



WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Monday, 24 June 2019 at 11:00

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

Distribution of Councillors	
<u>Birmingham</u>	D Barrie Z Iqbal K Jenkins S Spence
<u>Coventry</u>	C Miks S Walsh
<u>Dudley</u>	N Barlow P Miller
<u>Sandwell</u>	J Edwards M Gill
<u>Solihull</u>	P Hogarth
<u>Walsall</u>	S J Cooper A Young
<u>Wolverhampton</u>	G Brackenridge J Dehar
<u>Police & Crime Commissioner</u>	D Jamieson Represented by Gurinder Singh Josan, CBE
<u>Co-opted Members</u>	Prof. Simon Brake, Walsall Clinical Commissioning Group Sarah Middleton, Black Country Consortium

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, 24 June 2019 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 Elect the Chair of the Authority for the ensuing year
- 2 To Elect the Vice Chair of the Authority for the ensuing year
- 3 To receive apologies for absence (if any)
- 4 Declarations of interests in contracts or other matters
- 5 Chair's announcements
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Agenda prepared by Julie Connor

Strategic Hub, West Midlands Fire Service

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

Clerk Name: Karen Gowreesunker

Clerk Telephone: 0121 380 6678

Clerk Email: Karen.Gowreesunker@wmfs.net

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 6

8 April 2019 at 1100 hours at
Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor John Edwards (Chair)
Councillor Zafar Iqbal (Vice Chair)
Councillors Aston, Barrie, Barlow, Brackenridge,
Craddock, Hogarth, Jenkins, Miks, Spence, Tranter,
and Young Ms Sarah Middleton Co-opted Member
Gurinder Josan (PCC Representative)

25/19 **Apologies for Absence**

Councillor Dehar and Walsh. Mr M Ager, Independent
Member and Prof. Simon Brake, Co-Opted Member

26/19 **Declarations of Interest in contracts or other matters**

There were no Declarations of Interest on this occasion.

27/19 **Chair and Chief Fire Officer's Announcements**

The Chair welcomed Gurinder Josan to his first meeting of
the Authority as the representative of the Police and Crime
Commissioner.

The Chief Fire Officer stated that following the decision of the
Deputy Chief Fire Officer to retire and the ongoing Strategic
Enabling Team Review, an internal process had been
undertaken to recruit a temporary Brigade Manager. Sarah
Warnes was the successful candidate and would be
undertaking the role.

The CFO stated that a subsequent report would be
submitted to the June 2019 AGM of the Authority for
approval to run a recruitment process for a substantive
Brigade Manager.

The Conservative Group gave their best wishes for the future
to DCFO Phil Hales

The Chair confirmed the congratulations of the Fire Authority placed on record at the last meeting and wished DCFO Hales well in his retirement.

The CFO reiterated that DCFO Hales would be sadly missed by both the Fire Service and the National Fire Chiefs Council.

28/19 **Minutes of the Fire Authority held on 18 February 2019**

Resolved that the Minutes of the Authority held on 18 February 2019, be confirmed as a correct record.

29/19 **Route to Mayoral Governance**

The resolutions of the West Midlands Combined Authority (WMCA) on the 22 March 2019 and, in particular, the submission of the final Draft Statutory Order, received from the Home Office on 9 January 2019 to lay in Parliament, were noted.

Following a pause in the process, Officers of the WMCA and WMFS have been working together to develop proposals to mitigate the amendments made to the Order.

There was a clear will to identify a solution to locally mitigate the amendments made to the Order. Following discussions with the Home Office, the proposals set out below were identified as local solutions to enable the transfer to go ahead:

Delegation of Operational and Organisational Fire Functions to the Chief Fire Officer: The intention is to guarantee that the delegations to the Chief Fire Officer previously agreed to must be provided to the Chief Fire Officer as the person with the competencies to prepare and deliver the Integrated Risk Management Plan (IRMP).

Procedure to be followed in the event of any proposed changes to delegation: The intention of the procedure set out is to ensure a robust process is undertaken when a Mayor wishes to amend any delegation of Operational and

Organisational Fire Functions to the Chief Fire Officer. Any proposals would need full consideration through the WMCA governance processes including Overview and Scrutiny and Audit Risk and Assurance. The Chief Fire Officer would be fully engaged and consulted as a part of those processes and the final decision as to any changes would be for the WMCA Board.

Clarity that no other officer other than the Chief Fire Officer (or an officer delegated by the Chief Fire Officer) can undertake the functions as set out in the draft Order.

It was also proposed that an additional Framework of Delegated Accountability relating to the Mayor's Fire Function, be adopted into the Combined Authority constitution in addition to the amendments set out above.

Both the WMCA Officers' and the Chief Fire Officer's view is that the proposals set out provide the additional assurances required to ensure that the intent of the proposed transfer is maintained.

An explanatory guide to the WMCA constitutional framework for West Midlands Fire Service (WMFS) Fire Function was set out as an appendix to the report.

There was a commitment to reviewing Fire and Rescue governance arrangements within the next Mayoral term.

The WMCA Board approved the constitutional proposals on the 22nd March 2019 subject to the local authorities reviewing them at their Council meetings, where this was required.

The Home Office had identified the 5 June 2019 to lay the order before Parliament.

Following final consent from the Constituent Councils by the Home Office and being laid before Parliament, the Home Secretary would finally sign off the Order with a possible transfer date of October 2019.

The Chair thanked the Clerk for the work undertaken over the previous two years with the reformation of the Authority

and the transfer of governance and had delivered the work with a huge amount of skill. The last minute change had added an additional level of complexity, but this had been a first class project and on behalf of the Authority the Chair thanked the Clerk for the way in which the project had been delivered.

The Government had changed their mind on some of the key local 'asks' however, the ring fencing of budget resources were agreed to be included within the Constitution of the Combined Authority and the CFO responsibilities would also be added to the Constitution. The Chair stated that there was protection of the Mayoral Fire Committee in the Order, but felt that the safest place for the key local 'asks' was within the Order as this provided ongoing security.

The Chair stated that the Combined Authority Constitution proposals were well written and protected the key local 'asks' and were secure to a point, but in reality this was considered second best to them being included in the Order.

Two Members of the Labour Group had raised concerns about the two key asks not being in the order. The Group had looked at the model used in Manchester which had raised alarms. However, the WMCA model was much more water tight. The Labour Group of the Combined Authority had expressed their views at the meeting and their first position was to defer the decision on the 22 March 2019. However, the Mayor had moved an amendment to the recommendations at the WMCA Board meeting and sought the consent of the Constituent Authorities for the constitutional proposals, where needed, and the Order was due to be laid in June.

Following a letter to Local Authorities, Labour Group Members would be talking to their Leaders and Councils to ensure there was grass roots support and that this would be evidenced before the Transfer of Governance.

The Trade Unions had expressed their concerns about the move to the Mayor and had deeper concerns about a possible move to the Police and Crime Commissioner.

Some discussions had taken place in local Authorities with groups to ensure the detail is underpinned by evidence and the Labour Group wanted the discussions to take place to ensure that there is support for the move.

A Member from Birmingham thanked the Chair and confirmed that discussions had taken place with the Leader of Birmingham raising their concerns about the process and the Labour Group had submitted a motion about the governance arrangements for the Fire Service.

A full discussion would be held by the Labour Group and the Birmingham City Council before any agreement or response would be given by the Leader.

The Member for Solihull endorsed the Chair's views about the work undertaken by the Clerk and her team who had made the reports easy to understand and appreciated the difficulties experienced to get to the latest position. He hoped that Local Authorities would completely support the change and would be recommending the Solihull Leader to support the Order and hoped that the changes would be in place by early Autumn. The Member did not wish to see a "Brexit" situation and the Clerk was thanked again.

The Member from Wolverhampton suggested that Brexit was the correct analogy especially in respect of the last minute changes to the Order and the very short timescale of 36 hours to agree the changes. He stated that Officers had undertaken a great job, but felt that the local key asks should be robust and not compromised and should be included in the legislation and did not agree with the Joint Committee on Statutory Instruments view that the Order is required to be in its current form.

The Wolverhampton Labour Group did have some concerns and felt the final change was significant and the Member would be speaking to the new Leader of Wolverhampton City Council (when appointed) recommending the preference for the changes to be included in the Order.

The Clerk was thanked for undertaking a very professional job in the transfer of governance arrangements.

30/19 **Contact Awards Summary for period to 31 April 2019**

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 September 2018.

31/19 **Statement of Assurance 2017-18**

The Authority received the Statement of Assurance 2017-18, which is legally required to be produced and reviewed on an annual basis under the Fire and Rescue National Framework.

The government requires any Statement of Assurance to cover four key areas. These are:

- Financial
- Governance
- Operational
- Future Improvements

A revised version of the Fire and Rescue National Framework was published in May 2018 (that came into force as of 1 June). The version of the framework published in 2012 applies to the period covered by the Statement of Assurance 2017-18. The Statement of Assurance was available electronically.

Resolved that the Statement of Assurance 2017-2018 be approved.

32/19 **Pay Policy Statement 2019 – 2020**

Approval was sought to the Pay Policy Statement for the 2019/20 financial year.

The Deputy Chief Fire Officer confirmed that the Pay Policy Statement 2019/20 complied with Section 38 (1) of The Localism Act 2011 and would be available on the Internet.

The Pay Policy Statement and Appendices set out the pay of all employees, pension arrangements and confirms the Authority's commitments as a Living Wage Employer.

There were no changes of substance to the Pay Policy Statement 2018/19.

The Statement had been changed to include the 2% increase in local government employee pay rates with effect from 1 April 2019 and the restructure to the pay spine to ensure that no local government employee earns less than the Living Wage. It was noted that the West Midlands Fire Service gender pay gap information had been published on the government website.

The Chair stated that the Authority were proud that they paid their employees the National Living Wage rather than governments minimum wage.

The mean gender as at 31 March 2018 was 10.4% or £1.57 which compares favourably even in public sector. The Authority would be working towards closing the pay gap further in the future.

Resolved that the Pay Policy Statement for the financial year 2018/19 as now submitted be approved.

33/19 **Corporate Performance Indicators 2019-20 Report**

Approval was sought for the Corporate Performance Indicators for 2019/20 and the rationale that formulates the revised targets was provided.

In accordance with its planning framework, the Service had reviewed its rolling three-year corporate strategy, 'The Plan', for 2019- 2022. The revised outcomes had been approved by the Authority at the full Fire Authority meeting held on 19 February 2018 and the outcomes were set out in The Plan and were enablers to achieving the Service's vision of 'Making the West Midlands Safer, Stronger and Healthier'.

Following approval of the outcomes set out in The Plan, the Assistant Chief Fire Officer, as the lead officer for scrutiny matters, had worked with stakeholders to:

- Consider past performance

- Review the internal strategies and approaches and external influencers that would shape the 2019/20 performance and drive the target setting
- Identify the appropriate performance indicators (PIs) for 2019/20

In accordance with the Service's commitment to enabling governance through effective engagement and transparency and in line with The Constitution, officers presented the draft performance indicators to the Policy Planning Forum on the 25 March 2019 and subsequently met with the Chair of the Scrutiny Committee on 27 March 2019. At this meeting the Chair of the Scrutiny Committee recommended that the proposed corporate PIs and targets for 2019/20 be submitted to the Authority for approval.

Graduated tolerances had been reviewed after being introduced in 2017/18. These assisted the interpretation of PIs particularly where figures were small at the beginning of the year, avoiding potentially misleading performance ratings, for example a PI marked as red where the figures are only marginally above target.

The performance indicator numbers for 2019/20 remained the same as 2018/19. The targets set for 2019/20 had considered the commitment to improving services and outcomes to the community. All of the targets had been set either below or at the three-year average performance outturn.

Councillor Tranter, Chair of Scrutiny Committee, had attended all target setting meetings for 2019/20 and fully supported the targets and performance indicators as set out in the Appendix to the report.

Resolved that the Corporate Performance Indicators and targets for 2019/20 as now submitted be approved.

34/19 **Minutes of the Governance and Transformation Committee held on 28 January 2019**

The minutes of the Governance and Transformation Committee held on 28 January 2019 were received.

35/19 **Notes of the Policy Planning Forum held on 4 February 2019**

The notes of the Policy Planning Forum held on 10 December 2018 were received.

36/19 **Notes of Joint Consultative Panel held on 4 February 2019**

The Notes of the Joint Consultative Panel held on 4 February 2019 were noted.

37/19 **Minutes of the Scrutiny Committee held on 27 February 2019**

The Minutes of the Scrutiny Committee held on 27 February 2019 were received.

Cllr Tranter, on behalf of Members of the Scrutiny Committee, thanked the External Reviewer Alan Lotinger, Associate Consultant from the West Midlands Association of Directors of Adult Social Care for his work in carrying out the Review of Safeguarding. Councillor Barlow echoed Councillor Tranter's thanks.

The Chair requested Mr Lotinger was made aware of the Authority's appreciation for his work.

38/19 **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 Section 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).

39/19 **Planned Procurement Exercise**

The Authority received a report for approval of the tender exercise for the provision of various works, goods and services to West Midlands Fire and Rescue Authority during 2019/20 for Insurance arrangements

Resolved that the tender exercises for the provision of various works, goods and services to West Midlands Fire and Rescue Authority during 2019/20 be approved.

40/19 The Chair wished everyone well in the forthcoming Council Elections.

Julie Connor Strategic Hub 0121 380 6906 Julie.Connor@wmfs.net

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

24 JUNE 2019

1. MEMBERSHIP OF THE AUTHORITY 2019/2020

Report of the Clerk.

RECOMMENDED

THAT the report be noted.

2. PURPOSE OF REPORT

To advise of the appointments made by the constituent district councils to the Authority for 2019/2020.

3. BACKGROUND

The membership of the Authority for 2019/2020 is as set out in the Appendix.

4. EQUALITY IMPACT ASSESSMENT

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

5. LEGAL IMPLICATIONS

Fire and Rescue Authorities were first established by Section 26 of the Local Government Act, 1985, which provides that such authorities shall consist of members appointed by the metropolitan districts comprised in the relevant county. The number of members to be appointed by each district council is set out in the Fire and Rescue Authority (Membership) Order 2017, attached as Appendix 1.

6. FINANCIAL IMPLICATIONS

There are no direct financial implications.

Background Papers

Letters/emails from district councils.

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

Karen Gowreesunker
CLERK

APPENDIX

**Membership of the West Midlands Fire and Rescue Authority
2019/2020****Birmingham**

Councillor Zafar Iqbal* (Labour)	Councillor Kerry Jenkins** (Labour)
Councillor David Barrie (Conservative)	Councillor Sybil Spence (Labour)

Coventry

Councillor Seamus Walsh* (Labour)	Councillor Catherine Miks** (Labour)
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Dudley

Councillor Nicolas Barlow* (Conservative)	Councillor Peter Miller ** (Conservative)
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Sandwell

Councillor John Edwards* (Labour)	Councillor Manjit Gill** (Labour)
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Solihull

Councillor Peter Hogarth* (Conservative)

Walsall

Councillor S J Cooper* (Conservative)	Councillor P Young** (Labour)
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Wolverhampton

Councillor Greg Brackenridge* (Labour)	Councillor Jasbinder Dehar** (Labour)
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* Member nominated to answer questions under Section 41 of the Local Government Act 1985 ("Lead" Member).

** Substitute Member nominated to answer questions under Section 41 of the Local Government Act 1985 ("Lead" Member).

Independent Member of the Audit and Risk Committee

Mr M Ager

Independent Member of Appointments, Standards and Appeals

Mr R Tomkinson	Standards Items only
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Co-opted Members of the Authority

Professor Simon Brake	Sarah Middleton
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Police and Crime Commissioner

David Jamieson Represented by: Gurinder Josan Singh CBE

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

24 JUNE 2019

1. QUESTIONS ON DISCHARGE OF FUNCTION

Report of the Clerk.

RECOMMENDED

THAT the Authority nominates the members listed below to answer questions on the discharge of the functions of the Authority as required by Section 41 of the Local Government Act 1985.

2. PURPOSE

The purpose of this report is to nominate members to answer questions put in the course of proceedings of constituent Councils on the discharge of the Authority's functions (as required by Section 41 of the Local Government Act 1985).

3. BACKGROUND

- 3.1 Under Section 41 of the Local Government Act 1985, arrangements have to be made for enabling questions on the discharge of the Authority's functions to be put in the course of the proceedings of any constituent district Council. Members of that Council can put questions to a Member who is nominated by the Authority for that purpose.
- 3.2 Although the Authority has responsibility for nominating Members, it is normal practice to seek the views of the district councils as to the person they wish to see nominated for this purpose. The nominations received are set out below:-

	<u>Lead Member</u>	<u>Substitute</u>
Birmingham	Councillor Iqbal	Councillor Jenkins
Coventry	Councillor Walsh	Councillor Miks
Dudley	Councillor Barlow	Councillor Miller
Sandwell	Councillor Edwards	Councillor Gill
Solihull	Councillor Hogarth	
Walsall	Councillor Cooper	Councillor Young
Wolverhampton	Councillor Brackenridge	Councillor Dehar

4. **EQUALITY IMPACT ASSESSMENT**

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

5. **LEGAL IMPLICATIONS**

- 5.1 Under Section 41 of the Local Government Act 1985, arrangements have to be made for enabling questions on the discharge of the Authority's functions to be put in the course of the proceedings of any constituent district Council.

6. **FINANCIAL IMPLICATIONS**

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

Background Papers

Letters/emails from district councils.

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

Karen Gowreesunker
Clerk to the Authority

Satinder Sahota
Monitoring Officer

WEST MIDLANDS FIRE AND RESCUE AUTHORITYItem 9

24 JUNE 2019

1. GOVERNANCE OF THE AUTHORITY 2019/2020

Report of the Clerk and Monitoring Officer.

RECOMMENDED

- 1.1 THAT the Authority approve the amendments proposed to the Constitution and Committee structure as set out in this report in relation to:
- a) Governance and Transformation Committee to be reformed as the Collaboration and Transformation Committee
 - b) Appointment of a co-opted member to the Collaboration and Transformation Committee (Appendix 1)
 - c) Scrutiny Committee Terms of Reference to include responsibility for assurance of the performance of the shared Fire Control (Appendix 2)
 - d) Appointments, Standards and Appeals Committee Terms of Reference to include the possible attendance of the appellant at Pension Appeal hearings (Appendix 4)
- 1.2 THAT the Authority note the amendments proposed for the Joint Consultative Panel as part of the Employee Relations Framework report, as a separate report. (Item 17)
- 1.3 THAT the Authority note the amendments made to the Audit and Risk Committee terms of reference as approved by the Audit and Risk Committee and noted by the Authority on 8 April 2019, Article 8, Appendix 3.
- 1.4 THAT the calendar of meetings for 2019/2020 as set out in Appendix 6 be approved;
- 1.5 THAT no -increase be made in Members' Allowances in 2019/20 by way of indexing or otherwise;

- 1.6 THAT the Members' Allowances Scheme for 2019/20 as set out in Appendix 7 be approved
- 1.7 THAT the Authority note the discontinuation of the laying of the draft Order for governance transfer to the West Midlands Combined Authority and Mayor.
- 1.8 THAT the Clerk be authorised to make and publish any necessary consequential amendments to constitutional documents in the light of decisions made with regard to governance arrangements for 2019/20.

2. **PURPOSE OF REPORT**

This report is submitted for the Authority to determine its governance arrangements for 2019/20.

3. **BACKGROUND**

- 3.1 The Authority's political governance arrangements ensure adherence to the following principles:-
 - to be best placed to respond to a range of internal and external issues, to deliver on its commitment to value for money and other key objectives in the Authority's strategic planning document, known as 'The Plan'; and
 - decision making processes that are open, transparent, accountable and inclusive in line with government expectations on strengthening local democracy.
- 3.2 As part of the Authority's 'route to future governance' approved on the 20 February 2017, the Authority reviewed its structure in 2018/19 and reduced its membership to 15 plus two co-opted members and the Police and Crime Commissioner. This change was implemented through The Fire and Rescue Authority (Membership) Order 2017.
- 3.3 This reformed structure for the Authority was intended to be an interim stage of change, prior to transferring governance of the Service to the Mayoral West Midlands Combined Authority (WMCA).

3.4 Following a recent decision of the WMCA to progress the laying of the Order, individual local constituent councils have not unanimously agreed to provide final consent to lay the Order in the Houses of Parliament. The amendments made to the draft Order during parliamentary legal checks removed absolute assurance that the accountabilities and operational independence of the role of the Chief Fire Officer would be provided for in the statutory Order. Some local councils cited this as a reason for non-consent. As such the Order was not laid as anticipated on the 5 June 2019 and consequently the transfer of governance will now not take place.

3.5 **Authority Committee amendments**

The Governance and Transformation Committee was established in 2019/20 to advise the Authority on the transition to the Mayoral West Midlands Combined Authority. Primarily overseeing the development of the draft Order and the constitution of the Mayoral Fire Committee. The Committee comprised 7 Members (one from each Constituent Authority) and 1 Co-optee.

Given that this transfer of governance will now not take place, it is proposed that the Governance and Transformation Committee be reformed as a Collaboration and Transformation Committee. The purpose of this committee will be to oversee the strategic assurance of developing collaborations of the Authority up to their implementation.

During 2019/20, the Authority's co-opted members took places on the Governance and Transformation and Scrutiny Committees. It is proposed that with the introduction of a Collaboration and Transformation Committee a co-optee position is established for this committee.

A revised Authority Committee Structure, reflecting the introduction of this new committee, Appendix 11.

The Scrutiny Committee terms of reference have been amended to incorporate the assurance role of the disestablished Shared Fire Control Governance Board in periodically reviewing the strategic performance of this joint function between Staffordshire Fire and Rescue Authority and the Authority.

The proposed amendment to the committee terms of reference, Article 7, Scrutiny, is attached as Appendix 2.

The terms of reference for the Audit and Risk Committee were agreed at Audit and Risk Committee on 25 March 2019 and noted by the Authority on 8 April 2019. The terms of reference are set out in the Annual Report of the Audit and Risk Committee, and Article 8, Appendix 3.

The (Firefighter) Pensions Appeals Panel considers stage 2 pensions appeals as part of the Internal Disputes Resolution Process. Following the Authority's request for the attendance of the appellant to be considered as part of this panel, the terms of reference for the Appeals Panel has been amended to incorporate the opportunity for the appellant to attend an Authority Appeals Panel where the appellant's appeal is being heard. The Internal Disputes Resolution Process is a desktop assessment process and largely guided by legislation, therefore the attendance of an appellant where their appeal is being heard, will usually be to observe only. The amendments to the terms of reference for the Appointments, Standards and Appeals Committee are set out in Article 9, Appendix 4.

A separate report is submitted as Item 17, detailing the amendments made to the Employee Relations Framework following its review. The terms of reference for the Joint Consultative Committee are detailed within this paper and amendments will be included within the Authority's constitution for 2019/20 and are set out at Appendix 5.

3.6 Programme of Meetings

There have been five Authority meetings during 2018/19.

Six meetings of the Scrutiny Committee and the dates are now in line with the Quarterly Performance Review meetings. There were also six meetings of the Audit and Risk Committee which have been arranged to suit the financial timelines required for the approval of the Statement of Accounts by the end of July.

Five meetings of the Governance and Transformation Committee have been held during 2018/19.

Five meetings of the Joint Consultative Panel were held.

This information is marked **Official - WMFS Public**. It is your personal responsibility to ensure it is distributed to the appropriate people only.

The Appointments, Standards and Appeals have not been required to meet during 2018/19.

A proposed programme of meetings for 2019/2020 is attached for approval as Appendix 6.

3.7 **Members' Allowances Scheme**

In accordance with Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations), the Authority is required to make and approve a scheme of the payments of members' allowances each year.

3.8 There was no pay award to NJC and Local Government Services in 2010/11, 2011/12 and members' allowances were not therefore increased. The scheme does not allow for indexing beyond 1 April 2011 and an Independent Remuneration Panel would usually be convened to review the members' allowances scheme. In the years between 2012/13 and 2018/19, in view of the continuing difficult financial situation faced by the Authority, it was agreed to defer reconsideration of the scheme and to review the situation in 12 months' time. Despite the outcomes of a report of the Independent Review Panel presented to the Authority in November 2018, it is proposed the Authority maintain its current members allowance scheme for 2019/20.

3.9 The Localism Act 2011 introduced a new local standards framework and replaces independent members of the Standards Committee with an 'independent person'. Independent persons are entitled to claim travel and subsistence allowances as appropriate.

3.10 The members' allowances scheme is attached for approval as Appendix 7.

3.11 A diagram showing the proposed governance structure for 2019/20 is set out at Appendix 11.

3.12 **Member Role Descriptions**

The adoption of member role descriptions helps to define key roles and responsibilities and assists with any future reviews of remuneration. Portfolios for the Chair and Vice Chair of the Authority, and the Scrutiny Committee are set out in Appendix 8.

This information is marked **Official - WMFS Public**. It is your personal responsibility to ensure it is distributed to the appropriate people only.

A generic Role Map for all other Committees is attached as Appendix 9. Responsibilities of Elected Members of the Joint Consultative Panel are set out in Appendix 10.

4. **EQUALITY IMPACT ASSESSMENT**

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

5. **LEGAL IMPLICATIONS**

- 5.1 This report invites the Authority to determine its decision making and governance arrangements for the coming year taking into account the relevant provisions of the Local Government Act 1972, Local Government Act 1985 and the Local Government and Housing Act 1989.

6. **FINANCIAL IMPLICATIONS**

- 6.1 Provision is made in the Authority's budget to meet costs associated with the operation of the Authority's decision making structures and the payment of Members' Allowances.

BACKGROUND PAPERS

Fire Authority Meeting February 2017
Fire Authority Meeting April 2018
Fire Authority AGM June 2017
Fire Authority Meeting February 2018
Fire Authority Meeting April 2018
Fire Authority AGM June 2018

The contact name for this report is Karen Gowreesunker, telephone number 0121 380 6678

Karen Gowreesunker
CLERK to the Authority

Appendix 1

DRAFT New Article 6

Collaboration and Transformation Committee

6.1 The Authority has established a Collaboration and Transformation Committee of 7 members.

The membership of the Collaboration and Transformation Committee will be such members of the political groups represented on the Authority as are appointed in proportion to their representative allocation under the Local Government and Housing Act 1989 and the political group regulations.

6.2 Role and Functions:-

To support the Fire Authority's role and responsibility with regards to:
The strategic development and assurance of transformational collaborative working agreements (up to implementation) aligned to the 'Duty to Collaborate' (Policing and Crime Act 2017) and/or the delivery of the Authority's Strategy, The Plan.

6.3 Findings and recommendations of the Collaboration and Transformation Committee are to be submitted to the Authority by the Chair of the Collaboration and Transformation Committee

6.4 To submit its minutes to the Authority

Article 7 – Scrutiny Committee

Additions are Highlighted

- 7.1 In line with expectations set out in the Fire and Rescue National Framework the Authority has established a Scrutiny Committee to support it in achieving its strategic objectives and ensuring that its policy and budgetary framework is followed and developed to reflect the changing needs and demands in meeting its statutory obligations.

The main purpose of the scrutiny function is to:

- i) Inform Policy Development
(i.e. pre-decision scrutiny – to provide a political steer before a decision is taken/implemented. The Committee may do this by calling in matters considered at the Policy Planning Forum stage).
- ii) Hold Officers and the Service to Account
(i.e. the Committee may call-in decisions for scrutiny before they are implemented, may examine decisions that have already been implemented and may call upon officers to respond to its enquiries).
- iii) Hold the Authority to Account:
(i.e. the Committee may call-in decisions for scrutiny before they are implemented, may examine decisions that have already been implemented and may call upon relevant members to respond to its enquiries).
- iv) Conduct Reviews into Specific Issues:
(i.e. the Committee will identify matters that it wishes to conduct reviews into and call the relevant officers and members to assist it in carrying out those reviews).

In carrying out its role the Committee may look at both operational and strategic issues.

7.2 Role and Functions:

To carry out a maximum of two scrutiny reviews per annum selected by the Committee. Such reviews will be member-led and evidence based, and will produce SMART (specific, measurable, attainable, realistic and timely) recommendations to the Authority.

To track and monitor the implementation of review recommendations that are accepted by the Authority.

To summon any officer or member of the Authority to give account in respect of reviews or any other relevant matter.

To manage, in consultation with the Strategic Enabler for Finance and Resources, a specific budget for the purpose of buying in any necessary external advice and support in connection with the reviews.

To receive and scrutinise performance information including progress against the Community Safety Strategy and 'The Plan', the Service's objectives and corporate performance indicators and review performance targets.

To review and scrutinise strategic performance information of the Shared Fire Control on a bi annual basis.

To have responsibility for scrutiny of Diversity, Inclusion, Cohesion and Equality throughout the West Midlands Fire Service and to review policies and monitor performance in relation thereto.

To monitor and scrutinise as appropriate the Authority's People Support policies.

To monitor and scrutinise sickness levels, promotion policies and employee exit information.

To receive information and statistics on grievance monitoring and to report outcomes to the Joint Consultative Panel.

To ensure that the Authority is meeting its duties under Health & Safety and environmental and other relevant legislation.

To deal with any matters referred to it by the full Authority, the Policy Planning Forum, the Chief Fire Officer, Clerk, Monitoring Officer or Treasurer, not within its work programme.

To refer any matter for consideration by the Authority, another

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Committee or an officer where considered appropriate.

To submit its minutes and an Annual Report to the Authority.

In order to allow for separation of the scrutiny and decision making functions, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.

The Committee will sit in public with minimum exceptions.

In addition to its programmed meetings, the Committee will hold additional meetings, as and when required, in order to efficiently manage its workload.

Article 8 – Audit and Risk Committee

Additions are Highlighted

Deletions

- 8.1 The Authority has established an Audit and Risk Committee comprising (five) members, selected in accordance with current proportionality requirements.
- 8.2 In order to reinforce the independence of the Committee, the Authority has appointed an independent member to the Committee.
- 8.2.1 The role of the Independent Member is to assist members of the Committee in providing independent assurance of the adequacy of the Authority's risk management framework and associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and overseeing the Authority's financial reporting process.
- 8.2.2 The appointment is reviewed on a three-year basis.
- 8.3 Role and Functions:-

Statement of purpose

Our Audit and Risk Committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our Audit and Risk Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processers. It oversees internal audit and external audit, helping to ensure efficient and effective assurance

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arrangements are in place.

Governance, risk and control

To review the Authority's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control.

West Midlands Fire and Rescue Authority – Constitution

To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.

To monitor the effective development and operation of risk management in the Authority.

To monitor progress in addressing risk-related issues reported to the Committee.

To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

To review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.

To monitor the counter-fraud strategy, actions and resources.

The review the governance and assurance arrangements for significant partnerships or collaborations

Internal Audit

To approve the internal audit charter.

To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

To approve the risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

To approve significant interim changes to the risk-based internal audit plan and resource requirements.

To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services.

These will include:

- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- Regular reports on the results of the quality assurance and improvement programme;
- Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

To consider the head of internal audit's annual report:

- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
- The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.

To consider summaries of specific internal audit reports as requested.

To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.

To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.

To provide free and unfettered access to the Audit and Risk Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee.

To support the development of effective communication with the head of internal audit.

External Audit (Grant Thornton)

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To commission work from internal and external audit.

To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.

Financial Reporting

To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

To report to full Authority on a regular basis on the Committee's performance in relation to the terms of reference, and the effectiveness of the Committee in meeting its purpose.

To publish an Annual Report on the work of the Committee.

Pensions Board

To have delegated responsibility as Scheme Manager for making decisions in the management and administration of the fire fighter pension scheme. The pensions board assists the Audit and Risk Committee in the role as Scheme Manager to secure compliance with regulations relating to Governance and Administration.

To submit its minutes and Annual Report to the Authority.

Additions are Highlighted**Article 9 – Appointments, Standards and Appeals Committee**

The Authority has established an Appointments Standards, and Appeals Committee under which allegations of breach of the member Code of Conduct can be investigated and decisions on allegations can be made. The Committee also operates as a quasi-judicial body in determining appeals relating to pensions and superannuation matters and the appointment of Principal Officers. The Appointments, Standards, and Appeals Committee comprises seven members and at least one independent person in accordance with current proportionality requirements and to represent each of the seven constituent authorities.

9.1 Standards Role and Functions:-

To promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Authority.

To assist members and co-opted members of the Authority to observe the Authority's Code of Conduct for Members and Co-opted Members.

To advise the Authority on the adoption or revision of a Code of Conduct for Members and Co-opted Members.

To monitor the operation of the Authority's Code of Conduct for Members and Co-opted Members.

To advise, train or arrange for training for members and co-opted members of the Authority on matters relating to the Authority's Code of Conduct for Members and Co-opted Members.

To determine, monitor and review the arrangements for the local ethical standards regime and carry out any functions reserved to the Standards Committee under those arrangements.

To appoint Sub-Committees with delegated power to consider investigation reports and to conduct hearings on its behalf (including the imposition of sanctions).

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To grant dispensations to members and co-opted members from requirements relating to interests set out in the Code of Conduct for Members and co-opted Members.

9.2 Appointments Role and Functions:-

To make the appointments of the Chief Fire Officer (CFO), Deputy Chief Fire Officer and Assistant Chief Fire Officer.

To make an appointment to act up to the post of Chief Fire Officer.

Following the consideration of a grievance, in respect of the CFO, by the Monitoring Officer and the appropriate application of the procedure set out in the relevant scheme of conditions, in line with the Fire Leader's Association (FLA) guidance and authority standing orders:

To consider any appeal arising by way of a review of the previous decision

To hear and decide upon appeals by the Deputy Chief Fire Officer and Assistant Chief Fire Officer against dismissal or other disciplinary action.

To oversee, consider and where appropriate make a recommendation to the Authority on dismissal in respect of the CFO, following the appropriate application of the procedure set out in the relevant scheme of conditions, in line with APFO guidance and Authority Standing orders

Pursuant to Section 28(7) of the Localism Act 2011, to shortlist and interview candidates for appointment as independent person of the Standards Committee, and to make a recommendation to the Authority as to the person/s to be appointed.

9.3 Appeals Role and Functions:-

To hear and decide upon:-

Appeals under the Firefighters Pensions Scheme, New Firefighters Pensions Scheme and the Firefighters Compensation Scheme.

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Appeals under the Local Government Superannuation Regulations.

An appellant may attend a meeting of the appeals panel where their appeal is being heard.

To exercise any functions which the Authority may consider appropriate from time to time.

To meet at least annually and as and when appropriate.

To submit an Annual Report to the Authority regarding its activities in relation to its role

To submit its minutes to the Authority

West Midlands Joint Consultative Panel Terms of Reference

1. TITLE

The Panel shall be called the 'West Midlands Fire Service Joint Consultative Panel' (JCP).

2. REPRESENTATION

The JCP comprises of elected members of the West Midlands Fire and Rescue Authority (WMFRA) and recognised elected officials of the Trade Unions/Representative Bodies of West Midlands Fire Service as follows:

JCP

5 employers and

5 employee side*

3 Fire Brigades' Union

1 Fire Officers' Association

1 UNISON

Fire Leaders Association by invitation as appropriate* subject to having a locally appointed/elected representative

All Elected Members of the JCP shall retire annually and shall be eligible for re-appointment.

The attendance of additional persons by invitation in an advisory capacity only shall be permitted provided that prior agreement is obtained from both sides represented on the JCP.

If a member of the JCP ceases to be an Elected Member of WMFRA or an employee of the Service, he or she shall immediately cease to be a member of the JCP. Any vacancy amongst the employers shall be filled by the Authority. Any vacancy amongst the employees shall be filled by the employee organisations concerned.

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3. MEETINGS OF THE PANEL

The Clerk or their representative shall act as secretary to the JCP and be responsible for issuing the calling notices for all meetings and the minutes.

The Clerk shall liaise with the representative from PSS on the compilation of the agenda. The PSS Manager will consult with the employee's representatives or their representative with regard to the business to be raised.

4. CHAIR

The Chair and Vice Chair of the JCP meeting will be appointed by the Authority. In the absence of the Chair and Vice Chair, a Chair for the Meeting shall be elected by the Employers from amongst the elected members of the JCP.

5. OFFICERS

The Clerk, **Monitoring Officer**, Treasurer and Chief Fire Officer shall be entitled to attend all meetings of the JCP and shall be allowed to nominate any officers to attend as may be appropriate to the business to be discussed.

