a further update including further analysis (including a breakdown of schools visited / engaged with), ideas and options at the committee meeting scheduled to take place in November.

Carol Morgan, Children and Young People Manager to attend the November meeting.

27/16 **Water Rescue**

ACFO Taylor presented an overview of the briefing note on water rescue:

The briefing note had been submitted to the Committee following the request for more information on water rescue which had been made by Councillor Young at the committee meeting held in September.

As part of the overview, the following points were raised:

- There were more fatalities as a result of water than fire.
- More fatalities due to water occurred inland than on the coast.
- WMFS water rescue capability consisted of:
 - Level 1: Water Awareness – WMFS voluntary water rescue swimmer
 - 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

Note: see briefing note for full details

- WMFS was the most inland metropolitan FRS, but covered an area that has lots of canals and open water. Additionally, the Service provided support nationally.
- The response standard for water rescue was slightly longer than the 5 minute response, mainly due to the specialised equipment required by firefighters. The response time for the year to date was 7 minutes which was largely due to flooding and spate conditions which had been experienced.

28/16 **Scrutiny Work Programme 2016/17**

The Committee noted the progress of the work programme for 2016/17.

It was confirmed that the update on the data sharing review would be presented at the committee meeting scheduled to be held in November.

It was agreed that the Committee would consider the theme for the next review to be undertaken by the Scrutiny Committee.

(Meeting ended at 13:17 pm)

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