6. FUNCTIONS

The functions of the JCP shall be: -

- To establish regular methods of consultation between the Authority and its employees and to consider and make recommendations to the Authority or the Chief Fire Officer as appropriate on any problems which may arise
- To consider, and elected members of the JCP to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on any relevant matter referred to it by the Service or by the relevant employee organisations

- To consider, and elected members of the panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on the application of the terms and conditions of service for employees
- To consider, and elected members of the JCP to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on matters referred to it by the Joint Consultative Committee, including failure to consult and failure to agree as defined in Paragraph 8 E and F of the constitution of the Joint Consultative Committee
- To discharge such other functions as are specifically assigned to it
- In appropriate circumstances, to refer any question coming before it to the National Joint Council for consideration and advice where such action is deemed advisable; to inform the National Joint Council or any other appropriate body concerned of any recommendations of the JCP which appear to be of more than local interest provided that any such action shall be by way of a recommendation to the Authority or the Chief Fire Officer, as appropriate, prior to its submission

The panel shall operate within approved Authority policy and in accordance with the overall aims and objectives of the Authority, including the Employee Relations Framework, NJC Protocol for good industrial relations and elected members code of conduct. The Panel shall not take any action inconsistent with the decisions of any national or regional negotiating body or committee dealing with conditions or service of employees of the Authority.

7. RULES AND REGULATIONS

- That the JCP agenda items are reviewed by the Chair of the JCP in consultation with the SET Member- People or their representative prior to finalising the agenda
- That the Elected Member group of the JCP, after due consideration, make recommendations back to the Service or the Fire Authority as appropriate
- Provision for four JCP meetings per year shall be made by the Authority. Special meetings shall only be called with the prior approval of the Chair and Vice-Chair and the lead representative of the employee organisation(s) involved

- The matters to be discussed at any meeting of the JCP shall be included in the agenda for the meeting. No other matters shall be raised
- The quorum of the JCP shall be one third of the total number of representatives appointed by each side subject to each Trade Union/Representative Body that has locally appointed representatives, being represented. However, where the JCP is considering business relating specifically to one Trade Union/Representative Body, the quorum of the employees' side shall be one third of the total number of representatives appointed by each side, with no requirement for each Trade Union/ Representative Body to be represented, provided that the relevant Trade Union/ Representative Body is represented.

In the event of: -

- (a) The elected member group of JCP being unable to arrive at an agreement or
- (b) The Authority or the Chief Fire Officer, as appropriate, disagreeing with the

recommendations of the elected member group of the JCP

The matters in dispute shall be referred to: -

- (a) ACAS or other suitable organisation to support the conciliation process and/or
- (b) The National Joint Council Joint Secretaries and/or
- (c) The National Joint Council Technical Advisory Panel

The JCP is a discussion forum with a view to reaching a consensus. It will support and govern the principles set down in the 'Working Together' A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service document.

All sides to the JCP accept that agreements, reached by them shall be binding in honour only, all parties expressly agreeing that joint decisions as to recommendations are not intended to constitute legally enforceable agreements between them until such recommendations are approved by the Authority or Chief Fire Officer as appropriate.

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All parties agree, nevertheless, to use their best endeavours to explore evidence based joint solutions to ensure that the spirit and intention of the agreements on recommendations reached at meetings of the Panel are honoured at all times.

The notes of the JCP shall be submitted to the Authority.

Appendix 6**WEST MIDLANDS FIRE AND RESCUE AUTHORITY****CALENDAR OF MEETINGS 2019/20** DRAFT

Date	Time	Meeting
2019		
Monday 24 June	11.00 am	Authority [Annual Meeting] [political groups at 10 am]
Monday 29 July	10.30 am	All Members Awareness Day
Monday 15 July	10.30 am	Audit and Risk Committee
Monday 2 September	10.30 am 11.30 am 13.30 pm	Chair's agenda meeting Policy Planning Forum Audit and Risk Committee
Tuesday 3 September	14:00 am	Scrutiny Committee
Monday 16 September	11.00 am 13.00 pm	<u>Authority</u> [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
September		Pensions Board
Monday 7 October	10.30 am 11.30 am 13.30 pm	Collaboration and Transformation Committee Policy Planning Forum Scrutiny Committee
Monday 4 November	10.30 am 11.30 am 13.30 pm	Chair's agenda meeting Policy Planning Forum Joint Consultative Panel (pre meeting tbc)
Monday 11 November	10.00 am 11.30 am 13.30 pm	Audit and Risk Committee Scrutiny Committee Collaboration and Transformation Committee
Monday 18 November	11.00 am	<u>Authority</u> [political groups at 10 am]
December		Pensions Board
Monday 9 December	10.30 am 11.30 am	Collaboration & Transformation Committee Policy Planning Forum

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2020		
Date	Time	Meeting
Monday 13 January	10.30 am	Policy Planning Forum
	12.30 pm	Audit and Risk Committee
Monday 27 January	10.30 am	Collaboration and Transformation Committee
Monday 3 February	10.30 am	Chair's agenda meeting
	11.30 am	Policy Planning Forum
	13.30 pm	Joint Consultative Panel [pre meeting tbc]
Monday 17 February	11.00 am	<u>Authority</u> [budget and precept setting] [political groups at 10 am]
Monday 24 February	10.30 pm	Scrutiny Committee
February		Pensions Board
Monday 23 March	10.00 am	Chair's Agenda Meeting
	11.00 am	Collaboration and Transformation Committee
	12.00 am	Policy Planning Forum
	14.00 pm	Audit and Risk Committee
Tuesday 24 March	14:00 am	Scrutiny Committee
Monday 6 April	11.00 am	<u>Authority</u> [political groups at 10 am]
	13.00 pm	Joint Consultative Panel [pre meeting tbc]
Monday 1 June	10.30am	Collaboration and Transformation Committee
	11.30 am	Policy Planning Forum
	13.30 pm	Audit and Risk Committee
Tuesday 2 June	10:00 am	Scrutiny Committee
June		Pensions Board
Monday 8 June	10.00 am	Agenda Meeting
NEW MUNICIPAL YEAR	11.00 am	<u>Authority</u> [Annual Meeting] [political groups at 10 am]
Monday 22 June		

The Appointments, Standards and Appeals Committee will meet as and when required.

Appendix 7**West Midlands Fire and Rescue Authority****Members' Allowances Scheme**

The West Midlands Fire and Rescue Authority, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme:–

1. This scheme may be cited as the West Midlands Fire and Rescue Authority Members' Allowances Scheme and shall have effect for the period from 23 June 2008 until 31 March 2009 and in subsequent years from 1 April to 31 March.

2. In this scheme:–

'Councillor' means a member of the West Midlands Fire and Rescue Authority who is appointed by the City Councils of Birmingham, Coventry and Wolverhampton and the Metropolitan Borough Councils of Dudley, Sandwell, Solihull and Walsall;

'Independent Member' means a person who is not a member of the Authority but who is a member of a Committee or Sub-Committee of the Authority.

'Year' means the 12 months ending with 31st March.

3. **Basic Allowance and Independent's Allowance**

Subject to paragraph 6, for each year:–

- (i) a basic allowance of £3,500 shall be paid to each Councillor;
- (ii) an independent member's allowance of £350 shall be paid to each independent member on the Audit Committee.
- (iii) Co-optees will receive travel and subsistence expenses only

4. **Special Responsibility Allowances**

- (i) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in schedule 1 to this scheme;

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- (ii) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule;
- (iii) Where a Councillor holds more than one position for which a Special Responsibility Allowance is payable, only the higher allowance shall be paid to the Councillor concerned.

5. **Dependants' Carers Allowance**

- 5.1 A Dependants' Carers Allowance is payable to those elected members and independent members who incur expenditure for the care of their children or other dependants whilst undertaking particular approved duties as set out in paragraph 3 of this Scheme.
- 5.2 The amount of the dependants' carers allowances payable in respect of approved duties will be the actual costs incurred up to a total annual maximum amount of 10% of elected members' basic allowance.

6. **Renunciation**

A Councillor or an independent member may, by notice in writing given to the Clerk, elect to forego any part of his/her entitlement to an allowance under this scheme.

7. **Part Year Entitlement**

Basic Allowance and Independent's Allowance

Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office as a member subsists bears to the number of days in that year.

Special Responsibility Allowance

Where a member does not have throughout the whole of a year any such special responsibilities as entitle him/her to a special responsibility allowance; his/her entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities, bears to the number of days in that year.

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Backdating

Where an amendment to this scheme is made which affects an allowance payable for the year in which the amendment is made, the entitlement of a member to such allowance, as amended, may at the discretion of the Authority, be backdated to apply with effect from the beginning of the year in which the amendment is made.

8. Subsistence Allowances

Members of the Authority and independent members may claim subsistence allowances in connection with or relating to the duties set out in Schedule 2 to this scheme.

Lead members [as identified in Schedule 1] may claim subsistence allowance for attendance at meetings and events in pursuance of their official duties outside of the West Midlands but within the UK.

Members shall only claim allowances for actual expenditure reasonably incurred in connection with approved duties.

Members must submit receipts to substantiate all claims for subsistence allowances.

For approved duties the following rates apply:-

- (i) Breakfast allowance (more than 4 hours away from normal place of residence before 11.00 am) £4.92
- (ii) Lunch allowance (more than 4 hours away from normal place of residence including the lunchtime between 12 noon and 2.00 pm) £6.77
- (iii) Tea allowance (more than 4 hours away from normal place of residence including the period 3.00 pm to 6.00 pm) £2.67
- (iv) Evening meal allowance (more than 4 hours away from normal place of residence ending after 7.00 pm) £8.38

The rates set out above shall be reduced by an appropriate amount in respect of any meal provided free of charge by the Authority.

Members who undertake duties involving an overnight stay should, wherever possible, ensure that their accommodation is pre-booked by officers in accordance with the Authority's normal administrative arrangements. If members book their own accommodation, this is subject to a maximum level of reimbursement as specified below:-

Allowance for absence overnight from the usual place of residence
£79.82 per night

Allowance for such absence in London
£91.04 per night

9. **Travelling Allowances**

Elected members of the Authority may claim travel allowances only in respect of 'approved duties' [as set out in Schedule 2 to this scheme] which involve travel outside the West Midlands but within the UK. Members holding a special responsibility allowance may claim travel allowance for attendance at meetings and events in pursuance of their official duties outside the West Midlands but within the UK.

Independent persons may claim travelling allowances in respect of costs incurred in connection with or relating to the duties set out in Schedule 2 to this scheme.

Motor Mileage Allowances

The rates for motor cars are as follows:-

Not exceeding 999cc – 34.6 pence per mile

1000 - 1199cc – 39.5 pence per mile

Over 1199cc – 45 pence per mile

After 10,000 business mile the rate becomes 25 pence per mile

Passenger Supplement - for passengers (not exceeding 4), a supplement of 5.0 pence per mile is payable

Claims for journeys undertaken by motor car may include any reasonable car parking fees and congestion charges if applicable.

Public Transport

The actual cost of public transport used by members will be reimbursed by the Authority where such costs are reasonably and necessarily incurred in connection with approved duties. Receipts will be required to substantiate such claims based on the actual expenditure incurred.

Members who travel outside the West Midlands in connection with approved duties by rail, ship or air shall be required to have their travel arrangements pre-booked by officers under the Authority's normal administrative arrangements. The Clerk, in consultation with the Chair of the Authority, may authorise exceptions to this in cases where it is considered beneficial to the Authority for members to make their own transport arrangements. As a general rule, for members travelling by rail, standard class tickets should be purchased. Receipts will be required to substantiate any such claims based on the actual expenditure incurred.

Taxis

Taxi fares (plus a reasonable gratuity) will be reimbursed only if the taxi was used in a case of urgency, or if there was no public transport reasonably available, or if taxi use was justified by the nature of the business on which the member was engaged.

10. Indexation of Allowances

The rates of allowances will be increased with effect from 1 April 2009, 2010, 2011 in line with the agreed pay awards to NJC Local Government Services.

11. Claims and Payments

- (i) All claims for travelling and subsistence allowances under this scheme shall be made within **three months** of the date of the approved duty in respect of which the entitlement to the allowance arises. Payment of late claims may only be made if the Clerk, in consultation with the Chair of the Authority, is satisfied that the lateness of the claim is justified.

- (ii) Any claims for travelling and subsistence allowances shall be signed by the Councillor claiming the allowance and shall include a statement that where the member is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.
- (iii) In certain cases, where overpayments have been made to any individual to which this scheme relates, the Authority may require repayment of the overpayment.
- (iv) In regard to the payment of basic and special responsibility allowances, payments shall be made as follows:–

(a) **Basic Allowance**

In instalments of one-twelfth of annual amount due, payable on the 25th day of the month (or nearest working day);

(b) **Special Responsibility Allowance**

In instalments of one-twelfth of the amount specified in this scheme on the 25th day of each month (or nearest working day) (except where specified otherwise in Schedule 1)

Schedule 1**WEST MIDLANDS FIRE AND RESCUE AUTHORITY****Schedule of Special Responsibility Allowances 2018/2019**

<u>Responsibility</u>	<u>SRA (£)</u>
Chair	<u>24,500</u>
Vice-Chair	<u>12,250</u>
Leader of Principal Opposition Group	<u>7,350</u>
Collaboration and Transformation Chair	<u>8,575</u>
Collaboration and Transformation Vice Chair	<u>6,575</u>
Scrutiny Committee Chair	<u>8,575</u>
Scrutiny Committee Vice-Chair	<u>6,575</u>
Scrutiny Committee Member	<u>4,900</u>
Joint Consultative Panel Chair	<u>8,575</u>
Joint Consultative Panel Vice-Chair	<u>3,975</u>
Appeals, Standards and Appointments Chair	<u>8,575</u>
Appeals, Standards and Appointments Vice-Chair	<u>3,975</u>
Audit and Risk Committee Chair	<u>8,575</u>
Audit and Risk Committee Vice-Chair	<u>3,975</u>
Elected Member Basic Allowance	<u>3,500</u>
Independent's allowances	
Independent Member of the Audit Committee	<u>350</u>

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Schedule 2

Approved Duties

The following are “approved duties” in connection with the payment of travelling and subsistence allowances:

- 1) A meeting of the Authority or of any Committee or Sub-Committee of the Authority.
- 2) A meeting of any other body to which the Authority or any Committee or Sub-Committee of the Authority makes appointments, or nominations, or any Committee or Sub-Committee of such a body.
- 3) Any other meeting, the holding of which is authorised in advance by the Authority, or a Committee or Sub-Committee of the Authority, or a joint Committee of the Authority or one or more other Committees or a Sub-Committee of such a joint Committee provided that members of at least two political groups have been invited to attend.
- 4) A meeting of any association of authorities of which the Authority is a member.
- 5) Attendance as an appointed representative of the Authority, or of a Committee or Sub-Committee, at a conference, seminar or authorised meeting or visit or at any other meeting authorised by the Authority.

Appendix 8**MEMBER ROLE DESCRIPTIONS 2018/2019****Chair of the Authority**

To provide overall political leadership and strategic policy direction to the Authority.

To ensure continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as may be required from time to time in connection with the work of the Authority at local, regional, national or international level.

To take overall political responsibility within the Authority for:

- Corporate Planning, the Corporate Strategy, the Annual Service Plan and The Plan;
- Policy and budgetary strategy formulation;
- Modernisation issues;
- Local, regional, national and international issues;
- Health and Safety;
- Implementing E-Governance (IEG) and the Freedom of Information Act 2000;
- Corporate Risk Management and the Integrated Risk Management Plan (The Community Safety Strategy);
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues;
- Diversity, Inclusion, Cohesion and Equality;
- Sustainability;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

To oversee the efficient and effective conduct of business within the Authority and to work with other Elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To ensure the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To ensure the involvement of local people and communities in the decision making processes of the Authority, as necessary.

To champion the promotion and maintenance of high standards of conduct throughout the Authority.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

Vice-Chair of the Authority

To support and assist the Chair of the Authority to provide overall political leadership and strategic policy direction to the Authority.

To support continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To chair the Authority, relevant Committees or other meetings as may be required, in the absence or inability to act of the Chair of the Authority;

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as required from time to time in connection with the work of the Authority at local, regional, national or international level.

To support and assist the Chair of the Authority to fulfil his/her overall political management responsibilities within the Authority for:

- Corporate Planning, the Corporate Strategy, the Annual Service Plan and The Plan;

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- Policy and budgetary strategy formulation;
- Modernisation issues;
- Local, regional, national and international issues;
- Health and Safety;
- Implementing E-Governance (IEG) and the Freedom of Information Act 2000;
- Risk Management and the Integrated Risk Management Plan (Community Safety Strategy);
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues ;
- Diversity, Inclusion, Cohesion and Equality
- Sustainability;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

To take lead responsibility on any specific initiatives that may be required from time to time by the Authority, the Chair of the Authority or one of its Committees or Panels.

To assist and support the Chair in the efficient and effective conduct of business within the Authority and to work with other Elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To assist in ensuring the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To assist in ensuring the involvement of local people and communities in the decision making processes of the Authority, as necessary.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

Chair of the Scrutiny Committee

To lead the work of the Committee in conjunction with the Vice-Chair.

To agree with the Committee at the start of each year a programme of reviews.

To maintain the independence of the Committee and ensure that scrutiny develops as an open and transparent process.

To chair meetings of the Committee ensuring that topics for review are properly scoped and that reviews are completed within agreed timescales.

To ensure that scrutiny is carried out on a non-party political basis and that all members of the Committee participate in the work of the Committee.

To ensure that recommendations from the Committee are evidence based and objective and based on SMART principles (specific, measurable, attainable, realistic and timely).

To present the outcomes and recommendations of reviews to the Authority.

To oversee the implementation of recommendations that are accepted by the Authority.

To ensure that members of the Committee have access to training and development on the principles of good scrutiny, equalities and diversity and relevant human resources issues.

To ensure that the Committee acts as a 'critical friend' to non-scrutiny members and officers of the Authority.

To have responsibility, in consultation with the Director of Resources, for the Committee's scrutiny budget.

Vice-Chair of the Scrutiny Committee

To chair the Committee in the absence of the Chair.

To represent the Chair in her/his absence at other Authority meetings.

To support the Chair in review meetings by assisting in the development of appropriate evidence-based recommendations.

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Appendix 9**ROLE OF THE COMMITTEE CHAIR****PURPOSE**

To preside at meetings of the relevant Committee of the West Midlands Fire Authority and exercise any power or duty of Chair as permitted in terms of the West Midlands Fire Authority Terms of Reference

To ensure democratic decision making (as required) and the orderly conduct of meetings. Where a sub-committee or panel is established then this Article shall apply.

APPOINTMENT PROCEDURE

Committee Chairs are appointed on an annual basis at the Annual General Meeting of the West Midlands Fire Authority.

KEY ROLES

A Committee Chair will:-

- (a) In consultation with relevant Officers of the West Midlands Fire Authority, Ensure the Committee acts only within the Scheme of Delegation and complies with the West Midlands Fire Authority Procedure Rules, Financial Procedure Rules, West Midlands Fire Authority Policies and relevant legislation.
- (b) Preside over Committee meetings in a manner that encourages contributions and achieves the objectives of the meetings, including resolving conflict;
- (c) Be accountable to the West Midlands Fire Authority for the efficiency and effectiveness of the Committee meeting;
- (d) Present Committee recommendations to the West Midlands Fire Authority as appropriate;
- (e) Be consulted on matters within the Committee's jurisdiction, liaising with the Chair of the West Midlands Fire Authority and relevant Officers as appropriate;

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- (f) Work within the West Midlands Fire Authority's Scheme of Delegation with Officers to enable efficient and effective decision-making.
- (g) Ensure the overall integrity of the decision-making process within the Committee, and that the process operates fairly and openly;
- (h) Work with the relevant Officers to confirm/set the agenda for meetings and sign the minutes of the preceding meeting, once these have been approved by the Committee; and
- (i) When consulted, agree aspects of the draft minutes of meetings prior to circulation.

ABSENCE OF CHAIR AND VICE CHAIR AT COMMITTEE

Should at any Committee meeting the Chair and Vice Chair not be present, then the Members present shall elect a Chair from those Members present for the duration of that meeting.

Responsibilities of Elected Members of the Joint Consultative Panel**1. Background**

West Midlands Fire and Rescue Authority (WMFRA) is a statutory body that has a legal duty to provide services as defined by the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004 through West Midlands Fire Service (WMFS).

The Fire Authority is the employer for WMFS and the supervisory body which ensures that WMFS performs efficiently and in the best interest of the public and community it serves.

In order to have in place a formal consultation mechanism WMFS, in consultation with the Trade Unions/Representative Bodies, has developed the Employee Relations Framework. Included within the policy is a constitution for a Joint Consultative Committee and a Joint Consultative Panel.

The Employee Relations Framework has been based on the Joint Protocol published by the National Joint Council (NJC), the model procedure in the Grey Book and guidelines produced by ACAS. It has been jointly agreed and will govern the relationship between WMFS and its recognised Trade Unions/Representative Bodies. It is not legally binding, but relies on all parties to work within a spirit of co-operation.

The Joint Consultative Committee (JCC) meetings between managers and Trades Union Officials will take place initially monthly but depending on the needs of the organisation this may be reviewed. This will support the employee involvement process but it does not detract from a manager's responsibility to make decisions. It defines the process for getting employees views prior to decisions being made.

The Joint Consultative Panel provides an opportunity for employee representatives and the employing Authority to comment on matters relating to the conditions of employment of employees of the Service. It also provides a forum for discussion to assist in the consultation process.

2. Purpose

The Joint Consultative Panel provides a means where elected members of WMFRA, Principal Officers of WMFS and Trade Union/ Representative Body representatives who are representatives of WMFS employees, come together on a regular basis to discuss issues of mutual concern. This panel may have items referred to it from the Joint Consultative Committee as part of the negotiation or consultation process. However, a majority of the items considered will be for consultation.

This panel will consider and make recommendations on:-

- any relevant matter referred to it by the Service or by the relevant employee organisations.
- any Employee Relation issues which may arise. (In these circumstances the issue must have been considered at Joint Consultative Committee and if there is an outstanding dispute, as per the Terms of Reference, the dispute may be registered with the organisation).
- the application of the terms and conditions of service for employees.

The Joint Consultative Panel supports and governs the principles set out in the “Working Together” A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service document.

The National Joint Council (NJC) recognises that Fire and Rescue Service managers and Trade Union representatives must work together for the benefit of the service, its employees, and local communities. WMFS supports the application of these principles for recognised Representative Bodies.

The principles within the Working Together document identify the need for joint commitment from Trade Union Officials and the organisation by defining how the individual representatives will engage and work together to the success of the business.

3. Consultation

Consultation: For the benefit of this process, consultation (as defined in the Employee Relations Framework) goes beyond communication and involves managers actively seeking and then taking account of the views of employees' representatives before making a decision.

Managers are obliged to seek acceptable solutions to problems through a genuine exchange of views and information.

The responsibility for decisions remains at all times with the employer and does not remove the right of managers to manage and make the final decision. Managers must be aware of the need to consult and Trade Union/Representative Body representatives must be aware of the need to respond.

Items may be referred to the Joint Consultative Panel as 'a failure to consult'. The Joint Consultative Panel needs only to consider if appropriate consultation has taken place and not what the outcome of the consultation should be.

The Trades Union will be responsible for identifying where they believe the lack of consultation has taken place. The Strategic Enabler (People Support Services) or delegated representative will provide an audit trail demonstrating the consultation that has taken place and its appropriateness. It is important to stress that a 'failure to consult' should not be considered by the Joint Consultative Panel if it is clear that a consultation process has been used but the Trades Union/ Representative Bodies have chosen not to attend or did not send a deputy.

4. Negotiation

Negotiation: For the benefit of this process negotiation is defined in the Employee Relations Framework as the process by which employers and Trade Union/Representative Body representatives seek to reach agreement through collective bargaining. It requires an agreement to be reached. Collective bargaining is the process by which employers and recognised Trade Unions/Representative Bodies seek to reach agreement on issues such as pay and terms and conditions of employment.

5. Process for Failure to Consult

In the case of consultation, if Trade Union/ Representative Body representatives believe there has not been appropriate consultation they can refer the matter to the Joint Consultative Panel. However, in doing so Trade Unions/Representative Bodies must clearly demonstrate how they have worked with the Service to try and resolve the dispute prior to referral to the Joint Consultative Panel. The recommendation of the Joint Consultative Panel will only relate to whether appropriate consultation has taken place.

The information relating to the 'Failure to Consult' will be distributed to Joint Consultative Panel members prior to the meeting. The Trade Union/Representative Body representative will present the reasons why they have raised the dispute and the management representative will clarify the consultation process used.

Deliberation will take place, see section 7. The process for consultation is defined within the Employee Relations Framework.

6. Process for Failure to Agree

In cases of negotiation, items will be referred to the Joint Consultative Panel if the Joint Consultative Committee has failed to reach an agreement. However, in doing so Trade Unions/Representative Bodies must clearly demonstrate how they have worked with the Service to try and resolve the dispute prior to referral to the Joint Consultative Panel. In this situation the Joint Consultative Panel will need to consider the 'failure to agree' and make a recommendation which would be considered by the Authority or Chief Fire Officer prior to it becoming contractual.

The information relating to the 'Failure to Agree' will be distributed to Joint Consultative Panel members prior to the meeting. The Trade Union/ Representative Body representative will present the reasons why they have raised the dispute and the management representative will be given the opportunity to clarify why it was necessary to make that decision taking into consideration the needs of the organisation to provide a quality service as efficiently and effectively as possible contributing to making the community safer.

7. The Elected Member group will adjourn to consider the presentations made. If further information is required both parties will be called back to the Elected Member group even if the query relates to one side. The Elected Member group will then give their decision on their recommendation back to the Service.

The Elected Members may be assisted by a Technical Advisor. The advisor and the representative from the Clerk to the Authority will adjourn with the panel. The Technical Advisor and Clerk are not part of the decision making process. Their role is to give advice on the Service's policy, process or interpretation of legislation

The presenter of the management case must not be the adviser to the panel.

8. Declaration of Interests

Pecuniary and other interests should be declared at the beginning of each meeting under 'Declaration of interests'. Where a member has a personal interest in the outcome of any item referred to the Joint Consultative Panel, they should declare this at the beginning of the meeting under the standing item on the agenda.

9. Confidentiality

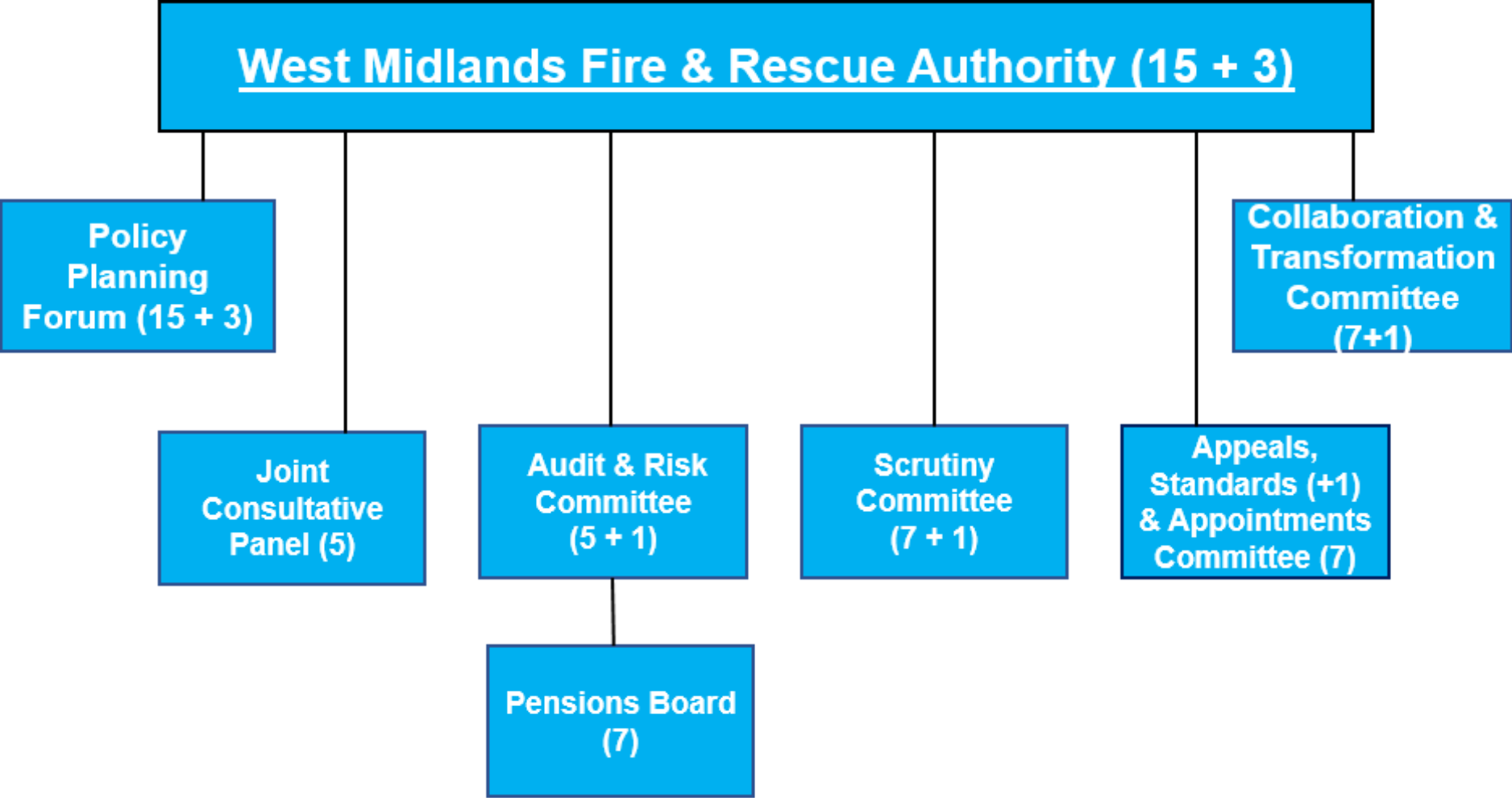
Elected members are bound by the Model Code of Conduct. This Code of Conduct should be considered prior to any discussions or conversations with Trade Union representatives outside of the Joint Consultative Panel. Confidentiality should be maintained at all times.

10. Decision Making

The General Principles underlying within the Code of Conduct outline the considerations for elected members when making decisions. Elected members should consider carefully how their decisions might affect the community, Service and other stakeholders/partners. Members should strive to operate as a team in which constructive working relationships are actively promoted.

11. General

Elected members have a responsibility to actively promote good employment relations and lead by example through their actions and conduct. Individual Fire Authority Members will actively promote good employment relations through their own actions and behaviours in accordance with the Members' Code of Conduct and the Service's core values in respect of their communications with the Trade Unions/ Representative Bodies.



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WEST MIDLANDS FIRE AND RESCUE AUTHORITY Item 10

24 JUNE 2019

1. **POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES AND PANELS 2019/2020**

Report of the Clerk and Monitoring Officer.

RECOMMENDED:

1.1 THAT the Authority approve:-

- (a) the political balance and membership of committees and panels for 2019/2020;
- (b) whether or not the current independent member of the Audit Committee should be appointed to serve on any of the committees and panels of the Authority and whether he should be treated as a voting or non-voting Member;
- (c) the appointment of co-opted members to Scrutiny and Collaboration and Transformation Committees
- (d) the appointment to the roles of Chairs and Vice-Chairs of Committees and Panels;
- (d e) the appointment of Mr. Ray Tomkinson to the role of Independent Person appointed in pursuance of Section 28 of the Localism Act 2011, for the term of office expiring at the AGM in June 2020.

2. **PURPOSE OF REPORT**

To approve the political balance and membership of committees and panels for 2019/2020 aligned to the changes approved in the Governance of the Authority 2019/20 report.

BACKGROUND

3.1 Political Balance on Committees

The Local Government and Housing Act 1989 provides that where a Joint Authority is divided into different political groups, it shall review the representation of those groups.

It also has a duty following such a review, to determine the allocation of committee seats to the different political groups into which the Members of the Authority are divided. Regulations provide for a political group to comprise 2 or more members.

Based on the information available to me, the current political balance of the Authority is:-

Conservative 5

Labour 10

The attached appendix sets out a template showing the political balance on committees for 2019/20.

4. Committee Structure, Constitution and Political Balance

- 4.1 The Authority is required to decide the constitution of its 4 committees for 2019/20, as set out in the Governance report and then decide the political balance on each committee using the following formula:-
- (a) Decide the total number of seats on the ordinary committees (disregarding any co-opted members/advisors);
 - (b) Decide the number of members for each minority political group;
 - (c) Decide the proportion of the membership of those groups to the membership of the Authority as a whole;
 - (d) Apply the proportions to the number of seats in (a).
- 4.2 For the purpose of this exercise, the Joint Consultative Panel and the Policy Planning Forum are not included as the proportionality requirements do not apply to these bodies.

- 4.3 The number of committee seats in 2019/20 is 26. The proposed allocation of seats to political parties based on this number of seats is set out in the Appendix to this report, which is recommended for approval. The Authority is also asked to make appointments of members and co-opted members to serve on the committees and advisory bodies referred to in the Appendix. More information to assist members is provided below.

5. **Joint Consultative Panel**

- 5.1 The Joint Consultative Panel (JCP) comprises employees of the Authority and is therefore not regarded as an ordinary committee for the purposes of Section 15 of the Local Government Act 1989 and the rules regarding proportionality do not apply.

The Authority at its meeting on 24 June 2019, will be asked to approve a revised constitution for the JCP which provides that the Panel will comprise elected members of the West Midlands Fire and Rescue Authority [with voting rights] and recognised elected officials of the Trade Unions/Representative Bodies [without voting rights] as follows:

5 employers side and
5 employee side*
3 Fire Brigades' Union
1 Fire Officers' Association
1 UNISON

Fire Leaders Association by invitation as appropriate

* subject to having a locally appointed/elected representative.

6. **Appointments, Standards and Appeals (ASA) Committee**

- 6.1 The Localism Act 2011 brought in changes to the framework of regulation of standards of conduct for elected and co-opted members and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The relevant provisions of the legislation came into force on 1 July 2012.
- 6.2 The Authority at its annual meeting on 25 June 2012 appointed a Standards Committee; adopted a new Member Code of Conduct; and agreed arrangements to deal with allegations of breaches of the Code.

- 6.3 The Localism Act 2011 provides that an authority shall appoint one or more Independent Persons who must be consulted before any decision is taken on a complaint which has been investigated. The Authority decided that the independent person/s appointed by Sandwell Council in pursuance of Section 28 of the Localism Act 2011 would be used by this Authority in relation to alleged breaches of the Code of Conduct. In view of the Authority's low level of complaints activity, it is suggested that the appointment of one independent person will be sufficient. The appointment of the independent person/s must be approved by a positive vote of a majority of all members of the Authority [not just of those present and voting]. Following the resignation of Mr. Bell, Sandwell MBC appointed Mr. Ray Tomkinson as an Independent Member. Mr. Tomkinson was appointed as an Independent Member to the Fire Authority in 2017/18 and has again agreed to continue in this role for a further year until the AGM in June 2020.
- 6.4 The Appointments, Standards and Appeals Committees were amalgamated into one committee in 2018/19 and comprise 7 members. It has been the practice to invite the independent person/s to attend as observer at meetings considering matters relating to Standards issues.

7. Audit and Risk Committee

- 7.1 The Authority established an Audit Committee in September 2007. Its remit was expanded in 2010/11 to take on performance management functions.
- 7.2 Mr M Ager has served as an independent Member of the Audit Committee since 2007. The West Midlands Fire and Rescue Authority appointed Mr Ager for a three year term of office expiring with the Annual Meeting of the Authority in June 2016. Mr Ager agreed to continue in this role for a further year until 30 June 2017 and has again agreed to continue in this role for a further year until the AGM in June 2020.
- 7.3 The Audit and Risk Committee will now comprise of 5 Members and 1 Independent Member.

8. **Scrutiny Committee**

The Scrutiny Committee will now comprise of 7 Members and a coopted member.

9. **Collaboration and Transformation Committee**

The Governance and Transformation Committee will be renamed as the Collaboration and Transformation Committee and will comprise 7 Members, one from each Constituent District Council and a coopted member.

10. **EQUALITY IMPACT ASSESSMENT**

- 10.1 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.

11. **LEGAL IMPLICATIONS**

- 11.1 The Local Government and Housing Act 1989 provides that where a Joint Authority is divided into different political groups, it shall review the representation of those groups. It also has a duty following such a review, to determine the allocation of committee seats to the different political groups into which the Members of the Authority are divided.
- 11.2 Non-compliance with the provisions of the 1989 Act would render the Authority's decisions vulnerable to judicial review.

12. **FINANCIAL IMPLICATIONS**

- 12.1 Provision is made in the Authority's budget for the payment of Members' allowances.

BACKGROUND PAPERS

None

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

Karen Gowreesunker
Clerk to the Authority

Satinder Sahota
Monitoring Officer

Appendix 1

West Midlands Fire and Rescue Authority**Political Balance of Committees for 2019/2020**

Note: Proportionality applies to the Committees shown above the line.
Those below are exempt.

Committee

	Conservative	Labour	Total
Appointments, Standards and Appeals	2	5	7*
Audit and Risk	2	3	5*
Collaboration and Transformation	2	5	7**
Scrutiny	2	5	7**
Total			26

Policy Planning Forum***	5	10	15
Joint Consultative Panel	2	3	5

* + one independent member

** + plus one Cooptee

*** plus 2 cooptees and the Police and Crime Commissioner

Appendix 2**West Midlands Fire and Rescue Authority**
Appointments to Committees and Panels 2019/20

em 10

Authority 15 elected members & 3 co-opted members (Lab 10; Con 5) All Members to attend	Policy Planning Forum 15 elected members & 3 co-opted members (Lab 10; Con 5) All Members to attend.
Appointments, Standards and Appeals Committee 7 elected members plus 1 Observer (Lab 5; Con 2) At least one Member from each Authority	
Councillor	Substitute
Cllr Zafar Iqbal (Birmingham)	Cllr Sybil Spence
Cllr Seamus Walsh (Chair) (Coventry)	Cllr Catherine Miks
Cllr Nick Barlow (Dudley)	Cllr Peter Miller
Cllr John Edwards (Sandwell)	Cllr Manjit Gill
Cllr Hogarth (Solihull)	Cllr David Barrie
Cllr Ann Young (Vice Chair) (Walsall)	Cllr (Conservative)
Cllr Greg Brackenridge (Wolverhampton)	Cllr Jas Dehar
Independent Person Ray Tomkinson (Observer)	Standards Items Only

(WMFS – Official – Public)

Scrutiny Committee (7 elected members) (Lab 5; Con 2)	
Plus 1 Co-optee (Non Voting) – to be confirmed	
Councillor	Substitute
Cllr Sybil Spence (Chair)	Cllr Zafar Iqbal
Cllr Kerry Jenkins (Vice-Chair)	Cllr Zafar Iqbal
Cllr Ann Young	Cllr John Edwards
Cllr Jas Dehar	Cllr Catherine Miks
Cllr Manjit Gill	Cllr John Edwards
Cllr Nick Barlow	Cllr Peter Hogarth
Cllr David Barrie	Cllr Sarah Jane Cooper
Sarah Middleton	Non Voting

Collaboration and Transformation Committee 7 elected members plus 1 Coopted Member (Lab 5; Con 2) At least one Member from each Authority	
Councillor	Substitute
Cllr Zafar Iqbal (Birmingham)	Cllr Kerry Jenkins
Cllr Seamus Walsh (Coventry)	Cllr Catherine Miks
Cllr Nick Barlow (Dudley)	Cllr Peter Miller
Cllr John Edwards (Sandwell)	Cllr Manjit Gill
Cllr Peter Hogarth (Solihull)	Cllr David Barrie
Cllr Ann Young (Vice Chair) (Walsall)	Cllr Sybil Spence
Cllr Jas Dehar (Chair) (Wolverhampton)	Cllr Greg Brackenridge
Coopted Member	

Audit and Risk Committee 5 members (Lab 3; Con 2) (Plus 1 Independent	
Councillor	Substitute
Cllr Catherine Miks (Chair)	Cllr Seamus Walsh
Cllr Manjit Gill (Vice Chair)	Cllr John Edwards
Cllr Sybil Spence	Cllr Kerry Jenkins
Cllr Peter Miller	Cllr Nick Barlow
Cllr David Barrie	Cllr Sarah Jane Cooper
Independent Member: Mr M Ager	

Joint Consultative Panel (5 elected members + 5 employee representatives) (Lab 3; Con 2)	
Councillor	Substitute
Cllr John Edwards (Chair)	Cllr Seamus Walsh
Cllr Kerry Jenkins (Vice Chair)	Cllr Zafar Iqbal
Cllr Greg Brackenridge	Cllr Jas Dehar
Cllr Sarah Jane Cooper	Cllr Peter Hogarth
Cllr Peter Miller	Cllr David Barrie

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

24 JUNE 2019

APPOINTMENT OF REPRESENTATIVES TO SERVE ON OTHER BODIES

Report of the Clerk

1 RECOMMENDED

THAT the Authority nominates representatives to serve on the bodies set out in the attached Appendix for the one year term of office expiring with the Annual Meeting of the Authority in June 2020.

2. PURPOSE

The purpose of the report is to request the Authority to appoint representatives to serve on other bodies during 2019/2020.

3. REPORT DETAILS

The Authority is requested to appoint representatives to serve on other bodies as indicated in the attached schedule.

4. EQUALITY IMPACT ASSESSMENT

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

5. LEGAL IMPLICATIONS

- 5.1 The Local Government and Housing Act 1989 provides that the principles of proportionality apply where the Authority makes more than three appointments to bodies specified in the Act. An indication is given in the appendix where proportionality applies.

6. **FINANCIAL IMPLICATIONS**

Provision has been made in the Authority's budget to meet any costs involved relating to Members' allowances.

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

**KAREN GOWREESUNKER
CLERK**

West Midlands Fire and Rescue Authority

Appointments to Other Bodies 2019/20

Organisation	Representative/s 2019/20	Notes
Local Government Association General Assembly* (4 representatives)	Chair and Vice-Chair (Councillors Brackenridge and Iqbal) and Councillors and (or their nominees) The Chair was authorised to exercise the Authority's Corporate Vote at the Local Government Association General Assembly. The Authority is entitled to 18 General Assembly votes which are allocated on the basis of proportionality of the General Assembly.	Proportionality applies. The Association encourages Authorities entitled to three or four representatives on the General Assembly to allocate one of those positions to Minority Group Leaders on their Authorities.
Local Government Association - Fire Service Commission (3 representatives)	Chair (Councillor Brackenridge) and Councillors and (or their nominees)	Proportionality applies. Formerly the Fire Services Forum.

Organisation	Representative/s 2019/20	Notes
West Midlands Road Safety Partnership	Councillor	
Association of Metropolitan Fire and Rescue Authorities	Chair and Vice-Chair of the Authority (Councillors Brackenridge and Iqbal)	
West Midlands Fire Service Business Safety Limited	(Dormant)	Application for Strike Off made to Companies House
West Midlands Combined Authority	Chair (Councillor Greg Brackenridge)	WMCA Board Observer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY Item 12

24 JUNE 2018

1. **MEMBER ATTENDANCE AT CONFERENCES, SEMINARS AND VISITS**

Report of the Clerk.

RECOMMENDED

THAT the events for 2019/20 set out in the attached Appendix be approved for the purpose of the payment of travel and subsistence allowances and conference fees (where appropriate), subject to the necessary budgetary provision being available.

2. **PURPOSE OF REPORT**

To seek approval for attendance of members at conferences and seminars for 2019/20.

3. **BACKGROUND**

- 3.1 The schedule of Approved Duties within the Members' Allowances Scheme allows for 'attendance as an appointed representative of the Authority, or of a Committee or Sub-Committee, at a conference, seminar or authorised meeting or visit at any other meeting authorised by the Authority.' A schedule of conferences, seminars and visits for the forthcoming year is submitted annually to the Authority for approval. The attached appendix provides for attendance by nominated members at two conferences and also makes provision for the approval of attendance by members at other ad hoc events, subject to the necessary budgetary provision being available.

4. **EQUALITY AND DIVERSITY IMPLICATIONS**

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

OFFICIAL – WMFS PUBLIC

5. **LEGAL AND STATUTORY IMPLICATIONS**

- 5.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 the Authority is required to make and publish a scheme setting out provisions for the payment of allowances to Members of the Authority.
- 5.2 Regulation 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003 states that such a scheme may provide for the payment of allowances in respect of travelling and subsistence undertaken in connection with or relating to such duties specified within the scheme (the scheme of approved duties).

6. **FINANCIAL IMPLICATIONS**

Provision is included in the Authority's budget for costs associated with attendance at conferences and seminars and for members' travel and subsistence costs.

BACKGROUND PAPERS

Members' Allowances Scheme.

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

KAREN GOWREESUNKER
CLERK

Appendix

Events proposed for approval by the Authority for 2019/2020 for the purpose of the payment of travel and subsistence allowances and conference fees (where appropriate), subject to the necessary budgetary provision being available.

Event	Attendance By	Financial Implications
Local Government Association Annual Fire Conference	Chair and Vice-Chair (or their nominees) and the Leader of the main Opposition Group	Conference fees and travel and subsistence
Local Government Association Annual Conference	Chair and Vice-Chair (or their nominees)	Conference fees and travel and subsistence
Asian Fire Services Association Conference	Chair and Chair & Vice-Chair of the Scrutiny Committee and the Leader of the main Opposition Group	Travel and subsistence
Fire Service Briefing Meetings arranged by the Home Office	Chair and Vice-Chair (or their nominee) OR all members of the Authority (as appropriate)	Travel and subsistence
Member training events/seminars organised by the Authority or approved by the Chair and Vice-Chair	All Members	Travel and subsistence
Communications visits to fire stations (up to two per quarter)	All Members	

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

24 JUNE 2019

Item 13

1. GOVERNANCE STATEMENT 2018/19

Joint report of the Chief Fire Officer, Treasurer and Monitoring Officer.

RECOMMENDED

THAT the Authority approves the Governance Statement for 2018/19.

2. PURPOSE OF REPORT

This report is submitted to Members to seek comments and consideration of the Governance Statement for 2018/19.

3. BACKGROUND

- 3.1 West Midlands Fire and Rescue Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for and used economically, efficiently and effectively. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 3.2 In discharging this overall responsibility, the Authority is also responsible for putting in place proper arrangements for the governance of its affairs, which includes arrangements for the management of risk.
- 3.3 Every Local Authority has to produce a Governance Statement (see attached Appendix) with its Statement of Accounts, which are due to be made available at the end of June 2019.
- 3.4 The Governance Statement is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can, therefore, only provide reasonable and not absolute assurance of effectiveness.

The Governance Statement is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Authority's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

- 3.5 The Statement is signed by the Chair of the Authority and the Chief Fire Officer who have a responsibility to ensure that the document is supported by reliable evidence and accurately reflects the Authority's internal control environment. The Governance Statement has operated throughout the year ended 31st March 2019 and up to date of the approval of the annual report and accounts.

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 Authority has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. As part of this it has to produce a Governance Statement.

6. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

BACKGROUND PAPERS

None.

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

PHIL LOACH	MIKE GRIFFITHS	SATINDER SAHOTA
CHIEF FIRE OFFICER	TREASURER	MONITORING OFFICER

ANNUAL GOVERNANCE STATEMENT

1. Scope of Responsibility

- 1.1 West Midlands Fire and Rescue Authority (WMFRA) is responsible for ensuring that its business is conducted in accordance with the law and proper standards, that public money is safeguarded and properly accounted for. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 1.2 In discharging this duty, the Authority is also responsible for putting in place proper arrangements for the governance of its affairs which facilitates the effective exercise of the Authority's functions and which includes arrangements for the management of risk.
- 1.3 The Authority has complied with the code of corporate governance which is consistent with the principles of the revised CIPFA/SOLACE Framework 2016 published by CIPFA in association with the International Federation of Accountants (IFAC) – Delivering Good Governance in Local Government. The Authority has also complied with the requirements of CIPFA's statement on the role of the Chief Financial Officer in Local Government. This Annual Governance Statement explains how the Authority has complied with the code and also meets the requirements of Accounts and Audit (England) Regulations 2015, regulation 6 which require the Authority to prepare an Annual Governance Statement.

2. The Purpose of the Governance Framework

- 2.1 The governance framework comprises the systems and processes, culture and values by which the Authority is directed and controlled and its activities through which it accounts to and engages with the community. It enables the Authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, value for money services.
- 2.2 The system of internal control is a significant part of the framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can, therefore, only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Authority's policies, aims and objectives, to evaluate the likelihood and potential impact of those risks being realised and the impact should they be realised and to manage them efficiently, effectively and economically.
- 2.3 The governance framework has been in place for the year ended 31st March 2019 and up to the date of the approval of the annual report and statement of accounts.

3. The Governance Framework

The key elements of the systems and processes that comprise the Authority's governance arrangements include the following:-

- 3.1 The Authority has produced a Corporate Strategy setting out its objectives and there is regular performance monitoring in which achievement of the Authority's objectives is measured and monitored.
- 3.2 The Authority has established clear channels of communication with the community and stakeholders regarding the production of the Annual Report and consultation on the key priorities of the Service. This also encourages open communication.
- 3.3 The Authority facilitates policy and decision-making via regular Policy Planning Forums and Authority and Executive Committee meetings. An Audit and Risk Committee provides independent assurance to the Authority on risk management and internal control and the effectiveness of the arrangements the Authority has for these matters. The constitution of the Committees including the terms of reference is reviewed annually and available on the Internet.
- 3.4 The Authority ensures compliance with established strategies, procedures, laws and regulations – including risk management. The Authority also maintains and reviews regularly its code of conduct and whistle blowing policy. There is a comprehensive induction programme in place and information regarding strategies and procedures are held on the intranet, which continues to be developed. The Authority has a strong Internal Audit function and established protocols for working with External Audit.
- 3.5 West Midlands Fire and Rescue Authority will continue to enhance and strengthen its internal control environment through the review of current policies and procedures.
- 3.6 The Authority has corporate risk management arrangements in place which are supported by an approved Risk Management Strategy enabling Managers and other senior officers to identify, assess and prioritise risks within their own work areas which impact on the ability of the Authority and its services to meet objectives. To consider the effectiveness of the Authority's risk management arrangements is a specific term of reference for the Audit and Risk Committee and risk management is a specific responsibility of both the Chair and Vice Chair.
- 3.7 The Authority's Corporate Risk Register identifies the principal risks to the achievement of the Authority's objectives and assesses the nature and extent of those risks (through assessment of likelihood and impact). The Register identifies risk owners whose responsibility includes the identification of controls and actions to manage them efficiently, effectively and economically.

- 3.8 The Authority ensures the economical, effective and efficient use of resources, and secures continuous improvement in the way in which its functions are exercised, by having regard to a combination of economy, efficiency and effectiveness as required by the Best Value duty. The Authority plans its spending on an established planning cycle for policy development, budget setting and performance management through the business planning process. This ensures that resources are aligned to priorities and secures best value from the resources that are available.
- 3.9 The Chief Financial Officer is a key member of the leadership team, helping to develop and implement the Authority's strategy. The Authority's financial system is an ORACLE based general ledger and management information system, which integrates the general ledger function with those of budgetary control and payments. Financial Regulations and Contract Procedure Rules are approved and regularly reviewed by the Authority. A rigorous system of monthly financial monitoring ensures that any significant budget variances are identified in a timely way, and corrective action initiated.
- 3.10 The Authority's performance management and reporting of performance management continues to be improved with a more focused Corporate Strategy, the setting of priorities and is supported by regular performance monitoring. Corporate performance is reported on a quarterly basis and this process provides officers and Members with the opportunity to share knowledge and understanding about key performance issues affecting services.
- 3.11 The Authority within its committee framework has an Appointments, Standards and Appeals Committee to promote high ethical standards amongst Members. This Committee leads on developing policies and procedures to accompany the Code of Conduct for Members and is responsible for local assessment and review of complaints about members' conduct. The Authority also has a Scrutiny Committee which undertakes performance management functions and informs policy development.
- 3.12 The Fire and Rescue National Framework for England sets out a requirement for Fire and Rescue Authorities to publish 'Statements of Assurance'. Specifically, Fire and Rescue Authorities must provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their integrated risk management plan and the requirements included in this Framework. The Authority has approved the Statement of Assurance which is available on the Service's website.

4. Review of Effectiveness

4.1 The Authority has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the statutory officers and principal managers of the Authority who have responsibility for the development and maintenance of the governance environment, the internal audit annual report and comments made by the external auditors in their annual audit letter and other reports.

4.2 Section unit business plans contain a variety of performance indicators and targets that are regularly reviewed.

4.3 The Authority's political governance arrangements, which are appropriately reviewed by officers, set out the responsibilities of both Members and senior managers. In particular the Authority has identified the following statutory post holders:-

- Chief Fire Officer
- Treasurer
- Monitoring Officer

In addition to the statutory posts, the post of Clerk to the Authority has been maintained.

4.4 The arrangements for the provision of internal audit are contained within the Authority's Financial Regulations. The Treasurer is responsible for ensuring that there is an adequate and effective system of internal audit of the Authority's accounting and other systems of internal control as required by the Accounts and Audit Regulations 2015. The internal audit provision operates in accordance with the CIPFA Code of Practice for Internal Audit in Local Government. The Authority's Audit Plan is prioritised by a combination of the key internal controls, assessment and review on the basis of risk and the Authority's corporate governance arrangements, including risk management. The work is further supplemented by reviews around the main financial systems, scheduled visits to Authority establishments and fraud investigations. Internal Audit leads on promoting a counter-fraud culture within the Authority.

4.5 The resulting Audit Plan is discussed and agreed with officers of the Strategic Enabling Team and the Audit and Risk Committee and shared with the Authority's external auditor. Meetings between the internal and external auditor ensure that duplication of effort is avoided. All Authority Audit reports include an assessment of the adequacy of internal control and prioritised action plans to address any areas needing improvement.

- 4.6 The Authority's review of the effectiveness of the system of internal control is informed by:-
- The work undertaken by Internal Audit during the year;
 - The work undertaken by the external auditor reported in their annual audit;
 - Other work undertaken by independent inspection bodies.
- 4.7 From the work undertaken by Internal Audit in 2018/2019 the Internal Audit has given a 'reasonable assurance' that the Authority has adequate and effective governance, risk management and internal control processes. This represents an unqualified opinion and the highest level of assurance available to Audit Services. In giving this opinion it is recognised that assurance can never be absolute. The most that internal audit can provide is reasonable assurance that there are no major weaknesses in the Authority's governance, risk management and control processes.
- 4.8 The Authority is able to confirm that its financial management arrangements conform to the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government.
- 4.9 Audit Services have reported and advised on the implications of the result of the review of effectiveness of the governance framework by the sources noted above and that the arrangements continue to be regarded as fit for purpose in accordance with the Authority's governance framework. The areas to be specifically addressed are outlined in 5.5.

5. Significant governance arrangements within the Authority

- 5.1 West Midlands Fire & Rescue Authority has a legal duty to provide an efficient, safe and effective fire and rescue service. The key priorities are:-
- Prevention – Safer and healthier communities
 - Protection – stronger business communities
 - Response – dealing effectively with emergencies
- 5.2 These form the basis of the Authority's Corporate Strategy known as The Plan 2018-2021 which sets out the outcomes and priorities based on the Community Safety Strategy. The five-minute attendance standard lies at the heart of the Service Delivery Model. The model shows how staff provide the core prevention, protection and response services to make the West Midlands safer, stronger and healthier.
- 5.3 Grant Thornton, the Authority's External Auditors, published the Audit Findings Report for its 2017/2018 audit work which reported an unqualified opinion on the financial statements. It also issued an unqualified value for money conclusion stating that the Authority had proper arrangements in all significant respects to ensure it delivered value for money in the use of resources.

5.4 Based on audit work undertaken during the year an Annual Internal Audit Report was presented to the Audit and Risk Committee on 3 June 2019, Audit work which was completed in 2018/2019 included:-

- Risk Management
- Fixed Asset Accounting
- Accounts Receivable
- Accounts Payable
- Budgetary Control
- Payroll
- Governance
- Data Protection / IT
- Performance Management
- Procurement

5.5 As a result of these audits the following was identified as the main issue:-

Payroll

A review of the payroll process was undertaken to ensure that the Fire Service had appropriate controls in place to mitigate the risk of fraud and error in the calculation, recording and payment of the payroll. We identified one issue of significance, which is a re-iteration of the recommendation made in last year's report relating to:

- the People Support Services section did not have formal procedure notes which detailed the process for obtaining and evidencing approval for new starters.

5.6 The main issue outlined above, together with any other issues highlighted in the Annual Internal Audit Report have been raised with relevant managers and actions have been taken to achieve improvements.

5.7 As part of the Finance Settlement for 2016/17, an offer was made for a multiyear funding settlement. Any Authority wishing to take up the four year funding settlement to 2019/20 was required to set out their proposals in an Efficiency Plan to qualify for the four year settlement from April 2016. The Authority considered and approved the Efficiency Plan which was submitted to the Home Office. In February 2019, the Secretary of State for Ministry of Housing, Communities and Local Government confirmed the Authority's funding settlement for 2019/20. The core funding reduction of approximately £1m in 2019/2020 is broadly in line with the provisional four-year settlement.

5.8 2019/20 is the final year of the four-year settlement. In the Secretary of State for MHCLG settlement announcement, there was no indication of further funding levels beyond 2019/20. In planning for 2020/21 onwards, a reduction of 2% has been assumed to the overall core funding. It should be noted that this is a very provisional figure and there is the potential for the scale of reductions to be of a greater magnitude than this base assumption. Every 1% reduction in core funding represents a loss of circa £0.5m funding for the Authority.

- 5.9 With the anticipation of cuts to government funding continuing into future years, the Authority faces considerable financial pressures which could result in difficulties to deliver an efficient and effective service, which in turn would increase the risk to the communities of the West Midlands. A key aim for the Authority is to therefore identify and deliver further Service efficiencies to ensure the ongoing stability of the Authority's financial position.

West Midlands Combined Authority (WMCA)

- 5.10 In 2016 the Home Secretary outlined a desire from central government to reform Fire and Rescue Authorities. In view of Home Office expectations at its Authority meeting in February 2017, approval was given to pursue a strategy which would reform the WMFRA. The Authority's strategy supported the route required for the Mayoral WMCA to assume governance arrangements for West Midlands Fire Service from the Authority. The WMCA Board at its meeting in May 2018 agreed to a submission to the Home Office to enable the development of the draft Statutory Order.
- 5.11 The proposed final draft Statutory Order from the Home Office was sent out in January 2019, with a request to provide consent. The proposed Order however contained an amendment that led the CFO to advise that the Order not be consented to on the basis that the change was too significant and compromised the intent of the proposed governance changes.
- 5.12 The Home Office confirmed that Parliamentary Lawyers advising the Joint Committee on Statutory Instruments, that this was the final draft Order and could not be altered. WMCA and WMFS officers then worked together to develop proposals to mitigate the amendment made to the Order. In March 2019, the WMCA Board approved the final draft Statutory Order and the Home Office indicated a date of 5 June 2019 to lay the Order before Parliament.
- 5.13 For the Order to be laid, the Home Office required consent from all the seven West Midlands Local Authorities. However, as a number of Local Authorities did not provide their consent to the Home Office, this effectively meant that the laying of the Order in Parliament on 5 June 2019 was unable to proceed. Consideration will need to be given to future governance arrangements arising from this latest development.

6. Certification

- 6.1 To the best of our knowledge, the governance arrangements, as outlined above have been effectively operating during the year with the exception of those areas identified as requiring improvement. We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified during the review of effectiveness and will monitor their implementation and operation as part of our annual review.

Chair

Phil Loach
Chief Fire Officer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY Item 14

24 JUNE 2019

1. **MONITORING OF FINANCES**

Report of the 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 May 2019 with the actuals to that date. Devolved budgets are managed by the Section responsible for incurring the expenditure as opposed to corporate budgets, which are managed by the named Section on behalf of the Brigade as a whole.

The Authority's 2019/2020 Council Tax requirement is £43.215 million and the revenue budget is £96.778 million. As part of the Authority's 2019/2020 budget setting process the current year's budget reflects an estimated transfer from general balances of £1.100 million. Actual spend to May 2019, including commitments, was £19.683 million compared to a projected budget of £19.701 million, an overall favourable variance of £0.018 million.

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

(OFFICIAL – WMFS PUBLIC)

3.2 **Capital Expenditure**

The Authority's approved capital programme for 2019/2020 is £10.870 million. A scheme analysis is shown on Appendix C. Expenditure to the end of May 2019 is shown as £0.434 million.

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 2019
Finance Office Budget Monitoring Files

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

MIKE GRIFFITHS
TREASURER

(OFFICIAL – WMFS PUBLIC)

REVENUE MONITORING SUMMARY TO MAY 2019

	LATEST BUDGET 2019/2020 £'000	PROFILED BUDGET £'000	ACTUALS + COMMIT -MENTS £'000	VARIANCE TO PROFILED BUDGET £'000
<u>DEVOLVED BUDGETS</u>				
Corporate Management	2,784	526	535	9
Corporate Charges	-5,325	393	395	2
Service Support				
People Support Services	6,275	1,124	1,126	2
Intelligence and Innovation	2,429	485	478	-7
Finance & Resources	5,314	806	804	-2
ICT	4,848	1,531	1,526	-5
Service Delivery				
Operations	10,416	1,524	1,472	-52
<u>CORPORATE BUDGETS</u>				
Service Support				
People Support Services	2,596	455	467	12
Intelligence and Innovation	100	8	6	-2
Finance and Resources	21,195	5,330	5,286	-44
ICT	138	23	33	10
Service Delivery				
Response	44,515	7,411	7,472	61
Protection	-47	0	0	0
Other Income & Expenditure	1,540	85	83	-2
Appropriation to Reserves				
TOTAL (NET BUDGET REQUIREMENT)	96,778	19,701	19,683	-18
Core Funding	-53,563	-13,513	-13,513	0
TOTAL (COUNCIL TAX REQUIREMENT)	43,215	6,188	6,170	-18

(OFFICIAL – WMFS PUBLIC)

FIREFIGHTERS' PENSION SCHEMES

NON-FINANCIAL INFORMATION	2019/20 PROJECTION				ACTUAL POSITION AS AT MAY 2019			
	1992 FPS	2006 FPS	2015 FPS	TOTAL	1992 FPS	2006 FPS	2015 FPS	TOTAL
Members of FPS at 1st April 2019	212	8	1,022	1,242	212	8	1,022	1,242
New Members	-	-	62	62	-	-	19	19
Opt-In	-	-	-	-	-	-	-	-
Transitional Members during year	-32	-1	33	-	-6	-	6	-
Transfers from Other Pension Schemes	-	-	10	10	-	-	-	-
Transfers to Other Pension Schemes	-	-	-3	-3	-	-	-	-
Retirements	-55	-2	-	-57	-14	-	-	-14
Opt-Out	-	-	-13	-13	-	-	-3	-3
Leavers	-3	-	-14	-17	-3	-	-1	-4
Ill-Health Retirements	-2	-	-1	-3	-	-	-	-
Members of the Fire Pension Schemes as at 31st May 2019					189	8	1,043	1,240

(OFFICIAL – WMFS PUBLIC)

CAPITAL MONITORING STATEMENT 2019/20

Scheme	Year 2019/20	Latest Budget	Actuals May 2019	Forecast	Variance
		£'000	£'000	£'000	£'000
<u>LAND & BUILDINGS</u>					
Boiler Replacement Programme	Ongoing	151	0	151	-
Roof Replacements	Ongoing	140	0	140	-
Windows/Door Replacement	Ongoing	276	1	276	-
Rewires	Ongoing	426	29	426	-
Coventry Fire Station	5 of 5	171	63	171	-
Drill Towers / Training Facilities	2 of 2	295	13	295	-
HQ Alterations	3 of 3	42	0	42	-
Aston Fire Station	5 of 5	3,905	303	3,905	-
<u>VEHICLES</u>					
Vehicle Replacement Programme	Ongoing	4,522	0	4,486	-36
<u>ICT & EQUIPMENT</u>					
Enterprise Resource Planning (ERP)	1 of 2	500	0	500	-
C&C Upgrade Vision 4 / ESMCP	4 of 4	417	25	422	+5
Oracle Licensing	9 of 9	25	0	25	-
Grand Total		10,870	434	10,839	-31
<u>Funded By</u>					
Prudential Borrowing		0		0	-
Capital Grants / Contributions		157		157	-
Capital Receipts to be Applied		0		0	-
Revenue Financing / Earmarked Reserves		10,713		10,682	-31
TOTAL		10,870		10,839	-31
SURPLUS(-)/DEFICIT(+)					

(OFFICIAL – WMFS PUBLIC)

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

24 JUNE 2019

1. **EXTERNAL AUDIT WORK PROGRAMME AND SCALE OF FEES FOR 2019/20**

Joint report of the Chief Fire Officer and Treasurer

RECOMMENDED

THAT the Authority note the external audit work programme and scale of fees for the 2019/20 audit work to be undertaken by Grant Thornton UK LLP.

2. **PURPOSE OF REPORT**

This report is submitted to inform the Authority of the external audit work programme and scale of fees for 2019/20 as set out in the Planned Audit Fee for 2019/20 letter attached as an Appendix.

3. **BACKGROUND**

- 3.1 Members will recall that following an exercise to outsource the public body audit work of the Audit Commission's in-house audit practice, the contract for undertaking of the external audit of this Authority was awarded to Grant Thornton UK LLP.
- 3.2 The scale of fees proposed for the delivery of the 2019/20 work programme is £29,750 which is the same charge as 2018/19.
- 3.3 Similarly, the work programme proposed for 2019/20 is broadly the same as the 2018/19 work programme. Essentially, the work programme will consist of an audit of the financial statements, audit work to enable a value for money conclusion and on the Whole of Government Accounts (WGA) return. This is applicable to all public bodies.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment has not been carried out. The matters contained in this report will not lead to policy change.

5. **LEGAL IMPLICATIONS**

The Local Audit Bill sets out the framework to support the delivery of local public audit arrangements.

6. **FINANCIAL IMPLICATIONS**

The proposed scale fee for the 2019/20 external audit work programme is £29,750.

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

PHIL LOACH
CHIEF FIRE OFFICER

MIKE GRIFFITHS
TREASURER



Grant Thornton

An instinct for growth™

Item 15

Our ref: RDP/JA/W09000020/Fee Letter 19-20
Your ref:

Mr M Griffiths
Strategic Enabler of Finance & Resources
West Midlands Fire & Rescue Authority
West Midlands Fire Service Headquarters
99 Vauxhall Road
Birmingham
B7 4HW

Grant Thornton UK LLP

The Colmore Building
20 Colmore Circus
Birmingham
B4 6AT

T +44 (0)121 212 4000
F +44 (0)121 212 4014

17 April 2019

Dear Mike

Planned audit fee for 2019/20

The Local Audit and Accountability Act 2014 (the Act) provides the framework for local public audit. Public Sector Audit Appointments Ltd (PSAA) has been specified as an appointing person under the Act and the Local Authority (Appointing Person) Regulations 2015 and had the power to make auditor appointments for audits of opted- in local government bodies from 2018/19.

For opted- in bodies PSAA's responsibilities also include setting fees and monitoring the quality of auditors' work. Further information on PSAA and its responsibilities are available on the [PSAA website](#).

All grant work, including housing benefit certification, falls outside the PSAA contract, as PSAA no longer has the power to make appointments for assurance on grant claims and returns. Any assurance engagements will therefore be subject to separate engagements agreed between the grant-paying body, the Fire Authority and ourselves and separate fees agreed with the Fire Authority.

Scale fee

PSAA published the 2019/20 scale fees for opted-in bodies at the end of March 2019, following a consultation process. Individual scale fees have been maintained at the same level as in 2018/19, unless there were specific circumstances which required otherwise. Further details are set out on the [PSAA website](#). The Fire Authority's scale fee for 2019/20 has been set by PSAA at £29,750 which is the same as in 2018/19.

PSAA prescribes that 'scale fees are based on the expectation that audited bodies are able to provide the auditor with complete and materially accurate financial statements, with supporting working papers, within agreed timeframes'.

The audit planning process for 2019/20, including the risk assessment, will continue as the year progresses and fees will be reviewed and updated as necessary as our work progresses.

Scope of the audit fee

There are no changes to the overall work programme for audits of local government audited bodies for 2019/20. Under the provisions of the Local Audit and Accountability Act 2014, the National Audit Office (NAO) is responsible for publishing the statutory Code of Audit Practice and guidance for auditors.

Audits of the accounts for 2019/20 will be undertaken under this Code. Further information on the NAO Code and guidance is available on the [NAO website](#).

The scale fee covers:

- our audit of your financial statements;
- our work to reach a conclusion on the economy, efficiency and effectiveness in your use of resources (the value for money conclusion); and
- our work on your whole of government accounts return (if applicable).

PSAA will agree fees for considering objections from the point at which auditors accept an objection as valid, or any special investigations, as a variation to the scale fee.

Value for Money conclusion

The Code requires us to consider whether the Fire Authority has put in place proper arrangements for securing economy, efficiency and effectiveness in its use of resources. This is known as the Value for Money (VfM) conclusion.

The NAO issued its latest guidance for auditors on value for money work in November 2017. The guidance states that for local government bodies, auditors are required to give a conclusion on whether the Fire Authority has put proper arrangements in place.

The NAO guidance identifies one single criterion for auditors to evaluate:

In all significant respects, the audited body had proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people.

Billing schedule

Fees will be billed as follows:

Main Audit fee	£
September 2019	7,438
December 2019	7,438
March 2020	7,437
June 2020	7,437
Total	29,750

Outline audit timetable

We will undertake our audit planning and interim audit procedures in November 2019 to March 2020. Upon completion of this phase of our work we will issue a detailed audit plan setting out our findings and details of our audit approach. Our final accounts audit and work on the VfM conclusion will be completed in July 2020 and work on the whole of government accounts return in July 2020.

Phase of work	Timing	Outputs	Comments
Audit planning and interim audit	November 2019 to March 2020	Audit plan	The plan summarises the findings of our audit planning and our approach to the audit of the Fire Authority's accounts and VfM.

Final accounts audit	June 2020	Audit Findings (Report to those charged with governance)	This report sets out the findings of our accounts audit and VfM work for the consideration of those charged with governance.
VfM conclusion	January to July 2020	Audit Findings (Report to those charged with governance)	As above
Whole of government accounts	July 2020	Opinion on the WGA return	This work will be completed alongside the accounts audit.
Annual audit letter	September 2020	Annual audit letter to the Fire Authority	The letter will summarise the findings of all aspects of our work.

Our team

The key members of the audit team for 2019/20 are:

	Name	Phone Number	E-mail
Key Audit Partner	Richard Percival	0121 232 5434	richard.d.percival@uk.gt.com
Engagement Manager	Javed Akhtar	0121 232 5340	Javed.Akhtar@uk.gt.com
In Charge Auditor	TBC		

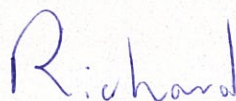
Additional work

The scale fee excludes any work requested by the Fire Authority that we may agree to undertake outside of our Code audit. Each additional piece of work will be separately agreed, and a detailed project specification and fee agreed with the Fire Authority.

Quality assurance

We are committed to providing you with a high quality service. If you are in any way dissatisfied or would like to discuss how we can improve our service, please contact me in the first instance. Alternatively, you may wish to contact Mark Stocks, our Public Sector Assurance regional lead partner, via mark.c.stocks@uk.gt.com.

Yours sincerely



Richard Percival
Engagement Lead
Grant Thornton UK LLP

24 JUNE 2019

1. **RESULT OF RECENT FIRE SAFETY PROSECUTIONS**

Report of the Chief Fire Officer

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 This section of the report relates to the adjoining premises of Rotana Shisha Lounge and Valentino's Cash & Carry, Highgate, Birmingham. Mr. Mohammed Miskari, Mr. Mojtaba Rezvani and Valentino's Cash & Carry Ltd. were pursued by this Authority following a Fire Safety inspection on 21 January 2016 which highlighted serious fire safety failures concerning the means of escape from the premises putting relevant persons at risk of death or serious injury in case of fire.
- 3.2 Mr. Rezvani pleaded guilty on behalf of himself and Valentino's Cash & Carry at the earliest opportunity. Mr. Miskari pleaded guilty at the pre-trial preparation hearing.
- 3.3 Sentencing took place on 3 May 2019 at Birmingham Crown Court. Her Honour Judge Kristina Montgomery QC presided.
- 3.4 Mr. Miskari received a 12-month community order of 100 hours unpaid work, a £12,000 fine to be paid in 12 months and £9,351.37 costs. Mr. Rezvani received an 8-month custodial sentence suspended for 12 months, 200 hours unpaid work and £9,351.37 costs. Valentino's Cash & Carry Ltd. were fined £250,000 to be paid within 3 years.

4. **EQUALITY IMPACT ASSESSMENT**

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

5. **LEGAL IMPLICATIONS**

The Regulatory Reform (Fire Safety) Order 2005 imposes a duty on persons to provide assistance or information to Enforcing Authority to ensure that the Order can be effectively enforced. The Order imposes a statutory duty on Fire and Rescue Authorities to enforce the provisions of the Order.

6. **FINANCIAL IMPLICATIONS**

The £18,702.74 costs awarded against the defendants covers the legal costs of £10,876.25 incurred by the Authority in preparing the relevant prosecution file. The award also compensates for Sandwell Legal and Counsel's time spent on the case.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

BACKGROUND PAPERS

Fire Safety files

The contact name for this report is Gary Taylor – tel. no. 0121 380 6006.

PHIL LOACH
CHIEF FIRE OFFICER

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

24 JUNE 2019

Item 17

1. REVISION OF THE EMPLOYEE RELATIONS FRAMEWORK

Report of the Chief Fire Officer

RECOMMENDED

THAT the members note the agreed amendments that have been made to the Employee Relations Framework (ERF) and terms of reference for Joint Consultative Panel (JCP).

2. PURPOSE OF REPORT

This report is submitted to the members to provide an update on the progress made to review the ERF and to note the amendments to both the ERF and terms of reference for the Joint Consultative Panel.

3. BACKGROUND

3.1 Since its joint development between managers of the Service and the recognised Trade Unions, the ERF (Appendix A) has been the agreed framework that governs how the Service and its Trade Unions engage on issues of change.

3.2 The ERF draws from several sources including:

- ACAS Code of Practice on Trade Union Activities
- Collective Agreement Industrial Relations 2018 (Appendix 1 of ERF Appendix A)
- NJC Joint Protocols for Good Industrial Relations in the Fire and Rescue Service. (Appendix 2 of ERF Appendix A)
- dialogue and agreement between local Trade Union officials and management representatives.
- consideration of Fire Authority Constitution and Service policy.

- 3.3 That members note that the People Support Services Manager - Employee Relations has met regularly with the Trade Unions to consider and agree revisions to the Framework. The amendments were either agreed as an outcome of the trade dispute or agreed locally with the Services recognised Collective Agreement.
- 3.4 Fire Authority members' attention is drawn to the amendment to JCP Terms of Reference (Appendix 3 of ERF Appendix A) which provides an additional seat to the Fire Brigades' Union at this meeting. Increasing their number from 2 to 3 representatives. This increase was agreed as part of the resolution to the trade dispute. The Monitoring Officer position has been added to the list of Officers eligible to attend meetings of the JCP.
- 3.5 Members are also asked to review the 'Responsibilities of Elected Members for Employee Relations' document (Appendix 4 of ERF Appendix A).
- 3.6 The main changes agreed for inclusion into the ERF are outlined in the 'overview of amendments' section of the revised policy. More detailed amends are identified below:
- Section 4.1 Inclusion of the Services Core Values (new);
 - Section 5.3.6 Dispute Resolution (new);
 - Section 5.3.7 External Assistance section (amended);
 - Section 5.5.2 Misconduct of Officials/Representatives (new);
 - Section 5.5.3 Officials and Representatives - Time off Provision (amended);
 - Section 5.5.11 Notification of Officials - amended
 - Appendix 1 - Collective Agreement 2018 (new).
 - Appendix 3 - Terms of Reference for JCP (amended);
 - Appendix 5 - Terms of Reference for JCC (amended);
 - Appendix 6 - 8 Appendices outlining the process for raising either a Cause for Concern, Failure to Consult or Failure to Agree (new).
 - Appendix 9 - Consultation Flowchart (amended)
- 3.7 This amended framework and associated appendices, is available to review on MESH and will be embedded throughout the organisation through training via Ecademy, line managers, PSS Business Partners, Trade Union Officials and representatives and linked with the Effective Manager Series.

The approach to training for new entrants and existing employees has been agreed with the recognised Trade Unions as part of the review process.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out. However, an Equality Impact Assessment was carried out jointly between management and the recognised Trade Unions at the development of the ERF and all parties have the opportunity to review to ensure it remains fit for purpose.

5. **LEGAL IMPLICATIONS**

- 5.1 Information and Consultation of Employees Regulations 2004: these regulations set out the employer's legal responsibility to inform and consult with employees.
- 5.2 Sections 181 and 182 of the Trade Union and Labour Relations (Consolidation) Act 1992 sets out the duty of employers to disclose information requested by a union representative for the purposes of collective bargaining.

6. **FINANCIAL IMPLICATIONS**

There are no financial implications to this report.

BACKGROUND PAPERS

- ACAS Code of Practice on Trade Union Activities
- Collective Agreement Industrial Relations 2018
- NJC Joint Protocols for Good Industrial Relations in the Fire and Rescue Service.

The contact officer for this report is Sarah Warnes 0121 380 6907

PHIL LOACH
CHIEF FIRE OFFICER

WEST MIDLANDS FIRE SERVICE

0203 EMPLOYEE RELATIONS FRAMEWORK

Overview of amendments

Amended and updated as part of scheduled 3-year review, incorporating relevant outcomes of the Trade Dispute in 2018 and organisational Core Values.

The framework should be read in full, paying particular attention to appendices which include the addition of Appendix 6 - Cause for Concern.

The framework has been restructured and re-organised, specifically around Trade Union/Representative Bodies (section 4.3), with further clarity now provided.

1. STRATEGY

The West Midlands Fire Service (WMFS) wholeheartedly supports working arrangements that promote joint solution seeking. The timely and effective co-operation and consultation between the employer, employees and Trade Unions/Representative Bodies which help the successful delivery of the Service and the management of change. The procedures outlined in this framework continue to support positive working relationships and interactions that develop joint solutions to resolve differences to achieve the delivery of our strategic plan.

WMFS recognises all parties' legitimate interests, responsibilities and commitment to working together on: -

- the success of the Service (reward and recognition)
- quality of working life (wellbeing, behaviour) including workplace facilities
- working in a transparent manner to develop a 'no surprises' culture
- continuously improving employee relations (monitoring, capturing the right information and taking the appropriate action)
- agreement within appropriate timescales
- ongoing dialogue

This approach will benefit the Service, its employees and local communities.

Trade Union/Representative Body representatives have considerable knowledge and experience and can make positive and effective contributions to any changes being proposed. Therefore, WMFS will ensure that: -

- employees and Trade Union/Representative Body representatives will be involved early in consultation and negotiation in accordance with the National Joint Council Protocol on issues which have workforce implications. See Appendix 1 (a, b, c) Industrial Relations Procedures Collective Agreement and National Joint Council Protocol.
- appropriate and timely information will be shared with the Trade Unions/ Representative Bodies and employees, so that effective consultation or negotiation can take place
- feedback is given on how employee and Trade Unions/Representative Bodies views are taken on board and how they influenced management's subsequent position
- reasonable Trade Union facilities are put in place, in accordance with statutory requirements and The Advisory, Conciliation and Arbitration Service (ACAS) good practice guidelines. The principles outlined above are applied to Representative Bodies.
- All stakeholders including, Fire Authority Elected members (referred to as elected members), Brigade managers, Senior managers and employee representatives, will lead by example in their approach to Employee Relations. Elected members, Brigade managers and Trade Union/Representative Body Officials will collectively and individually be proactive in both developing positive relationships and encouraging all managers and Trade Union/Representative Body representatives in the Service, to do the same.

It has been jointly agreed and will govern the relationship between WMFS and its recognised Trade Unions/Representative Bodies. It is not legally binding but relies on all parties to work with a spirit of co-operation.

The information contained within this document should be considered against any relevant collective agreements. See appendix 1.

2. SCOPE

This framework has been based on the Joint Protocol published by the National Joint Council (NJC), the model procedure in the Grey Book and guidelines produced by ACAS. The Service, as a good employer applies the Joint Protocol equally to its Green and Grey Book employees.

3. DEFINITIONS

Employees and employers need to exchange information, views and ideas, discuss problems, consider solutions and look at future developments, but there are differences in the ways this is done, differences between communications, consultation and negotiation through collective bargaining.

Communications is the giving and receiving of information through discussion and instructions. It includes the information, the channels and the ways it is passed along (see 5.2).

Consultation goes beyond communication and involves managers actively seeking, and then taking account of, the views of employees' representatives before making a decision. Consultation does not remove the right of the employer to manage and make the final decision. However, it obliges them to seek acceptable solutions to problems through a genuine exchange of views and information. The responsibility for decisions remains at all times with the employer (see 5.3.1).

Negotiation is the process by which employers and Trade Union Representatives seek to reach agreement through collective bargaining (see 5.3.2).

Collective bargaining is the process by which the Service and recognised Trade Unions/Representative Bodies seek to reach agreement on issues such as pay and terms and conditions of employment (see 5.3.5).

In consultation, the responsibility for decision making remains with the Service, however, the employer will give genuine and thoughtful consideration to the Trade Unions/Representative Bodies when considering consultation. In collective bargaining, both the employer and Trade Unions/ Representative Bodies take responsibility for fulfilling the bargain (see 5.3.5).

Managers must be aware of the need to consult and negotiate and this should be undertaken in a timely manner, providing appropriate information for the purpose. Trade Union/Representative Body Representatives must be aware of the need to respond in a timely manner, providing relevant information to support their response.

This principle also applies when Trade Unions/Representative Bodies bring forward for matters of negotiation/consultation.

4. RESPONSIBILITY

4.1 All - Importance of communications and consultation

The way to involve employees in an organisation, is through communications and consultation. It is important that these communications reflect the organisations Core Values. Effective communication is in the public interest because good employee communications and consultation can: -

- improve organisational performance

- improve management performance and decision making
- improve employees' performance and commitment
- develop greater trust
- increase job satisfaction

WMFS Core Values

4.2 Parties involved

WMFS recognises the Fire Brigades' Union (FBU), Fire Officers' Association (FOA) and UNISON for the purpose of collective bargaining in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992.

The Fire Leaders Association (FLA), (formerly Association of Principal Fire Officers (APFO) is known in the West Midlands Fire Service as a Representative Body.

WMFS recognises appointed officials of these organisations for consultation and negotiation purposes. FLA is afforded the same opportunity for facility arrangements set out under the ACAS guidance and the Employee Relations Framework.

The Service will only negotiate with Trade Unions/Representative Bodies who are recognised by the Service, or representative of the constituent workforce affected, however the Trades Union/Representative Body collective, agree that all recognised Trade Union/Representative Body representatives of non-affected trade unions will be invited to attend meetings where such matters are discussed.

The Service may engage with Regional Trade Union/Representative Body representatives where there is a vacancy at local level and no local representative has been appointed (with the agreement of the Trade Union/Representative Body).

4.2.1 Fire Authority Members (elected members)

The Fire Authority (FA) members are elected members from WMFS constituent councils and therefore from the local communities we serve. The FA members will select representatives to attend the Joint Consultative Panel (JCP). The JCP provides a forum for the Authority as the employers and the Trade Unions/Representative Bodies to discuss employment issues affecting the whole workforce. Many of the issues discussed relate to creating a culture that both recognises and values the diversity of individual employees in delivering an inclusive service to the community. In addition, the panel endeavours to ensure all employees, irrespective of the roles they undertake, are treated with respect and dignity to enable them to reach their full potential. The facility of an effective JCP will contribute to the Authority's corporate aims.

It is important Fire Authority members are aware of their responsibilities in relation to Employee Relations and follow appropriate Local Government Association Guidance.

The responsibilities for employee relations applicable to all elected members are detailed in appendix 4 and also within appendix 3 - Joint Consultative Panel Terms of Reference.

4.2.2 Strategic Enabling Team (SET)

The Strategic Enabling Team (SET) are committed to the principles outlined in this framework and relevant collective agreements, they take a positive lead in the development and implementation of successful employee communications and consultation. They have nominated the Strategic Enabler - People as the senior manager responsible for ensuring the framework is put into practice, appropriately maintained, regularly reviewed and chains of communication and methods of consultation are clearly understood.

Individually and collectively, SET may meet with the Trade Unions/Representative Bodies where appropriate, to promote, develop and sustain productive and transparent employee relations. However, all Strategic Enablers will ensure they develop an understanding of the agreed consultation and negotiation process and that this is followed by all concerned.

It is important SET members understand their responsibilities to employee relations as defined within this framework and any queries are raised with their People Support Services (PSS) Business Partner or the PSS Manager - Employee Relations.

4.2.3 Managers

Managers play a key role in communications. They are responsible for receiving and passing information on accurately and in a timely manner, facilitating employee's access to information, as well as acting on and issuing instructions and receiving feedback. Ineffective communication by managers can cause inefficiency and disaffection. It is essential line managers and supervisors are not by-passed when information is given to employees. Sometimes it is important Brigade/Strategic managers communicate directly with employees, but they must also keep any middle and line managers informed. It is best to keep chains of communication as short as possible. It is the managers' responsibility to ensure they undertake appropriate training to enable them to lead on consultation and negotiation.

It is important managers understand their responsibilities to Employee Relations as defined within this framework and any queries are raised with their PSS Business Partner who may refer to the Strategic Enabler - People or the PSS Manager - Employee Relations.

4.2.4 People Support Services (PSS)

The Service has a substantial interest in giving information to employees, particularly on terms and conditions of employment. PSS is well placed to identify needs, advise on framework, consider relevant collective agreements and monitor arrangements. The role of the PSS Team is to support and provide guidance to managers on legislation, policy and best practice but it is the managers' responsibility to lead on

the consultation and negotiation process. PSS provides the forum and framework for consultation and negotiation and facilitates the Joint Consultative Committee (JCC) and supports the JCP.

4.3 Trade Union/Representative Body Officials

Trade Union/Representative Body officials represent and are accountable to their membership. They have a responsibility to convey factual information to members and management. Trade Union/Representative Body officials also have responsibilities to communicate with their members and make sure their members' views and opinions are conveyed effectively to management.

Trade Union/Representative Body officials need information to bargain effectively and recognised Trade Unions/Representative Bodies have certain legal rights to information for collective bargaining purposes (see 5.1.3).

Trade Union/Representative Body officials and Representatives also need time off and facilities to enable good communication with their members (see 5.5.3). All methods of communication should be delivered in line with the organisational [Core Values](#).

All Trade Union/Representative Bodies will ensure they develop an understanding of the agreed consultation and negotiation process and that this is followed by all concerned.

4.4 Employees

Employees have a responsibility to make sure their views and opinions reach management through the appropriate channels. This can include one to one's, team /section meetings, meetings with their Trade Union/Representative Body Representative, or other regular or occasional opportunities for employee communication and consultation. Information is a two-way process, flowing between employees and managers. Employees are encouraged to join a recognised Trade Union/Representative Body.

5. PROCEDURES

5.1 Information communication

It may be appropriate at times to send out agreed joint communications.

5.1.1 General information

Managers should give employees information about: -

- **terms and conditions of employment** – includes all contractual details, such as pay, hours of work, holidays, period of notice, disciplinary rules

- **their job and its performance** – includes the workplace, objectives, operating and technical instructions, health and safety, supervision, training and development, equal opportunities, Trade Union/ Representative Body representation
- **the Service's performance, progress and prospects** – includes objectives and policies, financial performance, management and employee changes, developments in technology, return on investment
- **changes** to any of the above

The Service, when requested, should consider providing or making available, information to the Trade Unions/Representative Bodies that would be disclosed under Freedom of Information requests.

Information is shared with Trade Unions/Representative Bodies in line with data protection, which means some information may have personal details removed, although much of the general information is available on MESH and through the Annual Report and The Plan (see 5.3.3).

The Service and PSS provide policy information updates on MESH and social media, together with regular communications to individuals and teams.

Trade Union/Representative Body officials also need information about: -

- time off for Trade Union/Representative Body duties and activities (see 5.5.3)
- access to management, members, potential members
- access for Trade Unions/Representative Bodies to new entrants in works time, on the first day of employment
- collection of Union dues or subscriptions

However, any release of information will be in line with the organisational [Management of Information policy](#) and current data protection regulations.

5.1.2 Information for consultation

The Information and Consultation of Employees Regulations 2004, subject to certain conditions, gives employees the right to be: -

- informed about the Service's economic situation
- informed and consulted about the Service's employment prospects
- informed and consulted about decisions likely to lead to substantial changes in work organisation or contractual relations, including redundancies and transfers

It also states that employers have a legal responsibility to consult with employees, with a view to reaching agreement, on:

- health and safety
- redundancies - if it is proposed to dismiss 20 or more employees at one establishment over a period of 90 days or less, including discussion on avoiding

or reducing redundancies. For information on redundancies see 'Reorganisation, Redeployment and Redundancy policy 2/6

- business transfers - transfer of a business under The Transfer of Undertakings (Protection of Employment) Regulations (TUPE)
- works councils - or equivalent procedure to provide information and consultation for the entire workforce
- occupational pensions - providing employees with information and communication on financial participation and economic awareness about pension schemes and consulting on a regular basis.

More information on the Firefighters Pension Schemes Regulation and Guidance can be found [here](#).

More information about the Local Government Pension Scheme can be found [here](#).

5.1.3 Information for collective bargaining (negotiation or consultation)

The Trade Union and Labour Relations (Consolidation) Act 1992, Sections 181 and 182, imposes a duty on employers who recognise a Trade Union to disclose information requested by a Union Representative for the purposes of collective bargaining. There is no legal obligation for an employer to disclose any specific piece of information but there is a general duty to disclose information in harmony with good employee relations practice. However, the Service will commit to providing information for justified and legitimate requests.

The information must be in the employer's possession and the Trade Union should state as precisely as possible, the information they require and confirm their request in writing. The employer does not have to produce original documents, or information that would contravene security, confidentiality or cause injury, nor does the employer have to go to unreasonable expense. Any refusal to provide information will be clearly explained by the employer. The principles outlined above also apply to Representative Bodies.

Generally, when requested and to facilitate the consultation/negotiation processes, the Service will provide or make available, information to the Trade Unions/Representative Bodies that would be disclosed under Freedom of Information requests.

Providing relevant information helps the process of constructive negotiation and the employer will endeavour to be as open and helpful as possible in giving Trade Unions/Representative Bodies the information they need. Trade Unions/ Representative Bodies should try to co-ordinate requests wherever possible.

If a Trade Union thinks the employer has failed in its duty to provide information, it can complain to the Central Arbitration Committee (CAC). The CAC is an independent body, adjudicating on applications relating to the recognition and de-recognition of Trade Unions.

The types of information for collective bargaining, depend on the subject matter and the issues raised, but some examples are: -

- pay and benefits
- conditions of service
- pensions arrangements
- workforce planning
- number of employees and future recruitment plans
- organisation of work in the workplace
- performance
- Finance

5.2 How we communicate

To be effective, communications between the employer, employees and Trade Unions/Representative Bodies must be: -

- clear, concise, understandable
- objective
- in a manageable form
- regular
- relevant, local and timely
- open to questioning

It is important to remember information needs to be shared and understood. Therefore, it is reasonable for discussions and questioning to take place between managers and employees to ensure understanding.

For more information on communication methods within WMFS, see [Corporate Communications policy](#).

Managers and Trade Union/Representative Body representatives will take responsibility for ensuring necessary and appropriate discussion, consultation or negotiation takes place to foster positive employee relations.

5.3 How we consult and negotiate

Managers will contact a member of the PSS team prior to commencing consultation or negotiations with Trade Unions/Representative Bodies and employees, who will provide the necessary advice and guidance to ensure consistency of approach in line with this framework.

5.3.1 Consultation

The purpose of consultation between the employer, the employees and Trade Union/Representative Body representatives is to reach agreement in a respectful, transparent and timely manner, with recognition of our common interests.

Consultation is an integral part of day-to-day management. It can be through informal discussions with individual employees, to more formalised group meetings or seminars. It should take place at the appropriate level of the Service. For example, if the issue is a corporate matter, it is dealt with at a corporate level.

Consultation starts at the earliest opportunity, involving employees and /Representative Body representatives in the development of new projects or policies, or in the consideration of changes, and before any final decision is made. The employer endeavours to consult widely but at times may only be able to consult with Trade Union/Representative Body representatives because of timescales and the nature of the issue or change.

Consultation is a two-way process and the employer will consider proposals put forward by the Trade Unions/Representative Bodies or employee representative. If there are times when the employer is unable to agree, the reasons will be clearly stated. Both parties shall work jointly to resolve issues identified through the course of consultation. However, in consultation the employer has the right to implement the notified changes, even if agreement from one or more of the Trade Unions/Representative Bodies has not been reached. All consultation responses must be responded to and all reasonable dialogue between the parties and consideration of any referral to external assistance exhausted.

As part of an ongoing stakeholder strategy, building the capacity of our minority stakeholder groups - Inspire (BAME), BEAM, Affinity, FireOut (LGBT+) and Asian Fire Service Association (AFSA), we are looking to give a representative from each stakeholder group the opportunity to attend relevant meetings, or be engaged for consultation purposes as appropriate. The aim of this is to give under-represented groups a voice and greater involvement in the organisation, giving diversity a higher profile, as well as helping stakeholder groups to influence and shape change, ensuring they can have a positive impact.

5.3.2 Negotiation

Negotiation should be used for matters subject to collective agreement between the Fire Service and recognised Trade Unions/Representative Bodies. The objective is to resolve issues jointly. As an outcome of negotiated agreements, individual issues will be dealt with through the grievance procedure. See Grievance Procedure policy 02/02

Issues should be dealt with at the appropriate level, but issues of a corporate nature should be dealt with at corporate level in the first instance (see 5.3.5 and 5.4.3).

5.3.3 Confidentiality

The employer provides all relevant, non-confidential information to Trade Union/Representative Body representatives, so that constructive and meaningful consultation or negotiation can take place. Sometimes confidential, sensitive and non-personal information may be given to Trade Union/Representative Body representatives and

managers to aid consultation or negotiation. Members of the consultation or negotiation group should respect the confidential nature of this information and not share it outside the meeting.

The Service shall apply the same provisions in respect of information provided to WMFS by the Trade Union/Representative Bodies.

All parties recognise current provisions for data protection. Protecting the confidentiality and accuracy of any records in respect of private information is not a barrier to appropriate exchange of information for the purposes of conducting legitimate business activity.

5.3.4 Timescales

All negotiations and consultation will have an appropriate timescale agreed at the beginning and which all parties agree to adhere to. This timescale will only be amended with the agreement of all parties. Requests to amend the timescale should be evidence based, but not unreasonably refused.

Negotiation (see 5.3.2) or consultation (see 5.3.1) will end when there is agreement (negotiation), or when issues not agreed have been reasonably discussed (consultation), working towards reaching an agreement, within the agreed timescale, with joint commitment to resolve from both parties. On safety critical issues, consultation may occur after implementation but the need and rationale for this will be shared.

5.3.5 Collective bargaining

Collective bargaining is the process by which employers and recognised Trade Unions/Representative Bodies seek to reach agreement on issues under negotiation such as pay and terms and conditions of employment. In consultation, the responsibility for decision making remains with the employer, however, the employer will give genuine and meaningful consideration to the views of Trade Unions/Representative Bodies when considering consultation and seek to reach agreement. In collective bargaining both the employer and the Trade Unions/Representative Bodies take responsibility for fulfilling the bargain.

Each party will ensure the other has the requisite information required to address any issue. Additionally, each party will give early notification to the other that an issue has arisen and an extension to a previously agreed timescale may be mutually agreed. Continuous informal dialogue and exchange of information on the relevant issues would be maintained. Whilst a difference remains, and reasonable discussions/resolutions are ongoing and/or third-party assistance is being sought, neither side will seek to take industrial action or introduce change.

WMFS is committed to collective bargaining and understands its responsibilities under Section 145(B) of TULRCA 1992. The Service will not offer inducements, financial or otherwise, to accept changes which are inconsistent with the Grey or Green Book.

5.3.6 Dispute Resolution

Should there be disagreements or concerns, Trade Unions/Representative Bodies wish to raise, these broadly fit into three areas.

5.3.6i Cause for Concern

A Cause for Concern may be raised by the Trade Union/Representative Body should they believe a new or current practice or procedure is not fit for purpose and may have Health and Safety or Equality concerns attached to it.

A Cause for Concern cannot be progressed to JCC before going through the process. To raise a Cause for Concern, see Appendix 6

Progressing to JCC

The Cause for Concern template (available from the JCC Meeting Manager) should be completed in full and forwarded to the PSS Manager - Employee Relations and JCC Meeting Manager to be included at the next JCC meeting.

5.3.6ii Failure to Consult

As identified within the ERF, consultation (see 5.3.1) is an integral part of day to day management and a two-way process. Managers must ensure they undertake meaningful consultation as appropriate. PSS Business Partners can support with this.

If the Trade Union/Representative Body believe appropriate consultation has not taken place, or was not completed, the matter may ultimately be referred to JCP.

However, the consultation process needs to have concluded prior to the referral and the Trade Union/Representative Bodies must clearly demonstrate how they have worked with the Service to try and resolve the dispute prior to the referral. For the process to raise a Failure to Consult, see Appendix 7

Progressing to JCC

The Failure to Consult template (available from the JCC Meeting Manager) should be completed in full and forwarded to the PSS Manager - Employee Relations and JCC Meeting Manager to be included at the next JCC meeting.

5.3.6iii Failure to Agree

As identified within the ERF, negotiation (see 5.3.2) will be used for matters subject to collective bargaining. The Service will therefore, negotiate on matters subject to collective agreement with the recognised local Trade Unions/Representative Bodies.

In the case of negotiation, items may ultimately be referred to the JCP if the JCC or other consultative forums have failed to reach an agreement. However, in doing so,

the Trade Unions/Representative Bodies must clearly demonstrate how they have worked with the Service to try to resolve the dispute, prior to referral to the JCP. For the process to raise a Failure to Agree, see Appendix 8.

Progressing to JCC

The Failure to Agree template (available from the JCC Meeting Manager) should be completed in full and forwarded to the People Support Services Manager - Employee Relations and JCC Meeting Manager to be included at the next JCC meeting.

5.3.7 External Assistance

If one party wishes to bring in external help, such as ACAS, a regional officer of the Trade Union/Representative Body, National Joint Council Joint Secretaries, it must seek the agreement of the other parties, but neither party should unreasonably refuse such a request. Prior to referral to external assistance, internal processes should be fully explored and completed. However, if both/all parties believe the engagement of external assistance would assist to reach a resolution, this should be considered.

5.4 Joint Working

5.4.1 Joint Working Parties (JWP)

Joint working parties (JWP) are ad hoc arrangements, set up to consider specific issues and identify appropriate actions to resolve, for example, attendance rates. These meetings support the Service in its engagement through communication, discussion and consultation. The emphasis is on managers and Trade Union/Representative Body representatives working together, to understand issues and overcome common problems in a non-confrontational way. However, they are not decision-making forums. Once the issue has been considered, recommendations can be made to the JCC.

The size and makeup of the JWP depends on the subject to be discussed but it is important to keep the meetings small. This enables everyone to be fully involved in the discussions and have a representative cross section of the groups directly concerned with the issue, reflecting the Services core values. Sometimes an independent facilitator may be invited to attend, to help the parties work together more productively.

Meetings are usually held more frequently to keep momentum going, so meetings can be held weekly or fortnightly to facilitate progress on the issue.

JWP may include the Trade Unions/Representative Bodies and will form part of the consultation or negotiation processes.

5.4.2 Stakeholder meetings

Stakeholder meetings can be set up as a discussion forum for specific issues, or to encourage the sharing of ideas on Brigade - wide issues. These are not decision-making forums and will not form part of the consultation/negotiation process.

5.4.3 Informal meetings

These can be held between employee representatives and managers, or between employees and Trade Union/Representative Body representatives to discuss local issues as they arise. An informal meeting, which will be recorded as part of the Service consultation process, can take place as and when needed at section or station level so that employee representatives have a facility to raise matters. Managers or employees with knowledge of particular issues may be invited to attend if necessary. It is important the issues from these meetings, though informal, are followed through and communicated to the necessary bodies, and referred to the JCC.

5.4.4 Joint Consultative Committee (JCC)

The JCC is the formal consultative meeting in the Service. It is where new initiatives or amendments to current practices are consulted on and outcomes shared and formally recorded. The role of the JCC is to provide a platform for the sharing of information as part of the consultative process and to sign off information and decisions that have been discussed previously within the Service's consultative mechanisms.

The Committee is made up of representatives of SET, a member of the PSS team as the advisor to the Chair/Committee, Trade Union/Representative Body representatives and advisors called as and when necessary. The Committee meets formally every month. The constitution, which has been negotiated, with a view to reaching an agreement with the Trade Unions/Representative Bodies, lays down the rules and procedures that govern the Committee.

Any new initiative or proposed change to current practice should be consulted through this forum and the business case must include appropriate Equality Impact Assessment, Health and Safety Risk Assessment (HS06) and Privacy Impact Assessment. It is recognised that appropriate matters discussed at the monthly Brigade Health Safety and Wellbeing (BHSW) and JCC need to be reported to the other respective committee.

Once a matter has been formally discussed at JCC and a decision reached to progress, the HS06 may be referred to the BHSW. The BHSW Chair will be responsible for ensuring the specific activity is reviewed, considerations addressed and relayed to a future JCC meeting.

This will be undertaken within a reasonable and jointly agreed pre-determined timescale, ensuring the HS06 remains current and fit for purpose.

The BHSW will consider the health and safety considerations to be addressed, prior to returning to JCC.

If the Trade Union/Representative Body are dissatisfied with issues within the Service, they must raise it with the appropriate line manager. If they do not receive a response, or a solution is not reached, they must then raise the issue through JCC providing the appropriate information (see 5.3.6 i/ii/iii). Only then can issues be referred to JCP, see Appendix 3.

A referral to JCP will be in the format of a joint report, with the business case for both the Trade Union/Representative Body and the Service.

Terms of Reference for JCC can be reviewed at Appendix 5.

5.4.5 Joint Consultative Panel (JCP)

The Joint Consultative Panel (JCP) is the highest consultative body within the Service.

The elected member group of JCP acts as the review body for matters referred to it from the JCC and considers and makes recommendations to the Fire Authority or Service on these matters.

The Terms of Reference for JCP can be reviewed at Appendix 3 or within the Constitution of the West Midlands Fire and Rescue Authority.

5.4.6 Management briefings

These are intended as information giving sessions to the Services managers by SET. Trade Unions/Representative Bodies have an open invite to all management briefings.

5.4.7 Trade Union/Representative Body meetings

Trade Unions/Representative Bodies may arrange meetings with Trade Union/Representative Body members to share information to support and enhance the consultation and negotiation process. The Service will assist in ensuring these meetings can take place. From time to time, managers may request to attend or be invited to attend these meetings in an observer capacity, or to answer any direct questions.

5.5 Trade Union and Representative Bodies facilities

The Service and its recognised Trade Unions/Representative Bodies understand the value of the Service's employees being Trade Union/Representative Body members and the positive role of trade union activities which make membership of a trade union meaningful.

All parties recognise the minimum arrangements afforded by the relevant legislation and guidance in respect of time off for trade union duties and activities and specifically the necessity for trade union engagement in matters of negotiation and consultation.

All parties recognise the importance of trade union duties and activities. WMFS commits to ensure there are sufficient personnel available to allow the release of Trade Union/Representative Body officials and representatives to carry out trade union duties and reasonable release with prior agreement for trade union activities.

The Service's provision for time off to its recognised Trade Union/Representative Bodies is as identified in the Trade Union and Labour Relations (Consolidation) Act 1992. Trade Union officials have a statutory right to reasonable paid time off to carry out trade union duties and to undertake trade union training. They also have a statutory right to reasonable unpaid time off when taking part in trade union activities. As detailed in 5.3 the principles outlined above, also relate to the Representative Bodies.

Trade Union/Representative Body duties must relate to matters covered by collective bargaining agreements between employees and Trade Unions/Representative Bodies and relate to the representative's own employer.

Under the Employment Act 2002, union learning representatives also have the statutory right to take paid time off during working hours to carry out their duties and attend relevant training.

This agreement is in accordance with the ACAS Code of Practice 'Time off for Trade Union Duties and Activities'.

Under the Local Government Transparency Code 2014, the Service is required to publish details relating to trade union facility time on the WMFS web site.

5.5.1 Officials/Representatives

At a Fire Service level, the Trade Unions/Representative Bodies will have officials and representatives who have been elected or appointed in accordance with the rules of the Union.

Officials will be defined as Secretary, Chair and where appropriate Organiser. Representatives will be defined as representatives who sit on the local Trade Union/Representative Body committee.

5.5.2 Misconduct of Officials/Representatives

Disciplinary action against a Trade Union Official or representative can lead to a serious dispute if it is seen as an attack on the union's functions. Normal standards apply but, if disciplinary action is considered, the case should be discussed (after obtaining the employee's agreement) with a senior trade union representative or permanent union official, before any management decisions are made.

This approach is in line with, ACAS: Disciplinary and Grievances Procedure Code of Practice 1, current data protection legislation and relevant conditions of employment.

5.5.3 Officials* and Representatives - Time off provision

* For the purpose of this section (5.5.3), the term 'Officials' refers to Officials and Representatives, in line with the ACAS Code of Practice: Time off for Trade Union Duties and Activities.

A provision for a minimum amount of time off for Trade Unions/Representative Body officials will be considered on an annual basis in line with Appendix 10. Additional facilities time provision for trade union duties will be considered and approved as appropriate, as detailed below.

Where there is no allocation of facilities time awarded to an individual official of the Trade Union/Representative Body, time off for duties will not be unreasonably refused. Responsibilities of both roles should always be considered.

Elected Trade Union Officials are entitled to reasonable time off with pay for undertaking trade union duties and reasonable time during their working hours to conduct recognised trade union activities. The Trade Union Official should request time off, giving a minimum of 7 days' notice, unless exceptional circumstances apply, using the process outlined below. Maintenance of competence in role is a pre-requisite for granting time off. Line managers will consider the request for approval. All time off will be at the exigencies of the Service and operational commitment will always take precedence. Time off will not be made available if it results in critical operational cover being compromised.

The Facilities Request Form is available to Trade Union/Representative Body Officials. Once completed by the individual, the relevant Trade Union/Representative Body and line manager will need to confirm their support. The request will then be considered for endorsement by the PSS Manager - Employee Relations.

Agreed time off for Trade Union/Representative Body duties or activities will be recorded by the SMART team on the organisational Time and Attendance system. Paid time off for carrying out Trade Union/Representative Body activities must be by expressed agreement of the PSS Manager - Employee Relations and will not be unreasonably refused.

5.5.4 Time off for Trade Union/Representative Body duties

Trade Union/Representative Body duties are those related to consultation, negotiations or the performance of functions. An example would be, preparing for negotiations, informing members of progress, explaining outcomes to members, preparing for meetings with the employer, see 5.5.6.

It is recognised that Trade Union/Representative Body officials need to consult with their members before and after meetings with management. Trade Union/Representative Body officials can take reasonable paid time off for duties dealing with negotiations, or for other duties connected with the Service, such as: -

- terms and conditions of employment or physical work conditions, for example, pay, working hours, training needs, equality and diversity
- engagement or non-engagement, the termination or suspension of employment or duties, of one or more workers, for example, redundancy
- allocation of work or duties, for example, job evaluation, flexible working
- discipline or grievance matters, for example, representing members at hearings, acting as a witness
- Trade Union/Representative Body membership, for example, induction of new workers
- negotiation and consultation procedures, for example, joint consultation, communicating with members or other Trade Union/Representative Body officials, collective bargaining
- attendance at meetings arranged by management, for example, Joint Consultative Committee, working parties, Brigade Health Safety and Wellbeing Meeting
- attendance on committees, or meetings agreed by employer and Trade Unions/Representative Bodies. These may include meetings that are outside of the Service
- consultation on facilities for Trade Unions/Representative Bodies and specifically accommodation, equipment and names of new employees to the organisation but excludes consultation on facilities for time off for Trade Union/Representative Body Officials

The process for requesting an annual minimum amount of time is outlined in Appendix 10. Ad hoc facilities time arrangements are outlined in 5.5.3.

This is not an exhaustive list please refer to the PSS Business Partner Team or PSS Manager - Employee Relations.

5.5.5 Time off for Trade Union/Representative Body training

Employees who are Trade Union/Representative Body officials are given paid time off to attend training necessary for their Trade Union/Representative Body duties and role. Examples of the type of training that may be required are: -

- employment relations
- collective bargaining
- representation and negotiation skills
- equality and diversity and legislative change

This is not an exhaustive list.

The training must be approved by the Trades Union Congress (TUC) or the Representative Body of which the employee is an official and have the local official's approval to attend, in line with 5.5.3.

There is no statutory requirement to pay for time off where training is taken at a time when the official would not otherwise have been at work. Employees who work part time and undertake training on their days off, may, following a discussion with their line manager, receive either the appropriate paid overtime or time off in lieu.

It is important Trade Union/Representative Bodies officials maintain a good understanding of the Services approach to employee relations, as defined within this document. Any queries should be raised with the PSS Manager - Employee Relations in the first instance.

5.5.6 Time off for Trade Union/Representative Body activities

The Service will consider and support reasonable release, with prior notice, for trade union activities. The activities of Trade Union/Representative Body members may be, for example: -

- attending workplace meetings to discuss and vote on the outcome of negotiations with the employer
- meeting Trade Union/Representative Body officials to discuss issues relevant to the workplace including those at a regional and national level
- voting in Trade Union/Representative Body elections
- having access to services provided by a Union Learning Representative

Where the member is acting as a representative of a recognised Trade Union/ Representative Body, activities they are taking part in can be: -

- branch, area or regional meetings of the Trade Union/Representative Body where the business of the Trade Union/Representative Body is under discussion
- meeting of official policy making bodies such as the executive committee or annual conference
- meeting with regional officers or local officials to discuss issues relevant to the workplace

Reasonable unpaid time off will be given for Trade Union/Representative Body Officials and members taking part in Trade Union/Representative Body activities in relation to which the employee is acting as a representative of the Trade Union/ Representative Body. This time will be unpaid, however, in exceptional circumstances payment may be considered, see 5.5.3.

There is no right to time off for Trade Union/Representative Body Officials, Representatives and members for trade union activities which themselves consist of industrial action.

5.5.7 Union Learning Representatives (ULR)

Union Learning Representatives (ULR's) are entitled to reasonable time off to carry out the following duties: -

- analysing learning or training needs
- providing information and advice about learning or training matters
- arranging learning or training
- promoting the value of learning or training
- consulting management about undertaking such activities
- preparation to carry out the activities
- undergoing relevant training

ULR's must be sufficiently trained in order to qualify for paid time off. Training should commence when the Trade Union/Representative Body gives notice in writing to management they are to become a learning representative. Training should be completed within six months of that date. The Trade Union/Representative Body should give details of completed training; any previous training will be taken into account.

Reasonable time off is considered for further training to help ULR's develop their skills and competencies. The principles outlined above also apply to Representative Bodies, see 5.5.3.

5.5.8 Health and Safety Representatives

The Service will provide reasonable time off, with pay, to Health and Safety Representatives undertaking health and safety duties in accordance with the Safety Representatives and Safety Committees Regulations and provide necessary facilities and assistance in undertaking their duties. Time off must be requested as outlined 5.5.3. Training of Trade Union/Representative Body Health and Safety Representatives must be approved by the Trades Union Congress or the Trade Union/Representative Body.

The PSS Manager - Employee Relations and the Safety, Health and Environment (SHE) Team must be informed in writing of any such appointment.

It is recognised by the Service that Health and Safety representatives will, from time to time, conduct duties on their days off. In this case, the Health and Safety Representative will receive either the appropriate paid overtime, or time off in lieu.

For further information, please refer to the [Health and Safety Framework](#).

5.5.9 Disciplinary and grievance hearings

Trade Union/Representative Body officials are statutorily entitled to take a reasonable amount of paid time off to prepare and accompany an employee at a disciplinary or grievance hearing, as long as they have been authorised by their Trade Union/Representative Body as being capable of acting as an employee's companion.

The right to time off extends to the employee's representative whether they belong to a recognised Trade Union/Representative Body or not. However, the worker being accompanied must be employed by the Service. Occasionally, Service, regional or

sectional officials have a duty to represent people in other Fire Authorities. The Service recognises this is a reciprocal arrangement with other Services and will give consideration to appropriate arrangements for these occasions, see 5.5.2.

5.5.10 Payment for Time off

An employer who permits union representatives time off for trade union duties, relevant representative training and learning representative training must pay them for this time. There is no statutory requirement to pay time off where duty or training is carried out at a time when the union representative would not otherwise have been at work. Employees who work part time will be entitled to be paid if employees who work full time would be entitled to be paid. In all cases the amount of time off must be reasonable.

There is no statutory requirement that union members or representatives be paid for time off taken on union activities.

5.5.11 Notification of officials

Unless there are exceptional circumstances, within 7 days of a change, a senior official of the Trade Union/Representative Body must inform the PSS Manager – Employee Relations in writing, as soon as possible of appointments or resignations of Trade Union/Representative Body officials.

They should also give details of any special duties the official undertakes, which includes national, regional, sectional, Brigade, borough and branch duties and others as required, such as environmental.

Trade Unions/Representative Bodies should make sure officials are aware of their role, responsibilities and duties and they hold the correct written credentials and receive necessary training promptly.

It is the role of the unions to inform PSS and managers when their employees become elected officials, so they know that time off should be considered when requested.

5.5.12 Physical facilities

It is important that facilities are available to Trade Union/Representative Body representatives to help them carry out their duties and deal with local issues. The Service endeavour to provide the facilities necessary for officials to perform their duties efficiently and communicate effectively.

Where resources permit, these facilities will include: -

- office accommodation for full time official
- access to and reasonable use of a telephone and other office equipment

- the use of notice boards
- reasonable use of e-mail and intranet
- reasonable accommodation to hold consultation meetings with members

The Trade Union/Representative Body can provide their own communications and copying facilities where requested, this must be compatible with current technical systems in place.

The Service reserves the right to monitor levels of usage and will review annually to determine if any changes need to be proposed.

5.5.13 Commitment of officials

Trade Union/Representative Body officials should carry out duties for the benefit of, and within, the Service only. However, it is recognised that on occasions, they will be required to attend area, regional, national, sectional or organisational meetings. Requests to attend such meetings will be duly considered with a view to acceding to all reasonable requests.

The Service will identify a relevant manager for full time Trade Union/Representative Body officials who will be responsible for - sickness reporting, annual leave requests, continuous professional development, appraisal and competency training for their respective roles. Records of planned or actual duties and training should be submitted to the representative's line manager.

Facilities time afforded to a full-time/part time official will be subject to annual review. The Service will determine the criteria for what constitutes a full-time official. Once full-time official's duties have ceased, the employee will be redeployed following appropriate discussions with the individual and in line with [Reorganisation, Redeployment and Redundancy policy](#) or [Managing Vacancies policy](#).

5.5.14 Communication between Trade Unions/Representative Bodies and their members

The ACAS Code of Practice: Time off for Trade Union Duties and Activities, Sections 46 - 49, outlines the general considerations regarding the responsibilities of the employer and Trade Unions/Representative Bodies specifically relating to facilities and communications.

5.5.15 Members of Trade Unions/Representative Bodies

A Trade Union/Representative Body member is an employee who subscribes to a recognised Trade Union/Representative Body.

6. Monitoring and review

It is important to make sure employee communications and consultation policies and procedures are working and to see if there are ways in which they can be improved. Therefore, they should be regularly monitored, particularly to make sure that: -

- those communicating, and consulting know their roles and are aware of the Framework and the NJC protocol on industrial relations
- employees are regularly consulted on matters of interest to them
- information is appropriate and reaches the required audience
- information is accepted and understood
- the policies and procedures bring the desired result
- practice matches policy
- incorporate any changes in legislation

Monitoring and review should also involve employee representatives. A Joint Working Party (JWP) can carry out an audit on communications and consultation.

An audit should consider: -

- how engaged employees are
- level of involvement by members of SET, Brigade managers, elected members and employee representatives
- quality of decision making by managers
- disagreement or disputes and the dialogue undertaken to resolve the issues
- work produced jointly
- lessons learnt
- attendance and turnover levels
- cost effectiveness and Value for Money for all parties involved

7 CROSS REFERENCES

[0105 Management of Information](#)

[0135 Corporate Communications](#)

[0202 Grievance Procedure](#)

[0205 Managing Vacancies](#)

[0224 Re-organisation Redeployment and Redundancy Policy](#)

[1901 Health and Safety Framework](#)

[Freedom of Information Act 2000](#)

[ACAS Code of Practice: Time off for Trade Union Duties and Activities](#)

[The Scheme of Conditions of Service Sixth Edition \(updated 2009\)](#)

[Information and Consultation of Employees Regulations 2004](#)

[NJC CIRCULAR 08/07 – Joint Protocol for Good Industrial Relations in the Fire and Rescue Service](#)

Trade Union and Labour Relations (Consolidation) Act 1992

Transfer of Undertakings (Protection of Employment) Regulations (TUPE)

8. KEY STAKEHOLDERS

Fire Brigades' Union (FBU)

UNISON

Fire Officers' Association (FOA)

Fire Leaders Association (FLA)

Joint Consultative Committee (JCC)

Strategic Enabling Team (SET)

9. EQUALITY IMPACT ASSESSMENT

An Initial Equality Impact Assessment has been carried out which found no adverse impact would be created by the implementation of this framework.

10. RESPONSIBILITY AND REVIEW

10.1 RESPONSIBLE STRATEGIC ENABLING TEAM MEMBER

Strategic Enabler, People

10.2 CREATED/FULLY REVIEWED/AMENDED

Reviewed by PSS Manager - Employee Relations in conjunction with Trade Unions/Representative Bodies February 2019. This framework will be noted at JCP /Authority.

Previous revisions: July 2015

Amended: February 2012

This framework was created by the PSS Manager - Employee Relations in August 2009.

Appendix 1

COLLECTIVE AGREEMENT BETWEEN WEST MIDLANDS FIRE SERVICE AND THE FIRE BRIGADES UNION: INDUS- TRIAL RELATIONS PROCEDURES

This document is a collective agreement between West Midlands Fire Service / West Midlands Fire Authority and the Fire Brigades Union.

While this agreement resolves one of the key issues in the trade dispute registered on 11 April 2018 it is recognised that there are some issues still outstanding, and therefore this agreement does not resolve the trade dispute in its entirety. It is recognised as a significant contribution to an overall resolution.

The elements of this agreement may be incorporated into WMFS policy documents. In any event, in cases of conflict between this agreement and any Service or Authority policy the elements of this agreement will have primacy.

1. CORE PRINCIPLES

Object and scope

The object of this framework is to establish procedures for negotiation and joint consultation between WMFRA and the trade union representatives of those employees covered by the National Joint Council for Local Authority Fire and Rescue Services (NJC) in order to establish relationships and interactions that seek joint solutions and resolve differences. All such employees are covered by the collective agreements reached in accordance with these procedures.

WMFS recognises and encourages trade union membership, both for collective bargaining and to ensure that employees have access to assistance should they encounter difficulties. Accordingly, WMFS will facilitate access for the Fire Brigades Union to new entrants in works time on the first day of employment.

WMFS recognises that as an independent trade union the role and function of the FBU is to enhance and promote the terms and conditions of its members and promote and enhance the service delivery to the public, including and centred upon firefighter and public safety. WMFS recognises that the FBU approach to industrial relations is to seek joint or common interest but where that is not possible that its role is

not to promote or support the objectives of WMFS, notably its IRMP or other strategic plans.

Principles

The principles for Industrial Relations in West Midlands will follow those agreed by the National Joint Council for Local Authority Fire and Rescue Services and provided as appendices 1 (a, b, c) and 2.

2. DEFINITIONS

Employees and employers need to exchange information, views and ideas, discuss problems, consider solutions and look at future developments, but there are differences in the ways this is done, differences between communications, consultation and negotiation through collective bargaining.

Communications is the giving and receiving of information through discussion and instructions. It includes all the information, the channels and the ways it is passed along.

Consultation goes beyond communication and involves managers actively seeking and then taking account of, the views of the employees' representatives before making a decision. Consultation does not remove the right of the employer to manage and make the final decision. However, it obliges them to seek acceptable solutions to problems through a genuine exchange of views and information.

Negotiation is the process by which employers and Trade Unions representatives seek to reach agreement through collective bargaining. The simplest explanation of the difference between consultation and negotiation is that anything which is contractual and therefore lawfully needs the agreement of the individual employee, or their trade union on their behalf, is negotiation. Everything else is consultation.

Collective bargaining is the process by which the Service and recognised Trade Union seek to reach agreement on issues such as pay and terms and conditions of employment.

In consultation the responsibility for decision making remains with the Service, however, the employer will give genuine and thoughtful consideration to the FBU's views when consulting and will give clear feedback on those decisions and the rationale behind them.

In collective bargaining both the employer and the FBU take responsibility for fulfilling the bargain.

This appendix is part of the Collective Agreement between the Service and FBU
**COLLECTIVE AGREEMENT BETWEEN WEST MIDLANDS FIRE SERVICE AND
THE FIRE BRIGADES UNION: INDUSTRIAL RELATIONS PROCEDURES**

Managers are aware of the need to consult and negotiate and this will be undertaken in a timely way providing appropriate information for the purpose. FBU representatives are aware of the need to respond in a timely way and provide relevant information to support their response.

3. PARTIES INVOLVED

WMFS will negotiate or consult with the Fire Brigades Union on all matters which affect its members.

WMFS will discuss with the Fire Brigades Union on all matters which relate to those managerial grades/ roles which its members can be reasonably expected to aspire to hold.

WMFS will not negotiate on matters with trade unions or representative bodies who are not recognised by the Service or are not representatives of the constituent workforce affected. Representatives of non-affected trade union will not be invited or otherwise attend meetings where such matters are under discussion unless the invite is agreed by all parties.

As a normal managerial function, the FBU recognise that WMFS managers will engage with staff on various matters.

However, WMFS will not consult or negotiate directly with the workforce, other than where:

- it is required to do so e.g. in cases of TUPE/redundancy
- it is jointly agreed as appropriate for specific issues

The FBU recognises that WMFS may consult with whomsoever it chooses. In turn WMFS recognises that consultation and negotiation in the context of industrial relations is a matter between independent trade unions and an employer. Accordingly, no other parties or interest groups will be invited by either party into meetings or forums where the main or sole business is for the purpose of conducting industrial relations without prior agreement of the other party.

The Service will engage with Regional FBU representatives where there is a vacancy at local level and no local representative has been appointed (with the agreement of the FBU).

3.1 Fire Authority Members

The Fire Authority (FA) members are elected members from WMFS constituent councils and therefore from the local communities we serve. The FA members will select representatives to attend The Joint Consultative Panel (JCP). The JCP provides a forum for

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the Authority, as the employers, and the FBU to discuss issues. Many of the issues discussed relate to creating a culture that both recognises and values the diversity of individual employees in delivering an inclusive service to the community. In addition, the panel endeavours to ensure that all employees, irrespective of the roles they undertake, are treated with respect and dignity to enable them to reach their full potential.

3.2 WMFS

WMFS will ensure that managers are committed to the principles outlined in this Collective Agreement and take a positive lead on the implementation of this Industrial Relations agreement. The lead manager is responsible for making sure that the Employee Relations Framework is put into practice, properly maintained, regularly reviewed and that the chains of communication and methods of consultation are clearly understood. The lead manager or their delegated representative will therefore chair the Joint WMFS/FBU forum.

Where appropriate and where previously notified to the FBU, WMFS may delegate to authorised management representatives who individually and collectively may meet with the FBU to promote, develop and sustain productive and transparent policies and activities related to specific delegated issues. Such management representatives will ensure that the agreed consultation and negotiation process is followed by all concerned.

WMFS will ensure that such management representatives understand their responsibilities in respect of the Industrial Relations agreement and ensure that any queries or uncertainty is raised with the lead manager or their delegated representative.

3.3 FBU Officials/Representatives

WMFS fully recognises that FBU officials need information to bargain effectively and that the FBU as a recognised trade union of the Service has legal rights to information for collective bargaining purposes. WMFS also recognise that FBU officials/representatives also need time off and facilities to enable good communication with their members.

At fire service level, the FBU has officials and representatives. For the purposes of this agreement, FBU officials are defined as Brigade Secretary, Brigade Chair and Brigade Organiser. FBU representatives are defined as the other representatives on the brigade committee.

4. INFORMATION AND COMMUNICATION

4.1 Information for collective bargaining (negotiation or consultation)

The Trade Union and Labour Relations (Consolidation) Act 1992, Sections 181 and 182, imposes a duty on WMFS, as an employer which recognises a trade union, to disclose information requested by a Trade Union representative for the purposes of collective bargaining.

As part of information to support collective bargaining, WMFS will commit to providing information for justified and legitimate requests.

The types of information for collective bargaining depend on the subject matter and the issues raised. Information to be provided will be that requested or required by the FBU supplemented by any information identified by WMFS as being relevant or helpful. The type of matter which shall form the basis of collective bargaining between WMFS and the FBU shall include:

- pay and benefits;
- attending formal meetings in connection with the occupational pension scheme(s)
- conditions of service;
- workforce planning;
- the number of employees and future recruitment plans;
- organisation of work in the workplace;
- performance;
- finance.

It is recognised that if the FBU believes that WMFS has failed in its duty to provide information, it can complain to the Central Arbitration Committee (CAC). The CAC is an independent body adjudicating on applications relating to the recognition and de-recognition of Trade Unions.

4.2 Consultation and negotiation

FBU welcomes WMFS assurance that it will ensure managers are trained and will jointly participate in training and awareness of responsibilities.

WMFS will ensure that managers are aware of their responsibilities and will receive training in relation to consultation and negotiation.

Managers will contact a member of the People Support Services team prior to commencing consultation or negotiations with the FBU, to provide the necessary advice and guidance to ensure consistency of approach in line with this agreement.

4.2.1 Consultation

The purpose of consultation between WMFS and the FBU is to reach agreement in a respectful, transparent and timely manner with recognition of common interests.

Consultation will start at the earliest opportunity, involving FBU representatives

in the development of new projects or policies or in the consideration of changes, and before any final decision is made.

Consultation is a two-way process and the WMFS will consider proposals that have been put forward by FBU representatives, in a timely way. If there are times when the WMFS is unable to agree, the reasons will be clearly stated. Both parties shall work jointly to resolve issues identified through the course of consultation. However, in consultation WMFS can lawfully implement the notified changes even if agreement from the FBU has not been reached but all consultation responses must be responded to and all reasonable dialogue between the parties, and consideration of any referral to external assistance should be exhausted.

Both sides recognise that consultation is a dialogue. It is not simply a process of a proposal being made, views being sought, and those views being responded to. It is the responsibility of both sides for this dialogue to be constructive.

4.2.2 Negotiation

Negotiation should be used for matters subject to collective agreement between the WMFS and the FBU. The objective is to resolve issues jointly. Purely individual issues will be dealt with through the grievance procedure

4.2.3 Confidentiality

Members of the consultation or negotiation group will respect the confidential aspects of this information and will not share it inappropriately. The same provisions shall apply in respect of information provided to WMFS by the FBU.

Both parties recognise the current provisions of the Data Protection Act 2018 and future amendments as appropriate, as protecting the confidentiality and accuracy of any records in respect of private information and that it is not a barrier to appropriate exchange of information for the purposes of conducting legitimate business activity.

4.2.4 Timescales

All consultations and negotiations will have an appropriate timescale agreed at the beginning and to which all parties agree to adhere. This time line will only be amended by the agreement of all parties. Requests to amend the timeline should be evidence based, but not unreasonably refused. Consultation or negotiations will end

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when there is agreement or when the issues not agreed have been reasonably discussed, working towards reaching an agreement, within the agreed timeframe, with joint commitment to resolve from both parties.

4.2.5 Collective bargaining

Collective bargaining is the process by which WMFS and the FBU seek to reach agreement on issues under negotiation. In consultation the responsibility for decision making remains with the employer, however, WMFS will give genuine and meaningful consideration to the views of the FBU when considering consultation and will seek to reach agreement. In collective bargaining both the employer and the FBU take responsibility for fulfilling the bargain.

WMFS and the FBU will ensure that the other has the requisite information they need to address any issue. Additionally, each party will give early notification to the other party that an issue has arisen, and extensions to the time frame may be required. Both parties will continue to maintain a continuous informal dialogue and exchange of information on the relevant issues. Whilst a difference remains, and reasonable discussions/resolutions are ongoing and/or third-party assistance is being sought, neither side will seek to take industrial action, nor introduce change.

WMFS is committed to collective bargaining and understands its responsibilities under Section 145(B) of TULRCA 1992.

4.2.6 External Assistance

In accordance with the NJC agreements if one party wishes to seek third party assistance it must seek the agreement of the other parties, but no party should unreasonably refuse such a request. Prior to referral to external assistance internal processes should be fully explored and completed. However, if both/all parties believe the engagement of external assistance would assist to reach a resolution this should be considered.

4.2.7 Joint working parties (JWP)

Joint working parties (JWP) are ad hoc arrangements, set up to consider specific issues and identify appropriate actions to resolve, for example, attendance rates. These meetings support the Service in its engagement through communication, discussion and consultation. The emphasis is on managers and FBU representatives working together to understand issues and overcome common problems in a non-confrontational way. However, they are not decision-making forums. Once the issue has been considered recommendations can be made to the joint WMFS/FBU forum.

The size and make-up of the JWP depends on the subject to be discussed, but it is important to keep the meetings small, so that everyone can be fully involved in the discussions and have a representative cross section of the groups directly con-

cerned with the issue, reflecting the Services core values. Sometimes an independent facilitator may be invited to attend to help the parties work together more productively.

4.2.8 Stakeholder meetings

On certain matters both sides can jointly agree that there is value in stakeholder meetings. Stakeholder meetings can be set up as a discussion forum to discuss specific issues or to encourage the sharing of ideas on Service-wide issues. These are not decision-making forums and will not be a substitute for the consultation/negotiation processes.

4.2.9 Informal meetings

These can be held between managers and FBU representatives, to discuss local issues as they arise. An informal meeting can take place as and when needed at section or station level so that FBU representatives have a facility to raise matters. Managers or employees with knowledge of particular issues may be invited to attend if necessary. It is important that the issues from these meetings, though informal, are followed through and communicated to the necessary bodies, and referred to the joint WMFS/FBU forum.

4.2.10 Joint WMFS/FBU forum

The joint WMFS/FBU forum is the formal consultative and negotiating meeting in the Service for matters involving industrial relations. It is where new initiatives or amendments to current practices are consulted on and outcomes shared and formally recorded. The role of the joint WMFS/FBU forum is to sign off information and decisions that have been discussed previously within the Service's consultative mechanisms.

It is recognised that appropriate matters discussed at the JHSC and the WMFS/FBU Forum need to be reported to the other respective committee.

Prior to a matter being formally agreed at the WMFS/FBU forum the Risk Impact Assessment should be completed and shared with the FBU for information. A negotiable matter which is not agreed, or a consultative matter which is the subject of disagreement at the WMFS/FBU forum will not be pursued via the health and safety committee unless jointly agreed with the FBU.

Relationship between the WMFS/FBU forum and the JHSC

Once a matter has been formally agreed at the joint WMFS/FBU forum, it will be reviewed at the Health and Safety Committee within an appropriate, reasonable and jointly agreed pre-determined schedule for full consultation including ensuring that the RIA remains current, up to date and fit for purpose. The Health and Safety Committee Chair will be responsible for ensuring that activities are reviewed, and considerations addressed. It should then be passed to the JHSC for health and safety con-

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siderations to be addressed. Any new initiative or proposed change to current practice must be consulted through this forum and the business case must include Equality Impact Assessment and Risk Impact Assessment. The WMFS/FBU Forum is chaired by the lead manager or nominated representative and the management side is made up of representatives of SET and a member of the People Support Services team to act as the IR advisor to the Chair/Forum. FBU representatives, may seek agreement from the Forum and may invite advisors as and when necessary to support the consultative machinery. The forum shall meet formally every month. The constitution, which has been negotiated with a view to reaching an agreement with the FBU, lays down the rules and procedures that govern the forum.

4.2.11 Failure to Agree

Both parties agree that the current locally agreed arrangements will continue to apply.

4.2.12 Joint Consultative Panel (JCP)

The Joint Consultative Panel (JCP) is the highest consultative body within the Service. The elected member group of JCP acts as the review body for matters referred to it from the joint WMFS/FBU forum and considers and makes recommendations to the Authority or Service on these matters. The Terms of Reference for this meeting can be reviewed at Appendix 3 of this document.

In the event of the JCP being unable to conclude an agreement within this framework, any party may propose that it be referred for conciliation, mediation or arbitration.

If one party wishes to seek third party assistance, in accordance with the NJC agreements, it must seek the agreement of the other parties, but no party should unreasonably refuse such as request. Prior to referral to external assistance internal processes should be fully explored and completed. All parties agree not to unreasonably refuse a request from another party to the question for third party conciliation.

4.2.13 Management briefings

These are intended as information giving sessions to the Service's managers by SET. The FBU has an open invite to all management briefings.

4.2.14 FBU meetings

The FBU may arrange meetings with its members to share information to support and enhance the consultation and negotiation process. Aligned to this WMFS shall assist in ensuring that these meetings can take place.

5. FACILITIES FOR FBU REPRESENTATIVES

Both parties recognise the value of the Service's employees being trade union members and the positive role of trade union activities which make membership of a trade union meaningful. Both parties acknowledge the impact of a duty system and that the nature of the work of the Service is such that its employees are not released from work whilst on duty for their meal and other breaks.

Both parties recognise the minimum arrangements afforded by the relevant legislation and guidance in respect of time off for trade union duties and activities. Both parties recognise the necessity for trade union engagement in matters of negotiation and consultation.

Both parties recognise the importance of trade union duties and activities. WMFS commits to ensure that there are sufficient personnel available to allow the release of FBU officials and representatives to carry out trade union duties and reasonable release with prior agreement for trade union activities.

The FBU will jointly participate in an assessment of forecasted facilities time based on, but not confined to, the list below:

- Time for on-duty FBU members to attend FBU meetings at their workplace; and
- Reasonable paid time off for
- FBU representatives to meet with FBU members at their workplace
- FBU representatives to attend meetings at local, regional and national level
- FBU representatives to attend FBU national conferences
- FBU representatives to attend FBU training events
- FBU representatives to meet with regional and/or national FBU officials

This shall be in addition to paid time off to carry out trade union duties.

6. OFFICIALS

6.1 Misconduct of Officials

If disciplinary action is considered against FBU representatives, the case should be discussed, after obtaining the employee's agreement, with a senior trade union representative or permanent union official at the earliest opportunity and before any management decisions are made.

6.2 Time off for FBU duties

FBU duties are those related to consultation, negotiations or the performance of functions, for example, to prepare for negotiations, inform members of progress, explain outcomes to members, to prepare for meetings with WMFS.

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It is recognised that FBU officials need to consult with their members before and after meetings with management.

FBU officials can take reasonable paid time off for duties dealing with negotiations, or for other duties connected with the Service, such as:

- terms and conditions of employment or physical work conditions, for example, pay, working hours, training needs, equality and diversity;
- engagement or non-engagement, the termination or suspension of employment or duties, of one or more workers, for example, redundancy;
- allocation of work or duties, for example, job evaluation, flexible working;
- discipline or grievance matters, for example, representing members at hearings, acting as a witness;
- FBU membership, for example, induction of new workers;
- negotiation and consultation procedures, for example, joint consultation, communicating with members or other FBU officials, collective bargaining;
- attendance at meetings arranged by management, for example, joint WMFS/FBU forum, working parties, Brigade Health Safety and Wellbeing Meeting including side meetings;
- attend committees, or meetings agreed by employer and the FBU. These may include meetings that are outside of the Service; and
-
- Consultation on facilities for the FBU and specifically accommodation, equipment and names of new employees to the organisation but excludes consultation on facilities for time off for FBU Officials.

6.3 Time off for FBU training

FBU officials will be given, paid time off to attend training that is necessary for their FBU duties and role as union officials. Examples of the type of training that may be required are: employment relations; collective bargaining; representation and negotiation skills; equality and diversity and legislative change (this is not an exhaustive list). The training must be approved by the Trades Union Congress (TUC) or the FBU.

6.4 Facilities and time off for FBU members

The activities of an FBU member can be, for example:

- attending workplace meetings to discuss and vote on the outcome of negotiations with the employer;
- meeting FBU officials to discuss issues relevant to the workplace;
- voting in FBU elections; and
- Having access to services provided by a Union Learning representative.

6.5 Union learning representatives

Union learning representatives are entitled to reasonable time off to carry out the following duties:

- analysing learning or training needs;
- providing information and advice about learning or training matters;
- arranging learning or training;
- promoting the value of learning or training;
- consulting management about undertaking such activities;
- preparation to carry out the activities; and
- undergoing relevant training.

Union learning representatives must be sufficiently trained in order to qualify for paid time off. Training should commence when the FBU gives notice in writing to management that they are to become a learning representative. Other than where there are extenuating circumstances, training should be completed within six months of that date. The FBU shall provide appropriate details of completed training; any previous training will be taken into account.

Reasonable time off is considered for further training to help Union learning representatives develop their skills and competencies.

6.6 Health and safety representatives

The Service will provide reasonable time off that is necessary with pay to health and safety representatives undertaking health and safety duties in accordance with the safety representatives and Safety Committees Regulations and provide necessary facilities and assistance in undertaking their duties. Time off must be requested by the relevant FBU official via line management. Training of FBU safety representatives must be approved by the Trades Union Congress or the FBU.

It is recognised by the Service that health and safety representatives will, from time to time, conduct duties on their days off. In this case, the health and safety representative will receive either the appropriate paid overtime or time off in lieu.

These matters will be expanded upon in the Collective Agreement in respect of Health and Safety arrangements.

6.7 Disciplinary and grievance process and hearings

FBU officials are statutorily entitled to take a reasonable amount of paid time off to prepare and accompany an employee at a disciplinary or grievance hearing, as long as they have been authorised by the FBU as being capable of acting as an employee's companion.

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The right to time off extends to the employee's representative whether they belong to the FBU or not. However, the worker being accompanied should normally be employed by the Service. Occasionally, Service, regional or sectional officials have a duty to represent people in other Fire Authorities. The Service recognises that this is a reciprocal arrangement with other Services and will give consideration to appropriate arrangements for these occasions.

6.8 Notification of officials

Unless there are exceptional circumstances, within 7 days of the change, a senior official from the FBU (from within the Service or the FBU region or national union) will inform the People Support Services Manager, in writing, as soon as possible of appointments or resignations of FBU officials. They should also give details of any special duties that the official undertakes, which includes national, regional, sectional, Brigade, borough and branch duties and others as required, such as environmental.

The FBU should make sure that officials are aware of their role, responsibilities and duties, that they hold the correct written credentials and receive necessary training promptly.

It is the role of the unions to inform People Support Services and managers when their employees become elected officials, so they know that time off should be considered when requested.

6.9 Physical facilities

It is important that facilities are available to FBU representatives to help them carry out their duties and deal with local issues. The Service endeavour to provide the facilities necessary for officials to perform their duties efficiently and communicate effectively. Where resources permit, these facilities will include:

- office accommodation for full time officials;
- access to and reasonable use of a telephone and other office equipment;
- the use of notice boards; and
- reasonable use of e-mail and intranet
- reasonable accommodation to hold consultation meetings with members

The FBU can provide their own communications and copying facilities where requested, this has to be compatible with current technical systems in place.

The Service reserves the right to monitor levels of usage and will review annually to determine if any changes need to be proposed.

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6.10 Commitments of officials

It is recognised that, on occasions, FBU officials will be required to attend area, regional, national, sectional or organisational meetings. Requests to attend such meetings will be duly considered with a view to acceding to all reasonable requests.

WMFS will identify the representative's relevant manager responsible for the day to day line management of full-time officials for example sickness reporting, annual leave requests, continuous professional development, appraisal and competency training for their respective jobs.

Facilities time afforded to a full time/part time official will be subject to review. Once full time Officials duties have ceased the employee will be redeployed following appropriate discussion with the individual.

Signed:

	
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Name	Phil Loach	Name	Andy Dark
Role	Chief Fire Officer	Role	Assistant General Secretary
Organisation	West Midlands Fire Service	Organisation	Fire Brigades Union
Date	21/9/18	Date	21/9/18

Appendix 1a

A JOINT PROTOCOL FOR GOOD INDUSTRIAL RELATIONS IN THE FIRE AND RESCUE SERVICE

The National Joint Council (NJC) recognises that Fire and Rescue Service managers and trade union representatives must work together for the benefit of the service, its employees, and local communities. To this end the principles below will apply both at national and local level.

Principles

- Joint commitment to the success of the Organisation
- Joint recognition of each other's legitimate interests and responsibilities
- Joint focus on the quality of working life
- Joint commitment to operating in a transparent manner
- Joint commitment to continuously improve industrial relations
- Joint commitment to reaching agreement within appropriate timescales
- Joint commitment to ongoing dialogue and exchange of views including face-to-face meetings
- Joint commitment to a 'no surprises' culture

In support of the above principle's employer representatives will:

- Engage trade union representatives early in consultation/negotiation (as appropriate) on issues which have workforce implications
- Share full and appropriate, and timely information e.g. on finance and employment matters to trade union representatives in order to enable effective consultation or negotiation to take place
- Take on board trade union views, providing full and frank feedback on how that process has influenced their subsequent position
- Put in place reasonable trade union facilities in accordance with statutory requirements and ACAS good practice guidance in order to support this inclusive approach

Trade union representatives will:

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- Take an active and constructive part in discussion at an early stage to facilitate reaching agreement within the appropriate timescale
- Provide a considered response to proposals, including alternative options, in accordance with a locally developed timescale or those contained in the national model procedures, as appropriate
- Share with managers relevant and appropriate information to assist discussions

All parties:

- Recognise their common interests and joint purpose in furthering the aims and objectives of the Organisation and in achieving reasonable solutions
- Will behave respectfully towards each other at all times
- Accept the need for joint consultation or negotiation in securing their objectives
- Will identify at the outset the appropriate timescale for discussion
- Respect the confidential nature of the, at times, sensitive information exchanged
- Actively work together to build trust and a mutual respect for each other's roles and responsibilities
- Ensure openness, honesty and transparency in communications
- Provide top level commitment to the principles outlined in this protocol
- Take a positive and constructive approach to industrial relations
- Commit to early discussion of emerging issues and to maintaining dialogue in order to ensure a 'no surprises' culture
- Commit to ensuring high quality outcomes
- Where appropriate, seek to agree public positions

Consultation and Negotiation

To assist all parties at local level, the NJC has already agreed model consultation and negotiation procedures which are contained in the Scheme of Conditions of Service (Grey Book) that promote joint solution seeking. Both procedures contain principles which all parties have agreed to adhere to. In the case of the consultation procedure parties at local level have agreed to identify and work within an appropriate timescale. In the case of the negotiation procedure timescales are set out which

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should be adhered to in order to ensure timely resolution. This is equally the case where alternative timescales have been jointly agreed at local level.

Both model procedures contain definitions of the circumstances in which they are to be used. In the case of consultation, matters shall be those that do not require collective agreement. In the case of negotiation, matters shall be those that do.

The simplest explanation of the difference between consultation and negotiation is that anything which is contractual and therefore needs the agreement of the individual employee or their trade union on their behalf is negotiation. Everything else is consultation.

The standard issues referred to in a person's contract are matters which require agreement to change and are therefore negotiable. Basically, this covers remuneration, hours of work, leave entitlements and any other conditions of service. It may also cover local policies and procedures not specified within the Scheme of Conditions of Service (Grey Book), or NJC circulars, where they are within the individual's contract and the contract does not provide that the employer has the right to amend them from time to time without agreement. It may also include local practices that are not contained within an individual's contract but may be implied contractual terms. Everything else is consultation.

Both processes should be conducted with a view to reaching agreement and therefore should include an opportunity to consider alternative approaches to an issue. Where agreement cannot be reached both parties will consider further options but in doing so commit to taking unilateral action only as a means of last resort i.e. industrial action or imposition of change.

Both processes allow for joint agreement to external assistance should that prove necessary. Local parties are reminded of the benefit of such assistance and the joint commitment in the Grey Book to not unreasonably refuse such assistance. Such involvement must also be carried out in a timely manner with both parties committed to ensuring this is the case.

NJC assistance to local parties

The NJC Joint Secretaries clearly have a role in assisting dispute resolution at local level. Such issues need to be jointly referred, in writing, and the parties locally will need to demonstrate that consultation or negotiation processes have been exhausted at local level. The joint letter shall:

- Be agreed and signed by both local parties
- Contain a joint summary of the issue on which agreement has not been reached, evidence of discussion to date including the original proposal and any amendment made as a result of joint discussion at local level.

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- Contain a concise statement from each party summarising their respective position (this does not preclude each party subsequently providing unilateral briefings to their own Joint Secretary). When requested to assist the Joint Secretaries will expect their respective parties to:
- Commit fully and with good intent to the process, maintaining an open mind, and whenever possible both parties present should have the authority to reach agreement.
- Ensure they are available for meetings, if and when required
- Respect the confidential nature of matters under discussion through the Joint Secretaries process

The NJC can also provide specific assistance in the form of the Technical Advisory Panel and the Resolution Advisory Panel, as appropriate. Both processes are contained in the Scheme of Conditions of Service (Grey Book). Where a matter is referred through either process all parties shall commit fully and with good intent to the process, ensuring they maintain an open mind, are available for meetings, and whenever possible both parties present should have the authority to reach an agreement.

Conclusion

All of the principles and commitments above are intended to encourage and support a joint approach to maintaining and improving upon good industrial relations within the fire and rescue service as a whole.

It is recognised that all parties have their part to play in ensuring that outcome is achieved.

Appendix 1b

C - LOCAL CONSULTATION AND NEGOTIATION MODEL CONSULTATION AND NEGOTIATION PROCEDURES

Context

These procedures are intended to establish relationships and interactions that promote joint solution seeking to resolve differences between management and recognised trade unions that may arise from time to time.

CONSULTATION PROCEDURE

1. This procedure shall be used for matters that do not require collective agreement and should cover at least those issues described in the European Union Information and Consultation Directive and the arrangements for consultation should as a minimum follow the United Kingdom Regulations fall-back provisions.

Commencement

2. Consultation shall commence at the earliest opportunity and shall take place prior to final decisions having been taken. As far as practicable, all relevant, non-confidential, information will be made available to the recognised trade unions to enable meaningful consultation to take place.

3. Consultation will take place at the level in the organisation affected by the issues in question. Matters of a corporate nature will be dealt with corporately.

Purpose

4. Consultation between the fire and rescue authority and recognised trade unions shall be conducted with a view to reaching agreement. To this end the authority shall give consideration to all issues raised with them and will give reasons when it is unable to agree to any proposals put forward by the recognised trade unions.

5. The parties shall work jointly to resolve issues identified in the course of consultation and ensure that consultation is carried out effectively.

Conclusion

6. Consultation will be concluded at the point either when there is agreement or when the issues not agreed have been fully responded to. All parties agree to adhere to any prearranged timetable for completion of discussions.

Third party assistance

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7. Where one party considers that external assistance may be beneficial it may seek the agreement of all other parties to this approach. No party would unreasonably refuse a request.

NEGOTIATION PROCEDURE 1. This procedure shall be used for all matters that are the subject of collective negotiation and agreement between the fire and rescue authority and recognised trade unions. The objective of the procedure is to resolve issues jointly. Individual issues should be dealt with through the grievance procedure.

Application

2. Issues shall be dealt with at the appropriate level, but issues of a corporate nature should be dealt with at the corporate level in the first instance.

3. Any issue should be able to be pursued to a corporate level for resolution.

4. All parties should have the requisite information needed to deal with any issue.

5. All parties will use their best endeavours to ensure compliance with the timetables set out in the procedure unless otherwise jointly agreed.

6. Notwithstanding these formal procedures each party should give early notification to the other party that an issue has arisen and maintain a continuous informal dialogue and exchange of information on relevant issues.

7. External assistance may be used to facilitate the negotiating process where the parties agree that this would be helpful. Stage 1

8. Other than for issues that arise initially at corporate level, the fire authority and/or recognised trade unions shall notify the other party of an issue that has arisen which falls within the purview of this procedure.

9. Where requested a meeting shall be arranged within ten working days to deal with the issue(s). As far as practicable any supporting information will be made available to all parties prior to the meeting taking place.

10. If no solution is found within ten working days the parties shall decide whether or not to continue discussion at this stage, refer to the next stage or end the discussion. Any party may refer the matter under negotiation to the next stage.

Stage 2

11. The fire and rescue authority and/or recognised trade unions shall notify the other parties of an issue of a corporate nature which comes within the purview of this procedure or which has been referred from a previous stage in this procedure.

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12. Where requested, a negotiating meeting at a level appropriate to the issue shall be arranged within ten working days to deal with the issue(s) raised. As far as practicable all parties will be provided with relevant information prior to the meeting taking place.

13. If no solution is found within ten working days of the meeting the parties shall decide whether or not to continue or conclude the discussion.

14. Where one party considers that external assistance may assist in resolving an issue at corporate level it may request the agreement of the other parties to this approach, and no party will unreasonably withhold agreement to such a request. Such a request shall be made within five working days of completion of discussion at the corporate stage.

15. In such circumstances the parties may jointly agree to refer the issue to:

(1) the NJC Joint Secretaries; and/or

(2) ACAS; and/or

(3) the NJC Resolution Advisory Panel (which shall comprise an Independent Chair and the Joint Secretaries

to assist the parties further with their negotiations.

16. The above should be completed within twenty working days of the request for external assistance being made.

Arbitration

17. If a difference remains unresolved, subject to agreement of the parties and agreed terms of reference, an issue may be referred to ACAS (in Northern Ireland, the Labour Relations Agency) for settlement by arbitration.

General

18. While an issue is subject to discussion/resolution under this negotiating procedure neither side will seek to take any collective action or introduce change.

19. Any difference over the application of paragraph 18 will be resolved by reference to the Independent Chair of the Resolution Advisory Panel. Submissions and the decision will be by correspondence and will be completed within ten working days of the reference being made.

Appendix 1c

West Midlands Joint Consultative Panel Terms of Reference

The Panel shall be called the 'West Midlands Fire Service Joint Consultative Panel' (JCP)

1. REPRESENTATION

The Panel shall comprise of elected members of the West Midlands Fire and Rescue Authority and recognised elected officials of the Trade Unions/Representative Bodies as follows:

JCP

5 employers and

5 on the employee side

As the largest representative trade union by far, the FBU contingent shall form the majority party on the employees' side.

All elected (fire authority) members shall retire annually and shall be eligible for reappointment.

The attendance of additional persons by invitation in an advisory capacity only shall be permitted provided that prior agreement is obtained from both sides represented on the Panel.

If a member of the Panel ceases to be a member or an employee of the Service, he or she shall immediately cease to be a member of the Panel. Any vacancy amongst the employers shall be filled by the Authority. Any vacancy amongst the employees shall be filled by the employee organisation concerned.

2. MEETINGS OF THE PANEL

The Clerk or their representative shall act as secretary to the Panel and be responsible for issuing the calling notices for all meetings and the minutes.

The Clerk shall liaise with the representative from People Support Services on the compilation of the agenda. The People Support Services Manager will consult with the Employees representatives or their representative with regard to the business to be raised.

3. CHAIR

The Chair and Vice Chair of the JCP meeting will be appointed by the Authority. In the absence of the Chair and Vice Chair, a Chair for the Meeting shall be elected by the Employers from amongst the elected members.

4. OFFICERS

The Clerk, Treasurer and Chief Fire Officer shall be entitled to attend all meetings of the Panel and shall be allowed to nominate any officers to attend as may be appropriate to the business to be discussed.

5. FUNCTIONS

The functions of the Panel shall be:

To establish regular methods of consultation between the Authority and its employees and to consider and make recommendations to the Authority or the Chief Fire Officer as appropriate on any problems which may arise.

To consider, and elected members of the panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on any relevant matter referred to it by the Service or by the relevant employee organisations.

To consider, and elected members of the panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on the application of the terms and conditions of service for employees.

To consider, and elected members of the panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on matters referred to it by the Joint Consultative Committee, including failure to consult and failure to agree as defined in the constitution of the joint WMFS/FBU committee for industrial relations.

To discharge such other functions as are specifically assigned to it.

In appropriate circumstances, to refer any question coming before it to the National Joint Council for consideration and advice where such action is deemed advisable; to inform the National Joint Council or any other appropriate body concerned of any recommendations of the Panel which appear to be of more

than local interest provided that any such action shall be by way of a recommendation to the Authority or the Chief Fire Officer, as appropriate, Prior to its submission.

The panel shall operate within approved Authority policy and in accordance with the overall aims and objectives of the Authority, including the Employee Relations Framework, NJC Protocol for good industrial relations and elected members code of conduct. The Panel shall not take any action inconsistent with the decisions of any national or regional negotiating body or committee dealing with conditions or service of employees of the Authority.

6. RULES AND REGULATIONS

That the Joint Consultative Panel (JCP) agenda items are reviewed by the Chair of the Joint Consultative Panel in consultation with the SET Member, People or their representative prior to finalising the agenda.

That the Elected Member group of the Joint Consultative Panel (JCP), after due consideration, make recommendations back to the Service or the Fire Authority as appropriate.

Provision for four Panel meetings per year shall be made by the Authority. Special meetings shall only be called with the prior approval of the Chair and Vice-Chair and the lead representative of the employee organisation(s) involved.

The matters to be discussed at any meeting of the Panel shall be included in the agenda for the meeting. No other matters shall be raised.

The quorum of the Panel shall be one third of the total number of representatives appointed by each side subject to each Trade Union/Representative Body, that has locally appointed representatives, being represented, however, where the Panel is considering business relating specifically to one Trade Union/Representative Body, the quorum of the employees' side shall be one third of the total number of representatives appointed by each side, with no requirement for each Trade Union/ Representative Body to be represented, provided that the relevant Trade Union/ Representative Body is represented.

In the event of:

- (a) The Panel being unable to arrive at an agreement; or
- (b) The Authority or the Chief Fire Officer, as appropriate, disagreeing with the recommendations of the Panel;

The matters in dispute shall be referred to:

- (a) The National Joint Council Joint Secretaries and/or

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- (b) ACAS and/or
- (c) The National Joint Council Technical Advisory Panel

The panel is a discussion forum with a view to reaching a consensus. It will support and govern the principles set down in the 'Working Together' A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service document.

All sides to the Panel accept that agreements, reached by them shall be binding in honour only, all parties expressly agreeing that joint decisions as to recommendations are not intended to constitute legally enforceable agreements between them until such recommendations are approved by the Authority or Chief Fire Officer as appropriate.

All parties agree, nevertheless, to use their best endeavours to ensure that the spirit and intention of the agreements on recommendations reached at meetings of the Panel are honoured at all times.

The notes of the Panel shall be submitted to the Authority.

Appendix 2

NATIONAL JOINT COUNCIL FOR LOCAL AUTHORITY FIRE AND RESCUE SERVICES WORKING TOGETHER.' A JOINT PROTOCOL FOR GOOD INDUSTRIAL RELATIONS IN THE FIRE AND RESCUE SERVICE

The National Joint Council (NJC) recognises that Fire and Rescue Service managers and Trade Union representatives must work together for the benefit of the service, its employees, and local communities. To this end the principles below will apply both at national and local level.

Principles

- Joint commitment to the success of the Organisation^[1]
- Joint recognition of each other's legitimate interests and responsibilities
- Joint focus on the quality of working life
- Joint commitment to operating in a transparent manner
- Joint commitment to continuously improve industrial relations
- Joint commitment to reaching agreement within appropriate timescales
- Joint commitment to ongoing dialogue and exchange of views including face-to-face meetings
- Joint commitment to a 'no surprises' culture

In support of the above principle's employer representatives^[2] will: -

- engage Trade Union representatives early in consultation/negotiation (as appropriate) on issues which have workforce implications
- share full and appropriate, and timely information, e.g. on finance and employment matters to Trade Union representatives in order to enable effective consultation or negotiation to take place
- take on board Trade Union views, providing full and frank feedback on how that process has influenced their subsequent position
- put in place reasonable Trade Union facilities in accordance with statutory requirements and ACAS good practice guidance in order to support this inclusive approach

Trade Union representatives will: -

- take an active and constructive part in discussion at an early stage to facilitate reaching agreement within the appropriate timescale
- provide a considered response to proposals, including alternative options, in accordance with a locally developed timescale or those contained in the national model procedures, as appropriate

- share with managers relevant and appropriate information to assist discussions

All parties: -

- recognise their common interests and joint purpose in furthering the aims and objectives of the Organisation and in achieving reasonable solutions;
- will always behave respectfully towards each other
- accept the need for joint consultation or negotiation in securing their objectives
- will identify at the outset the appropriate timescale for discussion
- respect the confidential nature of the, at times, sensitive information exchanged
- actively work together to build trust and a mutual respect for each other's roles and responsibilities
- ensure openness, honesty and transparency in communications
- provide top level commitment to the principles outlined in this protocol
- take a positive and constructive approach to industrial relations
- commit to early discussion of emerging issues and to maintaining dialogue in order to ensure a 'no surprises' culture
- commit to ensuring high quality outcomes
- where appropriate, seek to agree public positions.

Consultation and Negotiation

To assist all parties at local level the NJC has already agreed model consultation and negotiation procedures which are contained in the Scheme of Conditions of Service (Grey Book) that promote joint solution seeking. Both procedures contain principles which all parties have agreed to adhere to. In the case of the consultation procedure parties at local level have agreed to identify and work within an appropriate timescale. In the case of the negotiation procedure timescales are set out which should be adhered to in order to ensure timely resolution. This is equally the case where alternative timescales have been jointly agreed at local level.

Both model procedures contain definitions of the circumstances in which they are to be used. In the case of consultation, matters shall be those that do not require collective agreement. In the case of negotiation, matters shall be those that do.

The simplest explanation of the difference between consultation and negotiation is that anything which is contractual and therefore needs the agreement of the individual employee or their Trade Union on their behalf is negotiation. Everything else is consultation.

The standard issues referred to in a person's contract are matters which require agreement to change and are therefore negotiable. Basically, this covers remuneration, hours of work, leave entitlements and any other conditions of service. It may also cover local policies and procedures not specified within the Scheme of Conditions of Service (Grey Book), or NJC circulars, where they are within the individual's contract and the contract does not provide that the employer has the right to amend

them from time to time without agreement. It may also include local practices that are not contained within an individual's contract but may be implied contractual terms. Everything else is consultation.

Both processes should be conducted with a view to reaching agreement and therefore should include an opportunity to consider alternative approaches to an issue. Where agreement cannot be reached both parties will consider further options but in doing so commit to taking unilateral action only as a means of last resort, i.e. industrial action or imposition of change.

Both processes allow for joint agreement to external assistance should that prove necessary. Local parties are reminded of the benefit of such assistance and the joint commitment in the Grey Book to not unreasonably refuse such assistance. Such involvement must also be carried out in a timely manner with both parties committed to ensuring this is the case.

NJC assistance to local parties

The NJC Joint Secretaries clearly have a role in assisting dispute resolution at local level. Such issues need to be jointly referred, in writing, and the parties locally will need to demonstrate that consultation or negotiation processes have been exhausted at local level.

The joint letter shall: -

- be agreed and signed by both local parties
- contain a joint summary of the issue on which agreement has not been reached, evidence of discussion to date including the original proposal and any amendment made as a result of joint discussion at local level
- contain a concise statement from each party summarising their respective position

*This does not preclude each party subsequently providing unilateral briefings to their own Joint Secretary.

When requested to assist the Joint Secretaries will expect their respective parties to:

- commit fully and with good intent to the process, maintaining an open mind, and whenever possible both parties present should have the authority to reach agreement
- ensure they are available for meetings, if required
- respect the confidential nature of matters under discussion through the Joint Secretaries process.
-

The NJC can also provide specific assistance in the form of the Technical Advisory Panel and the Resolution Advisory Panel, as appropriate. Both processes are contained in the Scheme of Conditions of Service (Grey Book). Where a matter is referred through either process all parties shall commit fully and with good intent to the process, ensuring they maintain an open mind, are available for meetings, and

whenever possible both parties present should have the authority to reach an agreement.

Conclusion

All of the principles and commitments above are intended to encourage and support a joint approach to maintaining and improving upon good industrial relations within the fire and rescue service as a whole.

It is recognised that all parties have their part to play in ensuring that outcome is achieved.

West Midlands Fire Service Joint Consultative Panel Terms of Reference

1. TITLE

The Panel shall be called the 'West Midlands Fire Service Joint Consultative Panel' (JCP).

2. REPRESENTATION

The JCP comprises of elected members of the West Midlands Fire and Rescue Authority (WMFRA) and recognised elected officials of the Trade Unions/Representative Bodies of West Midlands Fire Service as follows:

JCP

5 employers and

5 employee side*

3 Fire Brigades' Union

1 Fire Officers' Association

1 UNISON

Fire Leaders Association by invitation as appropriate* subject to having a locally appointed/elected representative

All Elected Members of the JCP shall retire annually and shall be eligible for re-appointment.

The attendance of additional persons by invitation in an advisory capacity only shall be permitted provided that prior agreement is obtained from both sides represented on the JCP.

If a member of the JCP ceases to be an Elected Member of WMFRA or an employee of the Service, he or she shall immediately cease to be a member of the JCP. Any vacancy amongst the employers shall be filled by the Authority. Any vacancy amongst the employees shall be filled by the employee organisations concerned.

3. MEETINGS OF THE PANEL

The Clerk or their representative shall act as secretary to the JCP and be responsible for issuing the calling notices for all meetings and the minutes.

The Clerk shall liaise with the representative from PSS on the compilation of the agenda. The PSS Manager will consult with the employee's representatives or their representative with regard to the business to be raised.

4. CHAIR

The Chair and Vice Chair of the JCP meeting will be appointed by the Authority. In the absence of the Chair and Vice Chair, a Chair for the Meeting shall be elected by the Employers from amongst the elected members of the JCP.

5. OFFICERS

The Clerk, Monitoring Officer, Treasurer and Chief Fire Officer shall be entitled to attend all meetings of the JCP and shall be allowed to nominate any officers to attend as may be appropriate to the business to be discussed.

6. FUNCTIONS

The functions of the JCP shall be: -

- To establish regular methods of consultation between the Authority and its employees and to consider and make recommendations to the Authority or the Chief Fire Officer as appropriate on any problems which may arise
- To consider, and elected members of the JCP to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on any relevant matter referred to it by the Service or by the relevant employee organisations
- To consider, and elected members of the panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on the application of the terms and conditions of service for employees
- To consider, and elected members of the JCP to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on matters referred to it by the Joint Consultative Committee, including failure to consult and failure to agree as defined in Paragraph 8 E and F of the constitution of the Joint Consultative Committee
- To discharge such other functions as are specifically assigned to it
- In appropriate circumstances, to refer any question coming before it to the National Joint Council for consideration and advice where such action is deemed advisable; to inform the National Joint Council or any other appropriate body concerned of any recommendations of the JCP which appear to be of more than local interest provided that any such action shall be by way of a recommendation to the Authority or the Chief Fire Officer, as appropriate, prior to its submission

The panel shall operate within approved Authority policy and in accordance with the overall aims and objectives of the Authority, including the Employee Relations

Framework, NJC Protocol for good industrial relations and elected members code of conduct. The Panel shall not take any action inconsistent with the decisions of any national or regional negotiating body or committee dealing with conditions or service of employees of the Authority.

7. RULES AND REGULATIONS

- That the JCP agenda items are reviewed by the Chair of the JCP in consultation with the SET Member- People or their representative prior to finalising the agenda
- That the Elected Member group of the JCP, after due consideration, make recommendations back to the Service or the Fire Authority as appropriate
- Provision for four JCP meetings per year shall be made by the Authority. Special meetings shall only be called with the prior approval of the Chair and Vice-Chair and the lead representative of the employee organisation(s) involved
- The matters to be discussed at any meeting of the JCP shall be included in the agenda for the meeting. No other matters shall be raised
- The quorum of the JCP shall be one third of the total number of representatives appointed by each side subject to each Trade Union/Representative Body that has locally appointed representatives, being represented. However, where the JCP is considering business relating specifically to one Trade Union/Representative Body, the quorum of the employees' side shall be one third of the total number of representatives appointed by each side, with no requirement for each Trade Union/ Representative Body to be represented, provided that the relevant Trade Union/ Representative Body is represented.

In the event of: -

- (a) The elected member group of JCP being unable to arrive at an agreement or
- (b) The Authority or the Chief Fire Officer, as appropriate, disagreeing with the recommendations of the elected member group of the JCP

The matters in dispute shall be referred to: -

- (a) ACAS or other suitable organisation to support the conciliation process and/or
- (b) The National Joint Council Joint Secretaries and/or
- (c) The National Joint Council Technical Advisory Panel

The JCP is a discussion forum with a view to reaching a consensus. It will support and govern the principles set down in the 'Working Together' A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service document.

All sides to the JCP accept that agreements, reached by them shall be binding in honour only, all parties expressly agreeing that joint decisions as to recommendations are not intended to constitute legally enforceable agreements between them

until such recommendations are approved by the Authority or Chief Fire Officer as appropriate.

All parties agree, nevertheless, to use their best endeavours to explore joint solutions to ensure that the spirit and intention of the agreements on recommendations reached at meetings of the Panel are honoured at all times.

The notes of the JCP shall be submitted to the Authority.

Appendix 4

Responsibilities of Elected Members for Employee Relations

1. BACKGROUND

West Midlands Fire and Rescue Authority is a statutory body that has a legal duty to provide services as defined by the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004 through West Midlands Fire Service (The Service).

The Fire Authority is the employer for the Service and the supervisory body which ensures that the Service performs efficiently and in the best interest of the public and community it serves.

In order to have in place a formal consultation mechanism, the Service in consultation with the Trade Unions/Representative Bodies has developed the Employee Relations Framework. Included within the policy is a constitution for a Joint Consultative Panel (JCP) and a Joint Consultative Committee (JCC).

The Employee Relations Framework has been based on the Joint Protocol published by the National Joint Council (NJC), the model procedure in the Grey Book and guidelines produced by ACAS. It has been jointly agreed and will govern the relationship between the Service and its recognised Trade Unions/Representative Bodies. It is not legally binding but relies on all parties to work within a spirit of co-operation.

The JCP provides an opportunity for employee representatives and the employing Authority to comment on matters relating to the conditions of employment of employees of the Service. It also provides a forum for discussion to assist in the consultation process.

The JCC meetings between managers and Trades Union Officials will take place monthly but depending on the needs of the organisation this may be reviewed. The consultative process will support the employee engagement and involvement process, but it does not detract from a manager's responsibility to make decisions. These terms of reference define the process for getting employees views prior to decisions being made.

2. PURPOSE

The (JCP) provides a means where elected members of WMFRA, Principal Officers of West Midlands Fire Service and the Services employees, come together on a regular basis to discuss issues of mutual concern. The JCP may have items referred to it from the Joint Consultative Committee as part of the negotiation or consultation process. However, a majority of the items considered will be for consultation.

The elected members of the JCP will consider and make recommendations on: -

- any relevant matter referred to it by the Service or by the relevant employee organisations following consideration and response by the Service and referral to JCC
- any Employee Relation issues which may arise. (In these circumstances the issue must have been considered at Joint Consultative Committee and if there is an outstanding dispute, as per the Terms of Reference, the dispute may be registered with the Service
- the application of the terms and conditions of service for employee

The Joint Consultative Panel supports and governs the principles set out in the "Working Together" A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service document, please see Appendix 2.

The National Joint Council (NJC) recognises that Fire and Rescue Service managers and Trade Union representatives must work together for the benefit of the Service, its employees, and local communities. The Service supports the application of these principles for recognised Representative Bodies.

The principles within the Working Together document identify the need for joint commitment from Trade Union Officials and the organisation by defining how the individual representatives will engage and work together to the success of the business.

3.CONULTATION

For the benefit of this process consultation (as defined in the Employee Relations Framework) goes beyond communication and involves managers actively seeking and then taking account of, the views of employees' representatives before making a decision. Managers are obliged to seek acceptable solutions to problems through a genuine exchange of views and information. The responsibility for decisions remains at all times with the employer and does not remove the right of managers to manage and make the final decision. Managers must be aware of the need to consult and Trade Union/ Representative Body representatives must be aware of the need to respond.

Items may be referred to the Joint Consultative Panel as 'a failure to consult'. The Joint Consultative Panel needs only to consider if appropriate consultation has taken place and not what the outcome of the consultation should be.

4.PROCESS FOR FAILURE TO CONSULT

In the case of consultation, if Trade Union/Representative Body representatives believe there has not been appropriate consultation they can refer the matter to the Joint Consultative Panel. However, in doing so Trade Unions/Representative Bodies must clearly demonstrate how they have worked with the Service to try and resolve the dispute prior to the referral to the Joint Consultative Panel.

The Trade Unions will be responsible for identifying where they believe the lack of consultation has taken place. The Strategic Enabler - People or their delegated representative will provide an audit trail demonstrating the consultation that has taken place and its appropriateness. It is important to stress that a 'failure to consult' should not be considered by the elected member group of JCP if it is clear that a consultation process has been implemented but the Trades Union/Representative Bodies have chosen not to attend or did not send a deputy.

A referral to JCP will be in the format of a joint report, with the business case for both the Trade Union/Representative Body and the Service. The information relating to the 'Failure to Consult' will be distributed to JCP members prior to the meeting. The Trade Union/ Representative Body representative will present the reasons why they have raised the dispute and the management representative will clarify the consultation process used.

Deliberation will take place, see section 7. The process for consultation and Failure to Consult is defined within the Employee Relations Framework. See 2.6.6ii and Appendix 7.

The recommendation of the elected member group of Joint Consultative Panel will only relate to whether appropriate consultation has taken place.

The Elected Members may be assisted by a Technical Advisor. The advisor and the representative from the Clerk to the Authority will adjourn with the elected member group of the panel. The Technical Advisor and Clerk are not part of the decision-making process. Their role is to give advice on the Service's policy, process or interpretation of legislation.

The presenter of the management case must not be the advisor to the panel.

5. NEGOTIATION

For the benefit of this process negotiation is defined in the Employee Relations Framework as the process by which employers and Trade Union/Representative Body representatives seek to reach agreement through collective bargaining. It requires an agreement to be reached. Collective bargaining is the process by which employers and recognised Trade Unions/Representative Bodies seek to reach agreement on issues such as pay and terms and conditions of employment.

6. PROCESS FOR FAILURE TO AGREE

In cases of negotiation items will be referred to the JCP if the Joint Consultative Committee has failed to reach an agreement. However, in doing so both parties must clearly demonstrate how they have worked together to try and resolve the dispute prior to referral to the JCP.

A referral to JCP will be in the format of a joint report, with the business case for both the Trade Union/Representative Body and the Service. In this situation the elected member group of JCP will need to consider the Failure to Agree and make a recommendation which would be considered by the Authority or Chief Fire Officer prior to it becoming contractual.

The information relating to the Failure to Agree will be distributed to JCP members prior to the meeting. The Trade Union/ Representative Body representative will present the reasons why they have raised the dispute and the management representative will be given the opportunity to clarify why it was necessary to make that decision taking into consideration the needs of the Service and ensuring the provision of an assertive, safe and effective service which contribute to keeping our communities stronger, safer and healthier.

The Elected Member group of JCP will adjourn to consider the presentations made. If further information is required both parties will be called back to the Elected Member group of JCP even if the query relates to one side. The Elected Member group of JCP then give their decision on their recommendation back to the Service.

The Elected Members may be assisted by a Technical Advisor. The advisor and the representative from the Clerk to the Authority will adjourn with the elected member group of the panel. The Technical Advisor and Clerk are not part of the decision-making process. Their role is to give advice on the Service's policy, process or interpretation of legislation.

The process for negotiation and Failure to Agree is defined within the Employee Relations Framework. See Section 2.6.6 iii and Appendix 8.

The presenter of the management case must not be the advisor to the panel.

7. DECLARATION OF INTERESTS

Pecuniary and other interests should be declared at the beginning of each meeting under 'Declaration of interests'. Where a member has a personal interest in the outcome of any item referred to the JCP they should declare this at the beginning of the meeting under the standing item on the agenda.

8. CONFIDENTIALITY

Elected members of WMFRS are bound by The Model Code of Conduct. This Code of Conduct should be considered prior to any discussions or conversations with Trades Union representative outside of the Joint Consultative Panel. Confidentiality should always be maintained.

9. DECISION MAKING

The General Principles underlying with the Code of Conduct outline the considerations for elected members group of JCP when making decisions. Elected members should consider carefully how their decisions might affect the community, Service and other stakeholders/partners. Members of JCP should strive to operate as a

team in which constructive working relationships are actively promoted to support joint solutions to resolve differences.

10. GENERAL

Elected members have a responsibility to actively promote good employment relations and lead by example through their actions and conduct. Individual Fire Authority Members will actively promote good employment relations through their own actions and behaviours in accordance with the members' code of conduct and the Services core values in respect of their communications with the Trade Unions/Representative Bodies.

Appendix 5

West Midlands Fire Service Joint Consultative Committee Terms of Reference

1. TITLE

The Committee shall be known as the West Midlands Fire Service JCC (WMFS JCC).

2. OBJECTIVES

The objectives of the WMFS JCC shall be to: -

1. provide a forum for communication and joint understanding
2. promote the health, safety and wellbeing of employees and to endeavour to maintain good relationships between them and management
3. promote efficient and seamless processes between the management of the Service and Trade Unions/Representative Bodies (hereinafter referred to as stakeholders)
4. fulfil an appropriate role for such groups in the settlement of organisational disputes and be a conduit for the resolution of such disputes
5. develop joint policy, co-operation and arrangements for implementing plans between stakeholders
6. develop dialogue to include organisational development, performance and organisational culture
7. develop the benefits of partnership working to create a mature employment relationship to benefit the residents and communities within the West Midlands region

3. TERMS OF REFERENCE

A. The Joint Consultative Committee shall consist of representatives from the management of the Service including a representative from PSS (hereinafter referred to as the "management side") and representatives of the Trade Unions/Representative Bodies having members employed within the Service (hereinafter referred to as the "Trade Unions/Representative Bodies")

B. The management side shall be appointed by the Chief Fire Officer from amongst the management of the Service. The management shall not exceed in numbers the employees' side of the committee provided in paragraph 3C below.

C. The Trade Unions/Representative Bodies shall consist of maximum 5 representatives appointed annually for the municipal year by the Trade Union/Representative Body having members employed within the WMFS.

UNION	SEATS
Fire Brigades' Union	2
Fire Officers' Association	1
UNISON	1
Fire Leaders Association (formerly APFO)	1

D. Any vacancy on the committee shall be filled as soon as possible by the Chief Fire Officer or the Trade Union/Representative Body.

E. Regional officials of the Trade Union/Representative Body may attend any meeting of the WMFS JCC in an advisory capacity at the request of either side.

4. QUORUM

The quorum of the WMFS JCC shall be 2 members of the management side and 2 members of the Trade Union/Representative Body.

5. OFFICERS

1. Strategic Enabler - People, or their nominee will act as chairperson.
2. In the absence of the chairperson at any meeting a chair for the meeting shall be appointed from the management side.
3. The Secretary and a minute taker shall be appointed by the chairperson.
4. The Trade Union/Representative Body can appoint a secretary from amongst the Trade Union/Representative Body.

6. MEETINGS

1. The WMFS JCC meets on the first Tuesday of each month. This is reviewed and mutually agreed.
2. A JCC Business Case should be completed for all items to be raised which are new to the JCC and these should be received by the JCC Meeting Manager 10 working days prior to the meeting
3. The Business Case should identify if the item is for - The commencement of/To Seek approval for/Consultation/Information or Negotiation
4. A JCC Business Cases should include the following:
 - Health and Safety Risk Assessment (HS06 Multi Risk Assessment Form)
 - Initial Equality Impact Assessment
 - Privacy Impact Assessment
5. Should it be identified the JCC Business Case template needs to be amended, this is with agreement of the JCC

6. The agenda for each meeting is circulated to all members and relevant attendees seven working days before the meeting.
7. Urgent business can be raised with the Chair prior to the meeting, for consideration to be added to the agenda.
8. The Chair of the JCC determines in advance of meetings whether agenda items are for consultation or negotiation as determined by the Green Book/Grey Book and considering the principles of the Joint Working Protocols, or whether items are for information/discussion. The Trade Unions/Representative Bodies may question this decision in advance of or at the relevant meeting.
9. Except by agreement of all side's, reports shall be circulated to the members of the WMFS JCC with the notice of the meeting at which they are to be considered.
10. The minutes of the meetings are shared 'for approval' 10 days after the meeting with a date given for receipt of comments/amendments
11. Trade Unions/Representative Bodies may meet prior to each meeting of the WMFS JCC to consider items they may wish to place on the agenda of the meeting and to consider such items relating to the business of the WMFS JCC as they may wish.
12. Time off with pay shall be granted to each member of the Trade Union/Representative Body who attends such meetings, up to a maximum of two hours on each occasion plus one hour's travelling time in each case.

7. FUNCTIONS

1. The functions of the WMFS JCC shall be to:
 2. consider any matter referred to it
 3. consider any matter referred to it by stakeholders represented on the WMFS JCC except any matter which should be considered by any other body at an earlier stage
 4. recommend any arrangements, which in the opinion of the WMFS JCC, may be desirable to promote the efficiency of the Service and the maintenance of good relations between the management and its employees
 5. collect statistics and information necessary to enable the WMFS JCC to consider matters coming within its scope -
 6. The JCC will refer items to the Brigade Health Safety and Wellbeing Meeting and consider items from this forum
7. The WMFS JCC shall not have the power to agree any action inconsistent with the powers or decisions to any national or regional negotiating body or committee dealing with the conditions of service of employees of the Service.
- 8.

8. PROCEDURE AT MEETINGS

1. The Strategic Enabler - People or their representative shall take the chair at the time stated in the notice of the meeting except as may be agreed otherwise.
2. The meeting shall consider items of business in the order they appear on the agenda except as may be agreed otherwise.
3. Where an item has been raised by a stakeholder whose representatives are not present at the meeting, by agreement on all sides that item shall be deferred and placed on the agenda for the next succeeding meeting of the WMFS JCC.
4. Either side may, during the course of a meeting, request an adjournment. Such adjournment may not exceed thirty minutes in duration unless the meeting is adjourned to another day.
5. A failure to consult appropriately will be referred to the JCP for a final recommendation on whether appropriate consultation has taken place. If consultation has not been appropriate this will be referred back to the JCC or appropriate process.
6. A Failure to Agree in the JCC Process following negotiations will be referred to the JCP for the final recommendation.
7. Where a final recommendation is awaited a decision on maintaining the status quo will be taken on a case by case basis by an appropriate manager e.g. health and safety considerations.
8. The recommendation of the JCP is final; there is no further appeal process.

9. COMMUNICATIONS

All communications relating to the work of the WMFS JCC shall be addressed to the secretary of the WMFS JCC.

10. AMENDMENTS TO THE CONSTITUTION

Written notice of any proposed amendment must be given to each member of the WMFS JCC at least 5 working days prior to the date of the meeting at which the proposed amendment is to be considered. This Terms of Reference may not be amended unless it is ratified at the Authorities Joint Consultative Panel.

Raising a Cause for Concern

As identified within the ERF a Cause for Concern (see 5.3.6i) can be raised should the Trade Unions/Representative Bodies believe a new or current practice or procedure is not fit for purpose and may have Health, Safety, Wellbeing or Equality concerns. In these circumstances they should raise their concerns using the process detailed below: -

1. Trade Union/Representative Body raise concern with lead manager for work stream

Email sent to lead manager for work stream lead. Subject Heading - Cause for Concern. E.g. 'Cause for Concern/Falls Response First Aid Training'. People Support Services Manager – Employee Relations and JCC Meeting Manager to be copied into email.

2. Lead manager for work stream to acknowledge email within 5 working days of receipt

3. Lead manager for work stream to provide full response within 15 working days of receipt (or mutually agreed date)

Should no response be received within the above, (or mutually agreed) timeframes, or the Trade Union/Representative Body still have serious concerns, the above process should be followed again, escalating to the respective Strategic Enabler.

Progressing to JCC

The Cause for Concern template (available from JCC meeting Manager) should be completed in full and forwarded to the People Support Services Manager – Employee Relations and JCC Meeting Manager to be included at the next JCC meeting under agenda item 'Items for Consideration for Joint Working Party (JWP)/Joint Consultative Council (JCP)' for appropriate consideration and action. The Cause for Concern will be raised at JCC and consideration given to appropriate actions. Once fully discussed and actions decided, where appropriate, the concern and proposed resolution will be forwarded to the Brigade, Health, Safety and

Appendix 7

Raising a Failure to Consult

As identified within the ERF Consultation (see 5.3.1) is a two-way process, with the spirit of the process being to work towards agreement. Consultation is an integral part of day to day management and used in the development of new projects or policies or in the consideration of change.

Consultation should always be meaningful and start at the earliest opportunity. In consultation the employer has the right to implement changes even when agreement has not been reached. However, all consultation comments should be responded to prior to the closing of the consultation which will outline reasons and rationale of decision. All reasonable dialogue to reach agreement should be considered and concluded as appropriate. External support will be jointly agreed but not unreasonably refused.

Failure to Consult Process:

If one or more of the Trade Unions/Representative Bodies believe appropriate consultation has not taken place at the conclusion of the consultation process, they should raise their concerns at JCC using the process detailed below. The Trade Unions should clearly demonstrate how they have engaged in the process to resolve the dispute.

1. Trade Union/Representative Body raise concern with lead manager for work stream

Email sent to lead manager for work stream lead. Subject Heading - Failure to Consult. E.g. Failure to Consult /Falls Response First Aid Training'. People Support Services Manager – Employee Relations and JCC Meeting Manager to be copied into email.

2. Lead manager for work stream to acknowledge email within 5 working days of receipt

3. Lead manager for work stream to provide full response within 15 working days of receipt (or mutually agreed date)

Should no response be received within the above, (or mutually agreed) timeframes, or the Trade Union/Representative Body still have serious concerns, the above process should be followed again, escalating to the respective Strategic Enabler.

The Failure to Consult template (available from JCC meeting Manager) should be completed in full and forwarded to the People Support Services Manager – Employee Relations and JCC Meeting Manager to be included at the next JCC meeting under agenda item ‘Items for Consideration for Joint Working Party (JWP)/Joint Consultative Panel (JCP)’ for appropriate consideration and action.

No item can be unilaterally referred to JCP. However, should a referral be necessary the presentation will be in the form of a joint report. The Trade Union case would be included as Appendix 1 and the Management case as Appendix 2.

Each side will present their case to Elected Members and will be afforded the opportunity to ask questions through the Chair of the panel.

Once both cases have been presented, time will be afforded to summarise respective positions. Elected Members will then adjourn to consider the case. During deliberations, should the Elected Members wish to address either party, both parties should return.

The Elected Members may be assisted by a Technical Advisor. The Advisor and the representative from the Clerk to the Authority will adjourn with the Elected member group of the panel.

The Technical Advisor and the representative of the Clerk are not part of the decision-making process. Their role is to give advice on the Service’s policy, process or interpretation of legislation.

The Technical Advisor to the panel cannot be the presenter of the Management case.

The Trade Union that has raised the Failure to Consult must attend the meeting with Elected members. The normal Terms of Reference on quorate will not apply in these circumstances.

Trade Unions cannot bring a Failure to Consult if they have not engaged/attended consultative meetings.

Appendix 8

Raising a Failure to Agree

As identified within the ERF, Negotiation (see 5.3.2) will be used for matters subject to collective bargaining. The Service will therefore, negotiate on matters subject to collective agreement with the recognised local Trade Unions/Representative Bodies.

With negotiation, the Trade Unions/Representative Bodies and the organisation will work towards achieving agreement. This may be through JCC and/or Local Agreement discussions or other consultative forums set up for this purpose.

Within the spirit of negotiation, both parties should work towards reaching an agreement. Appropriate time should be given to the process to ensure alternative options and suggestions can be meaningfully explored to facilitate the process and achieve agreement.

However, if an agreement cannot be reached, and the use of external support considered, an agreement may be reached at JCC to refer the matter to Joint Consultative Panel (JCP).

Failure to Agree Process:

If one or more of the Trade Unions believe appropriate negotiation has not taken place at the conclusion of the negotiation and agreement has not been reached, the Trade Unions should raise their concerns at JCC using the process detailed below. The Trade Unions should clearly demonstrate how they have engaged in the process to resolve the dispute.

1. Trade Union/Representative Body raise concern with lead manager for work stream

Email sent to lead manager for work stream lead. Subject Heading - Failure to Agree. E.g.' Failure to Agree/ Working hours People Support Services. People Support Services Manager – Employee Relations and JCC Meeting Manager to be copied into email.

3. Lead manager for work stream to acknowledge email within 5 working days of receipt
4. Lead manager for work stream to provide full response within 15 working days of receipt (or mutually agreed date)

Should no response be received within the above, (or mutually agreed) timeframes, or the Trade Union/Representative Body still have serious concerns, the above process should be followed again, escalating to the respective Strategic Enabler.

The Failure to Agree template (available from JCC meeting Manager) should be completed in full and forwarded to the People Support Services Manager – Employee Relations and JCC Meeting Manager to be included at the next JCC meeting under agenda item ‘Items for Consideration for Joint Working Party (JWP)/Joint Consultative Council (JCP)’ for appropriate consideration and action.

No item can be unilaterally referred to JCP. However, should a referral be necessary the presentation will be in the form of a joint report. The Trade Union case would be included as Appendix 1 and the Management case as Appendix 2.

Each side will present their case to Elected members and will be afforded the opportunity to ask questions through the Chair of the panel.

Once both cases have been presented, time will be afforded to summarise respective positions. Elected Members will then adjourn to consider the case.

During deliberations, should the Elected Members wish to address either party, both parties should return.

The Elected members may be assisted by a Technical Advisor. The Advisor and the representative from the Clerk to the Authority will adjourn with the Elected member group of the panel.

The Technical Advisor and the representative of the Clerk are not part of the decision-making process. Their role is to give advice on the Service’s policy, process or interpretation of legislation.

The Technical Advisor to the panel cannot be the presenter of the Management case.

The Trade Union that has raised the Failure to Agree must attend the meeting with Elected members. The normal Terms of Reference on quorate will not apply in these circumstances.

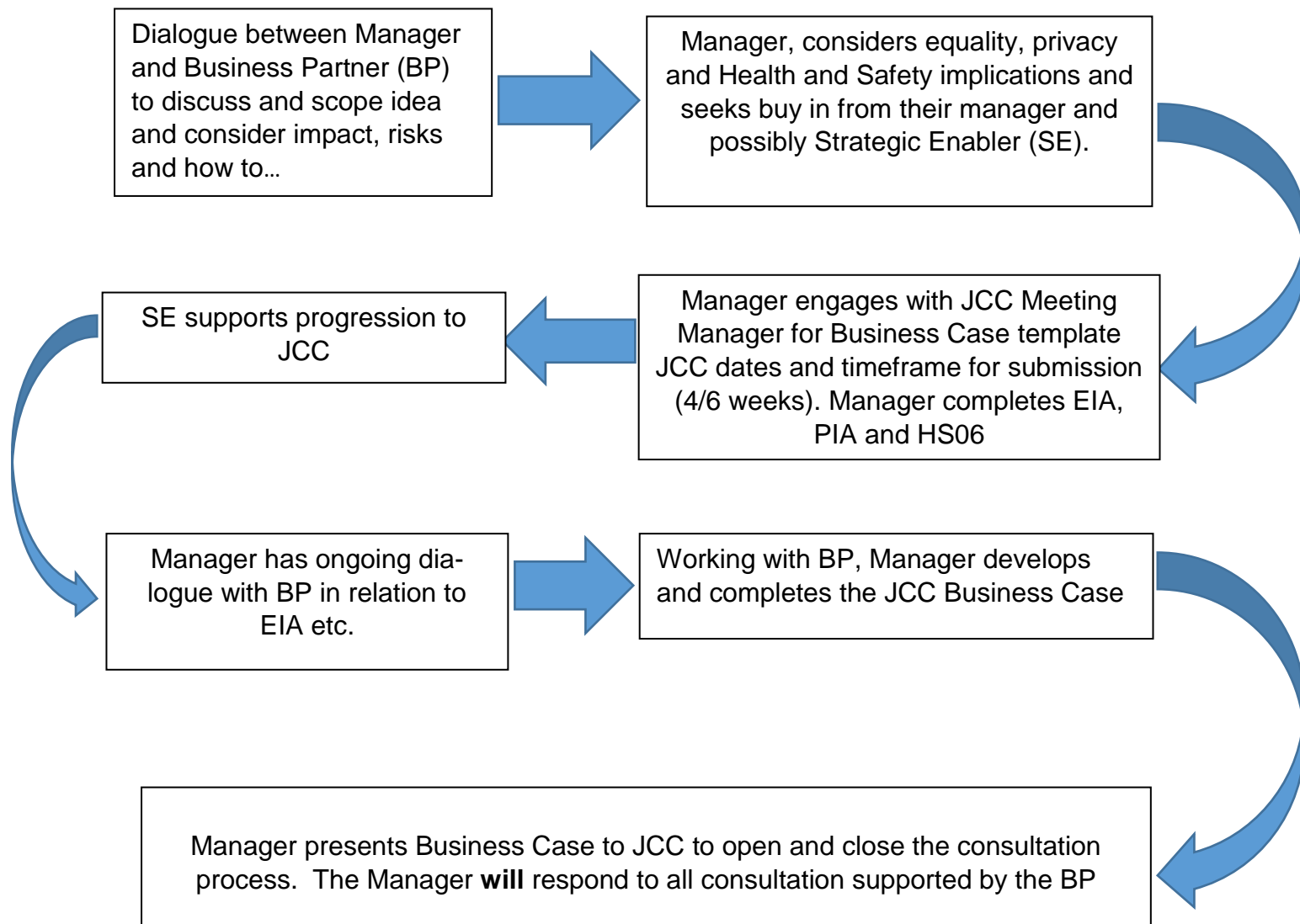
In raising a Failure to Agree, both sides need to demonstrate how they have worked together to reach agreement.

Elected members of JCP will need to consider the Failure to Agree and make recommendations which would be considered by the Fire Authority or Chief Fire Officer, prior to being contractual.

Appendix 9

Employee Relations Consultation Flowchart

This flow chart outlines the basic process for the development of a proposal to be shared at JCC. It does not factor in initial and primary engagement that should take place with affected people to develop proposals, prior to consulting on the preferred proposal at JCC.



Appendix 10

REQUEST FOR FACILITIES TIME FOR TRADE UNION/ REPRESENTATIVE BODY OFFICIALS TO UNDERTAKE TRADE UNION/REPRESENTATIVE BODY DUTIES

1. An official from each Trade Union/Representative Body will be responsible for providing written information, to support the Trade Union's/Representative Bodies request for the time off for the Trade Union/Representative Body officials for a 12-month period commencing 1 April. Each Year this request should be sent to the PSS Manager - Employee Relations or their delegated representative.

2. The request for facilities should be received by the PSS Manager - Employee Relations or delegated representative by 31 October. This request should be accompanied by documented evidence supporting the request. This evidence should include details such as:

- current membership levels and changes from the previous year;
- how the Trade Union/Representative Body Official supports its members and how this adds value to the Service including a cost benefit rationale.;
- joint meetings which support the development and change management processes within the organisation; and
- other duties.

3. The PSS Manager - Employee Relations, or delegated representative will review the requests giving careful consideration to the efficient and effective use of resources within the organisation and the information received.

4. The PSS Manager - Employee Relations, or delegated representative will respond in writing to each of the Trade Unions/Representative Bodies identifying their allocation of facilities by 31 December. The Service and Official will agree arrangements for the role in line with the Facilities Agreement Document. In exceptional circumstances, may request additional time to support the Service in timely and effective co-operation and consultation.

5. The Trade Union/Representative Body may wish to appeal against the decision on facilities time. To do so, it must be in writing identifying grounds for the appeal which should be either:

- The information provided by the Trade Union/Representative Body did not reflect the facilities required by the Trade Union/Representative Body. In the situation the decision has been made on inaccurate information, explanation for the error needs to accompany this appeal
- The facilitated process was not applied fairly, and

- There is a comparative Trade Union/Representative Body within West Midlands Fire Service that has been given more facilities resource

In each case the reasons for the appeal must be given, simply stating the grounds is not enough.

6.The appeal will go to the Strategic Enabler - People within 5 days of receipt of the date of the confirmation letter. The appeal will then be considered within 10 working days and a written response received within 15 workings days of the date of the appeal letter.

7.The outcome of this process will be implemented each April.

8. If a Trade Union/Representative Body fails to provide the required information any facilities may be withdrawn.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

24 JUNE 2019

1. **ANNUAL REPORT OF THE SCRUTINY COMMITTEE 2018/19**

Report of the Chair of the Scrutiny Committee.

RECOMMENDED

That the Authority receives the Scrutiny Committee Annual Report 2018/19.

2. **PURPOSE OF REPORT**

This report is submitted to bring to the attention of the Authority the Annual Report of the Scrutiny Committee 2018/19.

3. **BACKGROUND**

3.1 The Scrutiny Committee was established at the Annual General Meeting of the Authority in June 2012. The Committee was to undertake performance management functions and would also scrutinise human resource matters, equality and diversity and health and safety across the Service. Its purpose is to:

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

3.2 The Annual Report for 2018/19 is attached as Appendix 1 for consideration by the Authority. The report was approved by the Scrutiny Committee on 4 June 2019.

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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**

There are no particular legal requirements for the Authority to establish a Scrutiny Committee; it is however, considered good practice for authorities to have a vehicle through which monitoring and review of the Authority's policies and practices can be undertaken.

6. **FINANCIAL IMPLICATIONS**

Advice may be provided internally by Officers at no direct cost to the Authority, supporting the Committee in its work. The Scrutiny Committee can, if required, access resources to be able to engage external professional advice where applicable.

BACKGROUND PAPERS

Authority and Scrutiny Committee Reports
Minutes of the Scrutiny Committee

Councillor Chris Tranter
Chair of the Scrutiny Committee

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Appendix 1

WEST MIDLANDS FIRE SERVICE

**Annual Report of the Scrutiny
Committee
2018/19**

This information is marked **Official - WMFS Public**. It is your personal responsibility to ensure it is distributed to the appropriate people only.

1. Background

The Scrutiny Committee was established by the Fire Authority at its Annual General Meeting in 2012. Its purpose is to:

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

The key benefits of the Committee can be seen as:

- Complementing the strategic and policy formulation and development work of the Authority and Service.
- Developing the skills of Members to enable them to investigate below the surface of policies, strategies and processes.
- Providing a useful oversight and an element of 'challenge' to performance improvement processes and continuous improvement.
- Encouraging public involvement in the policy process.
- Supporting the development of an environment that stimulates a more reflective, evaluative and evidence based culture within the Authority and Service.

The Terms of Reference for the Committee can be found at Appendix A of this report.

2. Meetings

During 2018/19, the Committee met on the following dates:

• 05 September 2018 (rescheduled)
• 12 September 2018
• 10 October 2018
• 14 November 2018
• 27 February 2019
• 27 March 2019
• 05 June 2019

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3. Members & Attendance Record

	05/09/18*	12/09/18	10/10/18	14/11/18	27/02/19	27/03/19	05/06/19
Councillor Barlow	√	√	X	√	√	√	√
Councillor Barrie	X	√	√	√	√	X	X
Councillor Brackenridge	√	√	√	√	√	√	√
Councillor Jenkins	√	√	√	X	X	√	X
Councillor Spence	X	√	√	√	√	X	√
Councillor Tranter	√	X	√	√	√	√	X
Councillor Young	X	X	√	√	√	√	√
S Middleton (co-optee)	X	X	√	X	X	√	X

*Note: The meeting scheduled for 5 September was rescheduled to 12 September.

Senior Officers from the Authority are also present at meetings as appropriate.

Working Groups are also appointed to consider scrutiny reviews. The Committee are to undertake a maximum of two such reviews each year. Each Working Group has a minimum of three Members allocated to it.

4. Business

During the year the Committee conducted the following business:

- Scrutiny of Positive Action and Firefighter Recruitment
- Review of Safeguarding
- Operational Assessment Improvement Register
- Quarterly Analysis of Corporate Performance against 'The Plan'
- Diversity, Inclusion, Cohesion and Equality quarterly updates
- Dispute Resolution Monitoring
- Work programme selection

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5. The Committee's main achievements

The Committee believes its key achievements during the year included:

- The Committee undertook to review and evaluate the Service's approach to positive action and firefighter recruitment in 2016/17 (original proposal and scoping document submitted to the Committee at the February 2017 meeting). The Scrutiny Review of Positive Action and Firefighter Recruitment included the examination of the associated protocols and procedures, analysing their effectiveness, and identifying and removing barriers where present. The review was concluded in November 2018, with a final report submitted to the Committee on 14 November.
- The Committee undertook to review and evaluate the effectiveness of the Service's safeguarding policy, procedures and practice (original proposal and scoping document submitted to the Committee at the 4 June 2018 meeting). The purpose of the review was to ensure that:
 - The Service's policy and procedures were compliant with the legislation, statutory guidance and addressed the learning from recent fire safety prohibition cases
 - The whole workforce had the necessary skills and knowledge to identify safeguarding concerns within the context of their role and apply the policy and processes consistently and competently
 - The safeguarding policy was owned by the most appropriate Strategic Enabler so that safeguarding was seen as everyone's responsibility
 - There were quality standards and monitoring processes in place so that the Service could be assured that safeguarding concerns were being identified and managed in accordance with the Service policy
- A working group of the Scrutiny Committee was set up to support the review. An external independent professional was appointed to work with the Scrutiny working group, and conducted the review, analysing the information gathered

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and produced a report which included recommendations and an action plan framework (submitted to the Committee as part of the conclusion of the review, at the meeting on 27 March 2019). Additionally, an internal working group comprised of key stakeholders from a variety of areas within the Service, was set up to support the Scrutiny working group and the external independent professional.

- Following the publication of the Service's Operational Assessment and Fire Peer Challenge in June 2017, the Committee has monitored the progress of the work undertaken by the Service in addressing the areas for consideration raised by the Fire Peer Challenge Team via the monitoring of the Operational Assessment Improvement Register. All 38 areas for consideration within the Register were classed as completed in February 2019, and the final update was submitted to the Committee on 27 March, representing the conclusion of the process with the Register considered as closed.
- The robust monitoring of the Service's performance in the areas of Diversity, Inclusion, Cohesion and Equality, analysis of Corporate Performance against 'The Plan', workforce profile indicators and dispute resolutions.

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Appendix A

Terms of Reference for the Scrutiny Committee

Scrutiny Committee

To carry out a maximum of two scrutiny reviews per annum selected by the Committee. Such reviews will be member-led and evidence based, and will produce SMART (specific, measurable, attainable, realistic and timely) recommendations to the Authority.

To track and monitor the implementation of review recommendations that are accepted by the Authority.

To summon any officer or member of the Authority to give account in respect of reviews or any other relevant matter.

To manage, in consultation with the Strategic Enabler for Finance and Resources, a specific budget for the purpose of buying in any necessary external advice and support in connection with the reviews.

To receive and scrutinise performance information including progress against the Community Safety Strategy and 'The Plan', the Service's objectives and corporate performance indicators and review performance targets.

To have responsibility for scrutiny of Diversity, Inclusion, Cohesion and Equality and diversity throughout the West Midlands Fire Service and to review policies and monitor performance in relation thereto.

To monitor and scrutinise as appropriate the Authority's HR policies.

To monitor and scrutinise sickness levels, promotion policies and employee exit information.

To receive information and statistics on grievance monitoring and to report outcomes to the Joint Consultative Panel.

To ensure that the Authority is meeting its duties under Health & Safety and environmental and other relevant legislation.

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To deal with any matters referred to it by the full Authority, the Policy Planning Forum, the Chief Fire Officer, Clerk, Monitoring Officer or Treasurer, not within its work programme.

To refer any matter for consideration by the Authority, another Committee or an officer where considered appropriate.

To submit its minutes and an Annual Report to the Authority.

In order to allow for separation of the scrutiny and decision making functions, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.

The Committee will sit in public with minimum exceptions.

In addition to its programmed meetings, the Committee will hold additional meetings, as and when required, in order to efficiently manage its workload.

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WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 19

24 JUNE 2019

1. **ANNUAL REPORT OF THE AUDIT AND RISK COMMITTEE
2018/19**

Report of the Chair of the Audit and Risk Committee.

RECOMMENDED

That the Authority receives Audit and Risk Committee's Annual Report 2018/19.

2. **PURPOSE OF REPORT**

This report is submitted to bring to the attention of the Authority the Annual Report of the Audit and Risk Committee 2018/2019.

3. **BACKGROUND**

- 3.1 In order for the Authority to be fully effective in comprehending and assessing the control environment within which West Midlands Fire Service operates, the Audit and Risk Committee present an annual report of its activities to the Authority.
- 3.2 The Annual Report for 2018/19 is attached as an Appendix for consideration by the Authority. The report was approved by the Audit Committee on the 3rd June 2019.

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 Authority has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

6. **FINANCIAL IMPLICATIONS**

The Accounts and Audit Regulations Act states that a relevant body must “maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper internal audit practices”.

BACKGROUND PAPERS

Annual Report of the Audit and Risk Committee 2018/19.

Chair of the Audit Committee

Annual Report of the Audit and Risk Committee 2018/19

1. Background

The Audit and Risk Committee was established by the Fire Authority in January 2008. Its purpose is to provide:

- independent assurance on the adequacy of the risk management framework and the associated control environment,
- independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to
- oversee the financial reporting process.

The key benefits of the Committee can be seen as:

- increasing public confidence in the objectivity and fairness of financial and other reporting.
- reinforcing the importance and independence of internal and external audit and similar review processes.
- providing additional assurance through a process of independent review.
- raising awareness of the need for internal control and the implementation of audit recommendations.

The Terms of Reference for the Committee can be found at Appendix A of this report.

2. Meetings

During 2018/19 the Audit and Risk Committee met on the following dates:

- 23 July 2018
- 4 September 2018
- 12 November 2018
- 14 January 2019
- 25 March 2019
- 3 June 2019

	23/07/18	04/09/18	12/11/18	14/01/19	25/03/19	03/06/2019
Councillor Miks	✓	A	✓	✓	✓	✓
Councillor Jenkins	✓	✓	✓	✓	✓	✓
Councillor Craddock	✓	A	✓	✓	✓	A
Councillor Dehar	✓	✓	✓	✓	✓	✓
Councillor Iqbal	✓	✓	A	✓	✓	✓
Mr M Ager	✓	✓	✓	✓	✓	✓

✓ – in attendance

A – sent apologies

4. The Committee's business

During the year the Committee conducted the following business:

Governance Statement – 2017/18
 Corporate Risk – Regular Updates
 Audit Committee Annual Report – 2017/18
 Audit Committee – Terms of Reference Review
 Audit Committee Work Programme
 Statement of Accounts 2017/18

CIPFA Audit Committee Updates
 Updates on Topical, Legal and Regulatory Issues
 Treasury Management Annual Report – 2017/18 (and Mid-Year Review)

External Audit Plan 2018/19
 External Audit Findings Report
 External Audit – Annual Audit Letter 2017/18
 External Audit – Audit Committee Update
 External Audit – Communication with the Audit Committee

Internal Audit Annual Report – 2017/18
 Internal Audit Progress Reports
 Internal Audit Charter – Annual Review
 Internal Audit Plan – 2018/19

The Pension Regulator – Scheme Return
 Pension Board Amended Terms of Reference
 Minutes of the Pension Board

5. Conclusion

The Committee was able to confirm:

- That the system of internal control, governance and risk management in the Fire Authority was adequate in identifying risks and allowing the Fire Authority to understand the appropriate management of these risks.
- That there were no areas of significant duplication or omission in the systems of internal control, governance and risk management that had come to the Committee's attention and had not been adequately resolved.

6. Sources of assurance

The Committee gained assurance in order to produce the above conclusion, from the following sources:

The work of Internal Audit

The Internal Auditors gave the following opinion in their Annual Report for 2018/19:

*Based on the work undertaken during the year and the implementation by management of the recommendations made, Internal Audit can provide *reasonable assurance that the Fire Authority has adequate and effective governance, risk management and internal control processes. *We are pleased to report that this is an unqualified opinion and the highest level of assurance available to Audit Services. In giving our opinion it should be noted that assurance can never be absolute. The most that internal audit can provide is reasonable assurance that there are no major weaknesses in the Authority's governance, risk management and control processes".*

The work of the External Auditors

During the year the external auditors (Grant Thornton) reported back to the Audit Committee on a number of occasions as detailed in section 4 above. No issues of any significant concern had been raised prior to the preparation of this report.

The Governance Statement

The Governance Statement operated throughout the year ended 31 March 2019 and up to the date of the approval of the annual report and accounts. The systems to ensure the management of the risks have been shown to be sound.

Risk Management

The Committee regularly receives and reviews the Fire Authority's Corporate Risk Register, and assesses the assurance provided in order to demonstrate how risks are being mitigated.

7. The Committee's main achievements

The Committee believes its key achievements during the year were:

- Continuing to build a good working relationship with the Authority's external auditors Grant Thornton.
- Receiving and reviewing a number of useful sector updates from the external auditors.
- Reviewing the Committee's Terms of Reference and the Internal Audit Charter in order to ensure they remain fit for purpose.
- Providing additional assurance through a process of on-going independent review.
- Raising the profile of internal control issues across the Authority and of the need to ensure that audit recommendations are implemented.
- Regular consideration and review of the Authority's Risk Register and accompanying assurances.
- Building the skills and knowledge of Committee members through regular technical updates and the consideration of related guidance issued by CIPFA.
- The continued presence of an independent member in order to broaden the Committee's experience and independent view point.
- A key role in overseeing the work of the Pensions Board

Terms of Reference for the Committee

Terms of Reference were reviewed in order to ensure that they remained fit for purpose, and that they reflected guidance provided in the Chartered Institute of Public Finance and Accountancy (CIPFA) Audit Committees – Practical Guidance for Local Authorities 2013 Edition:

Statement of purpose

Our Audit Committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our Audit Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, Risk and Control

To review the Authority's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control.

To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.

To monitor the effective development and operation of risk management in the Authority.

To monitor progress in addressing risk-related issues reported to the Committee.

To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

To review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.

To monitor the counter-fraud strategy, actions and resources.

To review the governance and assurance arrangements for significant partnerships or collaborations.

Internal Audit

To approve the internal audit charter.

To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

To approve risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

To approve significant interim changes to the risk-based internal audit plan and resource requirements.

To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- Regular reports on the results of the quality assurance and improvement programme;
- Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

To consider the head of internal audit's annual report:

- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
- The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.

To consider summaries of specific internal audit reports as requested.

To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.

To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.

To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

External Audit (Grant Thornton)

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To commission work from internal and external audit.

To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.

Financial Reporting

To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

To report to full Authority on a regular basis on the Committee's performance in relation to the terms of reference, and the effectiveness of the Committee in meeting its purpose.

To publish an annual report on the work of the Committee.

Pension Board

To have delegated responsibility as Scheme Manager for making decisions in the management and administration of the firefighters' pension schemes. The pensions board assists the Audit and Risk Committee in the role as Scheme Manager to secure compliance with regulations relating to Governance and Administration.

To submit its minutes and Annual Report to the Authority.

Notes of the Policy Planning Forum

Item 20

**25 March 2019 at 10.30 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Members of the Authority
Councillor Edwards (Chair)
Councillor Iqbal (Vice Chair)
Councillors Aston, Barlow, Barrie, Brackenridge,
Craddock, Dehar, Hogarth, Jenkins, Miks, Spence,
Tranter and Young
Sarah Middleton
Gurinder Singh Josan
Mr Ager

Officers: West Midlands Fire Service
Deputy Chief Fire Officer (P Hales)
Assistant Chief Fire Officer (G Taylor)
A Afsar, B Brook, S Burton, J Campbell, P Fellows, N
Griffiths, M Hamilton-Russell, R Houlston, M Price, S
Timmington, S Warnes

Clerk and Monitoring Officer

K Gowreesunker (Clerk)
S Sahota (Monitoring Officer)
M Griffiths (Treasurer)

Apologies: Councillor Walsh
Professor Simon Brake
Chief Fire Officer (P Loach)

Observers: Nil

6/19 Chair and CFO Announcements

Cllr John Edwards, Chair of West Midlands Fire and Rescue Authority (WMFRA), welcomed all attendees to the Policy Planning Forum.

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Policy Planning Forum 25 March 2019

Gurinder Singh Josan CBE, of the West Midlands Strategic Police and Crime Board, was welcomed to the meeting. Mr Josan would be the representative of the Office of the Police and Crime Commissioner on the WMFRA.

The report 'Governance of the West Midlands Fire and Rescue Service – Approval of Statutory Order and Proposed Constitutional Detail' had been submitted to the West Midlands Combined Authority (WMCA) Board on 22 March. The outcome of the meeting included the confirmation of the WMCA's consent to the laying of the Order in Parliament, and the acceptance of proposals to provide additional constitutional provisions and to deliver a Chief Fire Officer (CFO) Framework of accountabilities, subject to the approval of the constituent local authorities.

7/19 Governance Update

Karen Gowreesunker, Clerk to the Authority, provided an update on Governance:

There had been a pause in the laying of the Order on 9 January due to significant changes to the CFO's accountabilities. An update had been provided to the Fire Authority in February regarding the local assurances developed with the WMCA in order to resume with the governance direction.

On 22 March, the WMCA Board approved:

- The Laying of the Order in Parliament
- Constitutional proposals and CFO accountabilities framework, subject to further approval of Local Authorities as required
- The WMCA Chief Executive and Monitoring Officer to approve the final draft Order, in consultation with the CFO and Chair of WMFRA
- Confirmation of a commitment to review governance arrangements in the next Mayoral term with a focus on enhancing CFO accountabilities

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Policy Planning Forum 25 March 2019

It was noted that the Home Office, in line with their own procedures, would request approval by the seven local authorities prior to the laying of the Order.

Three areas had been addressed during the early stages of the governance journey:

- The ring fencing of budget and reserves
- The establishment of the Mayoral Fire Committee
- CFO accountabilities (local assurances in WMCA Constitution and clauses)

Next steps and an indicative timeline were discussed with Members.

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

- The Service had engaged with the Monitoring Officers of the seven local authorities. Birmingham City Council and Sandwell Metropolitan Borough Council had both indicated that the proposals would be reported back to their respective councils. In the case of Sandwell, this formed part of their normal constitutional process.
- It was confirmed that in the event of any future proposed changes to accountabilities, for such to be made, a unanimous vote would be required in addition to consultation with the WMCA Overview and Scrutiny Committee and taking into account recommendations of the CFO.

8/19 **Developing the Strategy 2019 – 2022 (Target Setting)**

Gary Taylor, Assistant Chief Fire Officer, delivered a presentation on developing the Strategy for the period 2019 to 2022, including an overview of the Service's priorities and performance indicators (PI) for the forthcoming year.

Response priorities:

- Risk based attendance:
 - The most serious emergency incidents will be attended, on average, within five minutes to save

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Policy Planning Forum**25 March 2019**

life, protect homes and businesses, and keep our transport networks moving

- Operational Excellence:
 - Our commitment to operational excellence will reduce risk to life and property and enable an assertive, effective and safe emergency response to all incidents whilst supporting firefighter safety
- Specialist Response:
 - At all incidents we attend we will lead and co-ordinate rescue operations whilst working collaboratively with other agencies to deliver an excellent response and meet public expectations
- National Resilience:
 - We will enhance resilience and deliver a local, national and international response to major incidents, emerging threats, and humanitarian situations through our specialist response teams

PI 1 Category 1 risk based attendance standard – five minute target. Performance for 2018/19 was forecast to be approximately 4 minutes 45 seconds. Further improvements would be achieved through digital transformation including further pro-active use of 999eye and the implementation of pre-alert across stations. Performance would be monitored throughout the year, particularly focussing on any potential impact due to the reduction in resources as a result of the revised strategy implementation.

Prevention priorities:

- Home Safety:
 - The number of people killed or seriously injured by fire-related incidents will reduce as we focus, with our partners, on the risks faced by the most vulnerable people in our communities.
- Safety, Health and Wellbeing:

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Policy Planning Forum**25 March 2019**

- The safety, health and well-being of the most vulnerable people in our communities will improve through our interventions that are directly linked to vulnerability from fire.
- Arson:
 - Arson-related incidents will fall, supporting safer and stronger communities, as a result of our partnership working.
- Road Safety:
 - Fewer people will be killed or seriously injured on West Midlands roads and we will keep our transport networks moving, as we work with the West Midlands Combined Authority and other organisations to develop and deliver interventions that support the West Midlands Regional Road Safety Strategy.

PI 2 Accidental dwelling fires – a 1% reduction was forecast for 2019/20. Evidence indicated that the Service was bucking the national trend where incidents were increasing. In addition, the number of incidents observed to date were some of the lowest since the Service had started to record the data.

PI 3 Injuries at accidental dwelling fires – the proposed target represented a 13.5% reduction in 2019/20 compared to the three year average. The PI correlated with PI 2 and similarly, the number of incidents were the lowest observed since the Service had begun to record the data.

PI 4 The number of deaths from accidental dwelling fires – no target was set for this PI. It was noted that one fatality was one too many.

PI 5 The percentage of Safe and Well visits referred by our partners – a target of 40% had been set for 2019/20. This reflected an expected reduction in numbers following the audit of partnerships that has highlighted recording and quality issues. Data had been cleansed and the approach to partnerships had been refined, with work ongoing to identify most effective partners. Additionally, the Service was no longer delivering falls response

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which had also resulted in a decrease in the number of partnership referrals received.

PI 6 The number of Safe and Well points – the target for 2019/20 represented a 13% reduction compared to the three year average. This reflected reduced capacity due to the reduction in resources as a result of the revised strategy implementation. It was noted that the reduction would be mitigated by balancing appliance availability, for example resourcing to reflect key contact time with the public.

PI 7 The number of people killed or seriously injured in road traffic collisions – the target for 2019/20 represents a 4% reduction compared to the three year average. The WMCA Regional Road Safety Strategy had recently been launched, representing an opportunity for further collaborative working. A dedicated WMFS Officer had been seconded into the WMCA to develop the strategy in line with the Service's priorities.

PI 8 Deliberate fires in dwellings – the 2019/20 target represented a 2% reduction compared to the three year average.

PI 9 Deliberate fires in non-domestic properties – the 2019/20 target represented a 5% reduction compared to the three year average. The number of incidents had been increasing, largely linked to the number of incidents occurring at HMP Birmingham. The Home Office intervention had led to a significant reduction in the number of incidents.

PI 10 Deliberate vehicle fires – the 2019/20 target represented an 8% reduction compared to the three year average. It was noted that this PI was affected by the environment and economy. Such incidents were a blight on communities and not just in terms of fire, but also additional factors such as anti-social behaviour.

Pi 11 Deliberate rubbish fires – the 2019/20 target represented a 7% reduction compared to the three year average. Unprecedented performance during 2018/19 had resulted in a 23% reduction in incidents, and the number of incidents equating to an all-time low. It was noted that the number of incidents could increase over a three year average.

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PI 12 Deliberate fires in derelict buildings – the 2019/20 target represented a 31% reduction compared to the three year average. The enhanced working arrangements that operational personnel had with Local Authorities in obtaining the boarding up and securing of derelict properties in a timely manner and through continued support from Fire Authority Members was reflected in the performance of the PI.

Protection priorities:

- Compliance and enforcement:
 - Life and property will be protected by targeting high risk buildings and vulnerable businesses, including residential high rise to ensure compliance and enforcement of fire safety legislation
- Legislative change:
 - Improved community safety through implementing outcomes of the Independent Review of Building Regulations and Fire Safety
- Collaboration and business engagement:
 - Improved community safety through innovative and contemporary approaches to the delivery of protection activities and working cohesively with partners at local, regional and national levels to influence the development of new and enabling legislation
- Prosperity and economic growth:
 - Prosperity and economic growth are enhanced by educating and supporting businesses including collaboration with other regulators and partner agencies
- Reducing business disruption:
 - Disruption to businesses, communities and West Midlands Fire Service caused by unwanted fire signals from fire alarms will be reduced

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PI 13 Accidental fires in non-domestic properties – the 2019/20 target represents a 2% reduction compared to the three year average. It was noted that a 5.8% increase in the number of incidents had been forecast for 2019/20. Although this would be within the upper tolerance level, it would be above the target if the figures were realised. The Service had increased its protection resources, embedded the Business Support Vehicles (BSV) within the Service Delivery Model, and upskilled firefighters to provide low level, low complex advice.

PI 14 The number of false alarm calls due to fire alarm equipment in dwellings and non-domestic premises – the 2019/20 target remained the same as per the 2018/19 target. A significant reduction in the number of incidents had been observed following the introduction of the BSVs, however the number of incidents had increased over recent years. The Service was working on understanding the reasons why increases in the number of incidents were being experienced.

Sarah Warnes, Strategic Enabler People Support Services, provided an overview of the Service Support PIs:

PI 15 The percentage of employees that have disclosed their disabled status – the target of 100% disclosure rate remains. The current disclosure rate was 95% which was high amount for any organisation. It was noted that this PI was important to the Service in that it reflected the level of trust staff had in the organisation. Staff could declare 'not stated', however it was reported that the percentage of such declarations had dropped to 14% which was positive.

PI 16 The number of female uniformed staff – the target for 2019/20 has increased to 162, compared to 129 in 2018/19. It was noted that performance would be very much reliant on the Service's ability to recruit (with a target of 50% of recruits to be female). The approach taken to recruitment and positive action had been incremental as the strategy was developed, for example increasing attraction rates and the provision of support for applicants.

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PI 17 The percentage of all staff from black and minority ethnic (BME) communities – the target for 2019/20 has increased to 12.4% compared to 11.7% in 2018/19. Again, performance would be reliant upon the Service's ability to recruit (with a target of 35% of recruits to be from BME communities).

PI 17a The percentage of uniformed staff from BME communities - the target for 2019/20 has increased from 10.1% to 11.1% (with a target of 35% of recruits being from BME communities).

PI 18 The average number of working days / shifts lost due to sickness, all staff – the target had been reduced by 9% for 2019/20, aligning with the ridership factor. It was noted that an increase in both uniformed and non-uniformed sickness had been identified over the three year period. The target was set to reflect a level of improvement that was achievable for the Service. A higher reduction could be set but there was a risk that such a target would simply not be realistic.

The PIs splitting sickness by uniformed and non-uniformed staff (PIs 19 and 20) reflected PI 18.

PI 21 The total number of injuries – the target of 126 would be maintained for 2019/20, reflecting the low number of incidents and the positive health and safety culture of the Service.

PI 22 The total number of RIDDOR injuries – the target for 2019/20 had been reduced to 14 from a previous target of 15, reflecting the low numbers experienced and forecast.

PI 23 To reduce the Fire Authority's carbon emissions – the target for 2019/20 remained the same as the previous year. The Service aimed to reduce carbon emissions further through the use of the fleet.

PI 24 To reduce gas use of Fire Authority's premises – the target for 2019/20 represented a 2% reduction against the three year average.

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PI 25 To reduce electricity use of Fire Authority's premises – the target for 2019/20 represented a 1% reduction against the three year average.

It was noted that an agreed programme of planned works was in place to support the forecast reductions in the use of gas and electricity.

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

- The performance indicators were referenced within the Fire Authority's Statement of Assurance (which was submitted to the Home Office) and were available to Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services. Additionally, the PIs were reported to Members, reported to Local Authorities via the Section 41 Members, were available on the Service's website, and were shared with partners.
- The Service was working closely with the Police. The Service had changed the way it defined arson to deliberate fires, in line with the Police definition, as a difference in reporting had been experienced previously. The Service had a dedicated fire investigation team who worked closely with the Police, rather than simply handing an incident over.
- The Service was mobilised to falls response (when the service was being provided) but the second phase would be to deliver a Safe and Well. As part of the withdrawal from the contracts, the exit strategy was to maintain the referral pathways (as many individuals represented some of the most vulnerable people in our communities). However, the Service had struggled to maintain these. As a result, the Service was intending to approach the current providers with a view to increase the number of referrals.
- Solutions to reduce the number of road traffic collisions fell under three broad areas, physical (for example road layout, speed bumps), education and legislative / enforcement.
- It was acknowledged that it would take a long time for the workforce to become truly representative of the area it served. As a result, recruitment targets were set to reflect

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this, for example, the target for recruits from BME communities was set at 35%. The percentage of female recruits was 40% but the target would be increased incrementally to 50% and then to 60% (as it was acknowledged that the Service had been underperforming in this area). It was noted that analysis had indicated that it could take until 2035 for the makeup of the workforce to reflect the population of the area (which highlighted the size of the task).

The meeting closed at 12:11 hours.

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

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25 March 2019
at Fire Service Headquarters, Vauxhall Road,
Birmingham B7 4HW

Present: Councillors Mks (Chair), Iqbal, Jenkins, Craddock
Dehar and Mr Ager (Independent)

Apology: Richard Percival, Grant Thornton

As well as the Members of the Committee the following officers
attended the meeting:

Javed Aktar, Grant Thornton
Peter Farrow, Audit Manager
John Matthews, Internal Audit
Phil Hales, Deputy Chief Fire Officer
Mike Griffiths, Treasurer

10/19 **Declarations of Interest**

There were no declarations of interest.

11/19 **Minutes of the Audit and Risk Committee held on 14
January 2019**

The minutes of the Audit and Risk Committee held on 14
January 2019 were received.

12/19 **Audit and Risk Committee Terms of Reference**

The terms of reference for the Audit and Risk Committee
reflected the Chartered Institute of Public Finance and
Accountancy (CIPFA) position statement "Audit Committees
and Local Authorities". This statement emphasised the
importance of audit committees being in place in all
principal local authorities and recognised that audit
committees were a key component of good governance.

The Terms of Reference were last reviewed in March 2018 and were subject to their annual review to ensure that they remained relevant and fit for purpose.

Following a review, the Terms of Reference had been updated in order to incorporate new additions to the model terms of reference provided by CIPFA in the latest 2018 edition of the Practical Guidance for Local Authority Audit Committees in the following areas:

- To review the governance and assurance arrangements for significant partnerships or collaborations
- To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- To provide free and unfettered access to the audit and risk committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.
- To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- To publish an annual report on the work of the Committee.

In response to a Member's enquiry about the West Midlands Combined Authority (WMCA) Audit and Risk Committee, the Auditor confirmed that the WMCA Terms of Reference mirrored the Terms of Reference and would be very similar to the CIPFA guidance.

It was also confirmed that a number of discussions had taken place regarding the role of a WMCA Audit Sub Committee, but this had not yet been decided or fully resolved.

Resolved that the revised Audit and Risk Committee Terms of Reference be approved.

13/19 **WMFS Internal Audit Plan 2019/20**

The report presented detailed the proposed Internal Audit Plan for 2019/20, with an indicative plan covering the period 2020/21 to 2021/22.

The Internal Audit Plan was a fluid plan which could be updated periodically to reflect changes in the risks faced by the Authority.

During the period covered by the plan, the priority and frequency of audit work could be subject to amendment to recognise alterations in the assessment of assurance need/risk analysis, caused by changes within the Authority and the requirements of the Audit and Risk Committee and senior managers.

During the year regular meetings were to be held with senior managers and the external auditors to review the plan and discuss the scope, nature and timescales of planned reviews. Any key changes to the plan would then be brought before the Audit and Risk Committee for approval.

It was confirmed that Sandwell Metropolitan Borough Council continued to provide this service using the CIPFA methodology, the risk register, meetings with officers and historic knowledge to produce the list of Auditable Areas. This is known as the audit universe. Each auditable area is scored High, Medium or Low. The high risk areas will be audited annually, medium risks will be visited once in a three-year cycle. A watching brief will remain on the low risks.

The Auditor confirmed that the Internal Audit Plan was still required for 2019/20 until further clarity was received in respect of the Combined Authority and the Authority would be continuing with what we know at the current time

The Combined Authority would also have an audit plan. In future there maybe two plans or one overarching plan. The Deputy Chief Fire Officer explained that there would be a transition period and all Committees would be affected.

This would be discussed by the Governance and Transformation Committee and the governance project, but in the meantime the Authority would continue to work under the current arrangements.

This could be seen as duplication but there was a potential risk that the arrangements would not change so it was best to continue. Once the transfer had been approved, a decision would be made on the best way forward.

The Treasurer confirmed there would be a requirement to continue in the initial stages and wherever possible service delivery would carry on and any risks identified as part of the audit work would be required by the Combined Authority and over the next twelve months, the issues and risk would be tied together.

Resolved that the Internal Audit Plan 2019/20 be approved.

14/19 **Audit Plan 2018-19**

The Audit Plan 2018/19 had set out the audit work that Grant Thornton proposed to undertake and the key deadlines and milestones associated with the delivery of this work. The plan had been developed using a risk-based approach and considers the risks relevant to both the audit of accounting statements and the value for money conclusion.

The Code required Grant Thornton to consider whether the Authority had put in place proper arrangements for securing economy, efficiency and effectiveness in its use of resources. This was known as the Value for Money (VFM) conclusion.

The National Audit Office (NAO) had issued its guidance for auditors on value for money work for 2018/19. The guidance stated that for local government bodies' auditors are required

to give a conclusion on whether the Authority had proper arrangements in place.

The guidance identified one single criterion for auditors to evaluate:

“In all significant respects, the audited body takes properly informed decisions and deploys resources to achieve planned and sustainable outcomes for taxpayers and local people”.

For 2018/19 the Authority was required to prepare the accounting statements by 30 June 2019 and to submit the audited 2018/19 accounts to the Audit Committee for approval by no later than 31 July 2019. The plan had set out the key phases and activities for the delivery of the audit work. All reports arising from this audit work were to be discussed and agreed with appropriate officers prior to submission to Members.

The Auditor explained that the Audit Plan was an historical looking document and discussions had taken place on the Value for Money conclusion and financial sustainability with the finance team and management.

One Member enquired about financial planning and the risks associated with the use of general balances to prop up the budget of the Authority and the emerging risks of increased employer’s pension contributions and the impending court of appeal judgement on pensions. It was questioned whether, following the £3.8m worth of savings required to balance the budget, if the Auditor would find the Authority to be considered a going concern.

The Auditor stated that Grant Thornton would continue to have discussions with management and the Audit Findings Report would be submitted in July 2019.

It was also confirmed that the £1.5m from general balances in the revised 2018/19 budget would only be known following the closedown of accounts at the end of March and when the Audit is undertaken.

Resolved that the Audit Plan 2018/19 be approved

Cllr Iqbal left the meeting at this point.

15/19 **Corporate Risk Update**

The report included the Corporate Risk Assurance Map Summary and the Position Statement for Quarter 3. This was the combined six-monthly report as agreed by Members at the Audit Committee Meeting held on the 25 July 2016.

In accordance with the Services risk management strategy, the Corporate Risk Assurance Map Summary was submitted for approval by the Audit Committee, following its submission and discussion at the Corporate Performance Review Meeting.

Corporate risks were those risks which if they occurred would seriously affect the Authority's ability to carry out its core function or deliver its strategic objectives as set out in The Plan. At the time, the Service maintained 9 corporate risks, some of which had more than one element.

Each corporate risk was assigned to a Risk Owner, who was a member of the Strategic Enabling Team. The Risk Owner had the overall responsibility for monitoring and reviewing the progress being made in managing the risk.

To enable for effective risk management, the Risk Owner would have periodically undertaken an assessment of each corporate risk. The frequency of this review would be based upon the estimated risk rating undertaken based on likelihood of impact. The likelihood was a measure of probability of a given risk occurring using a scale of 1 (low) to

4 (high). The impact was a measure of the severity or loss should the risk occur again, using a scale of 1 (low) to 4 (high).

To ensure that Members are kept informed of corporate risk matters a Corporate Risk Assurance Map Summary for Quarter 3 2018/18 (Appendix 1) and the Position Statement for Quarter 3 2018/19 (Appendix 2) were included.

In undertaking a review of corporate risks, the Risk Owner had reviewed the Corporate Risk Assurance Map. The Assurance Map provided details of:

- The strategic objectives and performance indicators relevant to the risk.
- The risk scores.
- A description of events that could lead the corporate risk being realised.
- The control measures in place designed to reduce the likelihood of risk realisation or its impact should the risk be realised.
- Additional control measures currently implemented to further reduce the likelihood or impact.
- Control owners who are responsible for the implementation, maintenance and review of individual control measures.

As part of the review each Risk Owner had considered the risk score and rating and updated the Assurance Map. The Risk Owner had provided assurance that the control measures identified were still effective in the management of risk and identified whether any new risk events or controls could have been implemented or were required. Where ongoing additional controls were being implemented, Risk

Owners would have confirmed the progress in implementing such controls.

It was noted that during the previous six months (Quarter 2 2018/19 and Quarter 3 2018/19) there had been no increase or decrease in any of the risk scores.

During the six months (Quarter 4 2017/18 and Quarter 1 2018/19) there had been an increase in the risk scores for Corporate Risk 9 Business Development, 9.1 and 9.2. These two risks had materialised and Officers were unable to provide assurance for these risks.

The DCFO explained that the Overall Confidence level of the Business Development Risk had changed from Green and Amber as set out in Appendix 1.

It was noted that following the change in the Authority's strategy, the Business Development Risk had been given an amber rating as business development had been put on hold whilst Officers assessed and reviewed the next steps to generate income and to look at alternatives.

Alternative funding, social value, commercial opportunities, sponsorship and new opportunities to raise funds would be considered.

The timeline of governance change had moved due to the delay in the parliamentary process in the laying of the Order. Officers would see the impact on the Authority over the next few months.

In response to a Member's enquiry, the DCFO stated the current ICT system was generally resilient. One or two vulnerabilities had been identified during a recent independent assessment by a local company, Aristi. The issues identified had been caused by poor house-keeping and had been rectified. Following business decisions and strategies, a number of changes would be made in the following months.

The Oracle system, that provides a number of applications including the people management system, would be moving to a new system. Officers were looking at providing a balance between the usability and accessibility of systems.

An automatic protective marking system was also being introduced to comply with GDPR.

The DCFO explained there had been a lot of issues with the Emergency Services Network (ESN) and Emergency Services Mobile Communications Projects (ESMCP).

Airwave would be extended as it was required to maintain national security.

Vehicle Radios would not be switched until the ESN was available. The public accounts committee are scrutinising the system, there is no assurance but nationally the project is said to be going ahead.

ESMCP was progressing with:

- Regional programme board
- National Board
- Police and Ambulance

The Service would not be switching off its current system until the new product was considered to be reliable and would continue to operate on the national system.

ESMCP had been paired back to just a communication tool but there were still challenges

Resolved that the Corporate Risk Assurance Map Summary (Quarter 3 2018/19) be approved and the Position Statement (Quarter 3 2018/19) be noted.

16/19 Informing the Audit Risk Assessment WMFRA 2018/19

To ensure that Audit Committee members continue to remain informed upon audit matters, the external auditor had submitted the report 'Informing with Audit Risk Assessment

WMFRA 2018/19. It was the intention of the external auditor to provide an update at all Audit and Risk Committee meetings.

The document provides the Audit and Risk Committee with an update on Grant Thornton's progress in delivering their responsibilities and includes:

- Matters in relation to fraud;
- Matters in relation to law and regulations;
- Matters in relation to going concern;
- Matters in relation to related parties; and
- Matters in relation to accounting estimate

17/19 **Audit Progress Report and Sector Update**

To ensure that Audit and Risk Committee Members continued to remain informed on audit matters, the external auditor had provided an Audit and Risk Committee Update report. It was the intention of the external auditor to provide an update at all Audit and Risk Committee meetings.

The update provided the Audit and Risk Committee with a report on Grant Thornton's progress in delivering their responsibilities as the Authority's external auditors and was noted by the committee.

The external auditor was happy with the progress made. Risk and Value for Money audits had been scoped into the Plan the External Audit was planned for June 2019 and the final accounts would be signed off at the July 2019 Audit and Risk Committee.

18/19 **Audit and Risk Committee Workplan**

The Committee noted the Work Programme for the remainder of 2019. It was noted that the meeting to sign off the accounts on the 22 July 2019 would now be held on the 15 July 2019.

19/19 Update on Topical, Legal and Regulatory Issues

The Deputy Chief Fire Officer informed the Committee of the National review of employer's pension contributions. This year the budgeted figure for WMFS had amounted to £5.3m. In 2019/20, the Home Office agreed to pay £4.9m resulting in a £400,000 increase in employers' costs for the Authority.

Nationally the anticipated increase in employers pension costs had been calculated at £108m but that figure had subsequently been revised to circa £130m.

The Treasury had initially agreed to fund all but £10m of the employers' pension increase, but there was now an additional funding gap and the impact on WMFS was an increase of approximately £900,000 and officers were trying to clarify the position.

Each Fire Service in the country will be in a broadly similar position with London Fire Brigade facing an increase of circa £5m.

This information had been received after the Authority had set its budget.

The Home Office were working with the Treasury to provide additional grant funding in 2019/20 to meet the overall national increase.

20/19 Firefighters Scheme Advisory Board Employers Survey

The Audit and Risk Committee noted the Authority's response to the Firefighters' Scheme Advisory Board Employer's Survey.

21/19 CIPFA Audit and Risk Committee Update

CIPFA had continued to develop a series of briefing papers to support public sector audit committee members and to provide a practical resource for those who support audit committees. The update was published approximately three times a year. Each one included a main feature, together with pointers to new developments or guidance that audit committee members may need to be aware of. The focus for this edition was on the Audit Committees Role in Risk Management and a Briefing on Current Issues. Issue 27 Update was noted by the Committee.

The Internal Auditor highlighted

- CIPFA training opportunities during 2019
- the increase in the number of qualified conclusions on the value for money arrangements
- Police, fire and other bodies had a 3% percentage of bodies qualified
- Local Authority Governance
- Local Government Ethical Standards report from the Committee on Standards in Public Life

22/19 **Members Private Meeting with Internal Audit**

Members of the Audit Committee met privately with the Internal Auditor.

The meeting finished at 1320 hours.

Julie Connor Strategic Hub 0121 380 6906 Julie.Connor@wmfs.net

Minutes of the Scrutiny Committee

27 March 2019 at 10:00 a.m.
at Fire Service Headquarters, Vauxhall Road, Birmingham
B7 4HW

Present: Councillor Tranter (Chair)
Councillors Barlow, Brackenridge, Jenkins and
Young
S Middleton

Apologies: Councillors Barrie and Spence

Observer: Nil

7/19 Declarations of Interest in contracts or other matters

There were no declarations of interest.

8/19 Minutes of the Scrutiny Committee held on 27 February 2019

Resolved that the minutes of the meeting held on the 27 February 2019 be approved as a correct record.

9/19 Review of Safeguarding

Alan Lotinga, Associate Consultant, West Midlands Association of Directors of Adult Social Care, presented the final report on the Review of Safeguarding Arrangements, and the accompanying implementation action plan framework.

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The review had commenced in December 2018 and concluded with the presentation of this report.

Alan Lotinga thanked all that had been involved and contributed to the review, both Officers and Members.

Gary Taylor, Assistant Chief Fire Officer, noted that the findings of the review and the report would provide the opportunity to revisit Safeguarding with independent advice. The Service was beginning to understand the associated risks and impacts earlier than other Fire and Rescue Services. There was a lot of work being undertaken nationally, and the Service would need to be ready for when the outcomes of that work came to fruition.

Alan Lotinga noted that he felt that Safeguarding leadership should sit with a Principal Officer, supported by a dedicated expert or experts, who would be able to advise the lead. The symbolism was important in that it underlined the fact that Safeguarding was not purely a prevention issue. Similar structures were in place in other organisations such as the Police.

Andrea Simmonds, Partnerships Manager, noted that such an arrangement would align with the direction of the National Fire Chiefs Council.

Gary Taylor noted that the Service had introduced Safeguarding training as a mandatory requirement for new recruits joining the Service, followed up with refresher training.

Gary Taylor noted that an overview of the report and presentation delivered to the Committee at its meeting in March, would need to be provided to the Strategic Enabling Team, and progress would need to be reported back to the Committee.

Alan Lotinga noted that the timescales regarding the actions outlined within the report were not mandatory.

Gary Taylor thanked Alan Lotinga for the review and report, and thanked all who had contributed to the review.

The following points were raised by Members:

- The report was welcomed by all Members, and the Committee thanked Alan Lotinga and all Officers and Members for their work on the review.
- Safeguarding had an impact upon every part of an organisation. It was good to see that the review had examined the impact upon the Service's staff, as well as externally.
- It was agreed that the number of annual self-assessment templates and safeguarding concern referral forms should be consolidated, identifying the best forms to use.
- It was suggested that spatial distribution, exploring geographical and relational relationships, could be worth exploring in more detail.

Resolved that the Committee approved the report on the Review of Safeguarding Arrangements.

It was agreed that progress on the outcomes of the review and of the implementation action plan framework would be reported to the Committee.

10/19 **Dispute Resolution**

Sarah Warnes, Strategic Enabler People Support Services provided an overview of the report:

Nine new grievances were received during the reporting period, five received from Green Book Staff and four received from Grey Book Staff. Additionally, a collective grievance had been raised by two watches on a station regarding the booking of leave.

Three outstanding appeals from the previous reporting period (January 2018 to June 2018) were heard, none of which were upheld. The Service was currently managing two

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Employment Tribunals in relation to these grievances (previously three but one had subsequently been withdrawn).

Debriefs had been undertaken for each of the cases or were planned for those that had reached a conclusion.

Following analysis of the equality data, there had been no impact on any specific group.

There were 21 disciplinary cases during the reporting period. The cases related to 20 Grey Book Staff and one member of Green Book Staff. Of the cases, 16 were at Gross Misconduct level and five were at Misconduct level.

A single incident and related issues from the initial investigation from one station had resulted in 14 disciplinary investigations. Ten were managed at Gross Misconduct level and four were managed at Misconduct level. Seven cases progressed to formal hearings, whilst the other seven cases were managed through local performance management. Given the significance of this investigation, both individual debriefs of each case plus a wider debrief would be completed. The debrief report would be included within the next Dispute Resolution Report submitted to the Committee.

The Service had not received an Employment Tribunal relating to any of the 21 cases. There were no hearing outcomes from the previous reporting period. There had been no key themes identifying staff possessing protected characteristics.

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

- The Service officially recognised that members of staff on maternity leave are able to follow their existing shift pattern. Any proposed change to such a member of staff's shift pattern must be done in consultation with the individual. The Service supported members of staff to continue their existing shift pattern upon return from maternity leave. Awareness had been raised by the

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Service, and Business Partners were available to provide relevant guidance to managers.

- There was an expectation for all members of staff to adopt and demonstrate behaviours in line with the Service's Core Values.
- The purpose of the Dispute Resolution Report was to demonstrate that the Service dealt with disciplinary issues effectively, taking such behaviours and actions very seriously.
- The Service had a Social Media Policy which provided guidance to staff on the use of such media, setting out the basic principles and values which were expected of all WMFS staff, Fire Authority members, and volunteers. It was agreed that the Social Media Policy would be circulated to Members at the next Committee meeting.

Resolved that the Dispute Resolution Report be submitted to the Joint Consultative Panel.

It was agreed that the Service's Social Media Policy would be circulated to Members at the next Committee meeting

11/19 **Operational Assessment Improvement Register**

Karen Gowreesunker, Clerk to the Authority and Strategic Enabler of the Strategic Hub, presented a report on the Operational Assessment (OpA) Improvement Register:

Following the publication of the OpA and Peer Challenge Report in June 2017, the Service had developed an Improvement Register to record and monitor progress in addressing the areas for consideration that had been raised as a result of the findings of the report. Periodic reports on the progress of the Improvement Register had been submitted to the Committee on a regular basis.

Of the 36 areas for consideration (38 including sub-areas 14a, b and c) within the Improvement Register and noted by the Scrutiny Committee at its November 2018 meeting:

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- Seven areas for consideration had been completed in addition to the 23 areas for consideration already classed as completed prior to the November 2018 meeting of the Scrutiny Committee.
- Eight areas for consideration had been addressed since the November Scrutiny Committee and had been classed as completed, requiring no further action for the purposes of the Improvement Register.
- All 38 areas have now been marked as completed and the Improvement Register was now considered closed.

Resolved that the Committee noted the completion of the OpA Improvement Register.

12/19 Consideration of the Annual Report of the Scrutiny Committee

It was confirmed that the draft Annual Report of the Scrutiny Committee would be submitted to the Committee for consideration and approval at its meeting scheduled for 5 June, prior to submission to the Fire Authority at its Annual General Meeting on 24 June 2019.

13/19 Scrutiny Committee Work Programme 2018-19

The Committee noted the Work Programme for 2018/19.

The meeting finished at 11:27am.

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

8 April 2019

Item 23

Notes of the Joint Consultative Panel

Attendees:

Councillor Greg Brackenridge
Councillor Nicolas Barlow
Councillor John Edwards
Councillor Catherine Miks
Councillor Zafar Iqbal

Sarah Warnes
Wendy Browning Sampson
Helen Sherlock

Satinder Sahota, Monitoring Officer
Karen Gowreesunker, Clerk to the Authority
Steve Price-Hunt, Fire Brigades Union
Maurice Carter, Unison

4/19 **Apologies for Absence**

Sasha Hitchins, Fire Brigades Union

5/19 **Declarations of Interest**

None.

6/19 **Notes of Joint Consultative Panel held on 4 February 2019**

The notes of the Joint Consultative Panel held on 4 February 2019 were received.

17/19 **Dispute Resolution Report**

Helen Sherlock provided an overview of the Dispute Resolution Report, as presented to the Scrutiny Committee on 27 March 2019, the purpose of which was to inform members of the Joint Consultative Panel about the number, type and outcomes of discipline resolutions including Employment Tribunal Activity which had occurred during the period of 1 July 2018 and 31 December 2018.

Grievances

9 new Grievances had been received, 5 were received from Green Book staff and 4 from Grey Book staff.

The grievances related to a variety of allegations, some were still ongoing. Some were appealed but not upheld. 2 members of staff had left the Service.

All 9 cases went to a formal meeting and there hadn't been any associated Employment Tribunal claims.

A discussion took place relating to the Service's approach to return to work from maternity leave. Helen Sherlock confirmed that alternate arrangements were made for returning to work and keeping in touch days and Business Partners had been made aware of the case for future returns to work.

The Chair was pleased that the issue was raised and resolved and suggested that the Policy should be looked at for future occasions. Councillor Barlow suggested that officers could identify any training requirements and that Keeping in Touch days were very important. Steve Price- Hunt felt the problem had occurred through lack of training and the wrong application of the policy by the manager not malice. It was confirmed that some areas of the Policy need addressing, the Keeping in Touch section was ambiguous and would be strengthened in the future.

Helen Sherlock confirmed that a Joint stakeholder group had been set up on the Maternity policy and Sarah Warnes stated that over the last two years a lot of work had been undertaken to strengthen the Policy. The Policy was being reviewed again and the experiences of those people who had used the Policy would be taken into account. The document would assist Manager's understanding of the issues and enable them to support individuals in right way when returning to work.

In response to Councillor Miks, Helen Sherlock didn't anticipate any issues in the future with more female firefighters joining the Service.

It was noted that managers were kept informed and trained when there are changes to legislation regarding maternity issues.

Councillor Miks suggested that there could be long term issues as experienced in the Police when a large number of female Sergeants were placed on restricted duties due to their confinement which in turn had put pressure on others.

Helen Sherlock confirmed that a number of male firefighters were taking Paternity leave and sharing the maternity provision.

An understanding of the legislation was helping. Some members of staff had been placed on restricted duties through health and protected duties for maternity and were supported through the Safety, Health and Environment team.

Councillor Brackenridge was pleased to hear that the work was being undertaken and looked forward to the number of females joining the Fire Service increasing in the future.

Sarah Warnes confirmed that maternity and paternity leave is factored into the ridership factor when undertaking the workforce planning analysis.

No associated Employment Tribunal Claims had been received relating to the grievances.

Disciplinary

There had been 21 disciplinary cases (16 at Gross Misconduct and 5 Misconduct), these related to 20 Grey Book employees and 1 Green Book employee. Details of the cases were provided to Members of the panel.

A single incident and related issues from an initial investigation at one station resulted in 14 disciplinary investigations. One significant investigation would be reported to the Panel following a wider debrief to consider the impact of this case on the Service, Individuals, Resources and Organisational Learning.

10 cases were managed at Gross Misconduct and 4 managed at Misconduct. 7 progressed to a formal hearing as the allegations related to a breach of the Service's Core Values. The remaining 7 were not progressed to formal hearings but were managed through local performance management.

There were no significant trends to report and no associated Employment Tribunals had been received by the Service relating to any of the disciplinary cases from any employees.

3 Employment Tribunals had been lodged in this reporting period, but one had subsequently been withdrawn. The 2 Employment Tribunals related to Grievances reported in the previous reporting period and progress would be reported at a future meeting.

Steve Price-Hunt stated that again during this reporting period, there had been high levels of disciplinary cases with 16 at Gross Misconduct. He stated this was becoming the norm for West Midlands Fire Service but was not proportionate with other Services. He re-iterated that there were 7 cases resulting in 1 Final Written Warning, 4 first Written Warnings and 1 no case to answer and one case pending hearing and

he was concerned that a charge of Gross Misconduct was being used regularly.

The Chair welcomed the wider debrief on the specific case.

The Fire Brigades Union asked the Fire Authority to undertake research to establish the financial costs of disciplinary cases including overtime, cover, people undertaking investigations, sickness, Occupational Health referral and suggested that the figures would be staggering.

The Fire Brigades Union continued that a large case resulting in 14 disciplinary investigations had taken over a year and felt that the number of resources used to carry out the investigations would create a substantial cost, possibly six figure number on the organisation.

Secondly, in respect of cases of dismissal, the Fire Brigades Union requested that the Constitution be amended to ensure that the Appeals Panels were heard by Members of the Fire Authority in a similar manner to some other Fire Authorities.

Sarah Warnes stated that the numbers were disappointing, but one case involved a large group of people and was a complex case. It had taken some time to get to the latest position. Outside of this case, there were 7 cases which was a proportionate level of case management and aligned with previous periods.

The large case is reported as individual investigations separately to provide transparency which then translate in to high number of overall cases. The learning from this case will be provided through the debrief process.

It was confirmed that the issue of Fire Authority Members hearing Appeals for disciplinary issues had been previously addressed through the Joint Consultative Panel in 2017 and could not be revisited. Additionally, the request had not been through the Joint Consultative Committee.

The Clerk stated that the FBU would need to go through the Employees Relations Framework (ERF). The Monitoring Officer concurred with the Clerk.

A question related to the role of the Appeals Committee was asked and It was confirmed that the Appeals Committee's role is to hear Pensions Appeals.

Councillor Edwards felt that the latest figures were not typical and had been distorted by one case and following the debrief the Members of the JCP would receive details of the learning and any follow up action on this significant episode.

It was confirmed that all Councils had moved away from Elected Members hearing Disciplinary Appeals because of the legal complexities and it was considered that Tribunals were the best way forward to make a judgement.

Steve Price-Hunt understood the role of the ERF and JCC, but felt that the Fire Authority were the Employer with delegated responsibility to the CFO, but also felt that the Fire Authority had a responsibility to understand the cost of disciplinary cases which are unusually high.

The FBU had raised this issue on two previous occasions and although management training had been provided to nip disciplinary issues in the bud, the numbers were still high and the Panel appeared to be accepting the high numbers. Steve Price-Hunt reiterated his request for the Fire Authority to cost out the full financial implications of the disciplinary investigation.

He highlighted one case that had lasted one year but the conclusion was that for one individual there was no case to answer.

Satinder Sahota stated the figure for this period was a unique spike and was not representative of the number of cases during his time as Monitoring Officer.

From an Employment Law perspective, it was considered better to start with Gross Misconduct and then to reduce to Misconduct when matters become clear and to ensure that there isn't a disproportionate sanction. It would be difficult to justify uprating a case from Misconduct to Gross Misconduct and Members were asked to bear this in mind and that review work was being undertaken with the Representative Bodies.

The Chair stated that he took on board the issues raised by both sides and understood the legal definitions and the problems that could be caused at Employment Tribunals by changing the charge. He accepted that the issue had been discussed at every meeting of the Panel and asked if the joint work was being discussed with the Representative Bodies.

Helen Sherlock confirmed that the specific debrief process was well embedded and Officers were working with the FBU. Work was also being undertaken with Organisational Intelligence on the time taken and the length of sickness absence. Following the initial three months of wider organisational learning, the Representative Bodies are now being included.

Sarah Warnes stated that the focus should be further upstream as these issues detract from the question as to why people feel appropriate to act outside of core values and the culture of behaviours should be looked at as quickly as possible.

Wendy Browning-Sampson confirmed that the forum to thrash out the detail was the Joint Working Panel and would be picked up there.

The Chair thanked Officers for the information which was helpful to Members and was satisfied that the figures were in proportion. He went on to say that everybody associated with the Fire Service demands the highest standards and the Unions also demand the highest levels of behaviour and the standards were there to protect the staff and reputation of the Fire Service.

Cllr Edwards stated he had no opposition to the cost of process being looked at but was not sure what would be gained by this. He felt that there would always be a cost to managing a process for the time that the Service and the Trade Unions spent on discipline cases.

He stated that if the main aim was to reduce costs this could impact or deviate from good practice and ACAS guidelines. Cllr Edwards felt this could have an impact on behaviours.

The FBU agreed that if someone displayed unacceptable behaviours they should be disciplined, but felt that a review of the costs and time involved would sharpen minds and bring focus to the extent of time being taken on disciplinary hearing. Steve Price-Hunt disagreed with Satinder Sahota in regarding to starting at a charge of Gross Misconduct and stated that a lesser charge can be used if it could stand up in court.

However, he repeated that the process was taking too long, and that disciplinary hearing should take place but more quickly and robustly as the current situation was having a detrimental effect on morale and the organisation.

It was agreed that following further work at the Joint Working Party a report would be represented at a future Joint Consultative Panel to give Members further insight. It was felt that cost should not be the overriding factor.

The outcome of debrief process would also be fed back to the JCP and It was hoped that there would be a learning outcome from the process and the learning would then become embedded.

Minutes of the Audit and Risk Committee ^{Item 24}
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3 June 2019
at Fire Service Headquarters, Vauxhall Road,
Birmingham B7 4HW

Present: Councillors Mks (Chair), Iqbal, Jenkins, Dehar and Mr
Ager (Independent)

Apology: Councillor Craddock Richard Percival, Grant Thornton
DCFO Phil Hales

As well as the Members of the Committee the following officers
attended the meeting:

Javed Aktar, Grant Thornton
Peter Farrow, Audit Manager
John Matthews, Internal Audit
Mike Griffiths, Treasurer
Kal Shoker, Finance Manager
Satinder Sahota, Monitoring Officer (Item 5 only)
Gary Taylor, Assistant Chief Fire Officer (Observer)

23/19 **Declarations of Interest**

There were no declarations of interest.

24/19 **Minutes of the Audit and Risk Committee held on 25
March 2019**

Resolved that the minutes of the Audit and Risk
Committee held on 25 March 2019 be approved as a
correct record.

25/19 **Governance Statement 2018-19**

The Committee received the Governance Statement for
2018/19.

It is a requirement for every Local Authority to produce a Governance Statement with its Statement of Accounts.

The Governance Statement covered the following areas:

- Scope of Responsibility
- Purpose of the Governance Framework
- The Governance Framework, including specific reference to audit arrangements, corporate risk management arrangements and performance management
- Review of Effectiveness, including the Authority's political governance arrangements, the provision of internal audit, and the development of the Audit Plan
- Significant Governance Arrangements within the Authority, including the Authority's Corporate Strategy 'The Plan' and effectiveness of the Service Delivery Model, external audit work undertaken during 2018/19, and reference to the external environment that the Authority is operating in.

The Committee noted the Audit Work that had been undertaken during 2018/19 and issues that had been identified in the reviews of the Payrolls Section. These were highlighted in the Annual Internal Audit Report and had been raised with relevant managers and actions had been taken to achieve improvements.

Mr Ager found the wording on paragraph 5.5 a little harsh, but it was agreed to leaving the wording in the report. The Treasurer stated the Annual Internal Audit Report was one of the best reports in terms of the least number of significant issues identified.

The External Auditor suggested that an additional section should be added to the Governance Statement to reflect the announcement regarding the transfer of governance to the Combined Authority not proceeding.

The Treasurer and External Auditor agreed to amend the Governance Statement in respect of the change of governance arrangements prior to approval by the Fire Authority at the Annual General Meeting on the 24 June 2019 and signing by the Chair and Chief Fire Officer.

Resolved that following amendment by the Treasurer in agreement with the External Auditor that the Governance Statement for 2018/19 be approved.

26/19 Monitoring Policies on Raising Concerns at Work – Whistleblowing Standing Order 2/20 and Regulation of Investigatory Powers Act

The Committee received and noted the report on Monitoring Policies on Raising Concerns at Work – Whistle Blowing Standing Order 2/20 and Regulation of Investigatory Powers Act 2000.

It was noted that there had be no allegations of whistle blowing reported through the Whistle Blowing Policy S/O 2/20.

It was noted that there had been no requests to enact the Regulation of the Investigatory Powers Act 2000 in the last year up to 31 March 2019.

Standing Order 2/20 had been consulted upon 8 August 2018 with only minor amendment and had been published on 6 December 2018.

27/19 Internal Audit Annual Report 2018-19

Approval was sought for the Annual Internal Audit Report 2018-19 which had been compiled by the internal auditors.

The report detailed the work of the internal audit service undertaken in 2018-19, providing an opinion on the adequacy and effectiveness of the Authority's governance, risk management and internal control process. The contents of the report also provided one element of the evidence that is required to underpin the Authority's Governance Statement.

The report summarised the audit work undertaken during the year, including:

- the areas subject to review during the year (Auditable Area)
- the level of risk to the Authority assigned to each auditable area (high, medium or low)
- the number of recommendations made as a result of each audit review
- details of any work undertaken outside of the original plan

The report also provided a summary of the key control issues that arose during the year.

Customer satisfaction questionnaires were issued for all audits carried out. From the responses returned, the average scores were 4.5, which compared favourably with the target score of four (equally good), representing a positive opinion.

Two reviews were currently in progress, and there were two recommendations from the Audits undertaken, one significant and one that merits attention. All of the audits had received a Substantial level of assurance.

Based on the work undertaken during the year and the implementation of the recommendations made, the Internal Auditor provided “reasonable assurance” that the Fire Authority has an adequate and effective framework of governance, risk management and control.

The Auditor stated that this is an unqualified opinion and the highest level of assurance available to Audit Services.

Resolved that the Annual Internal Audit Report for 2018/19 be approved.

28/19 Audit and Risk Committee Annual Report 2018-19

Approval was sought for the Audit and Risk Committee Annual Report 2018-19 which had been compiled by the internal auditors.

Following approval the report is submitted to the Annual Meeting of the Fire Authority. The report provided an overview of the business of the Committee during 2018/19, meetings held, Committee Members and attendance record and the business undertaken. Information flows through to the Committee, following a lot of work being undertaken and no issues of real concern had been identified. Adequate systems were in place to identify risks.

Resolved that the Annual Report of the Audit Committee be approved and submitted to Annual Meeting of the Authority.

29/19 Audit Committee Update from External Auditors

Richard Percival stated that the accounts had been received before the required deadline. The team from Grant Thornton were currently auditing the accounts.

Page 89 of the account's disclosure refers to contingent liability in respect of Pensions. The McCloud case outcome was expected in the next few weeks and this may or may not have a cash impact on fire authorities and dependent upon the result Grant Thornton may recommend a change to the disclosure.

The External Auditor would note the impact of the change to the Combined Authority arrangements and continue to monitor.

There were no substantive or overarching issues to report.

30/19 Update on Topical, Legal and Regulatory Issues

Following an update to Members of the Authority at the Policy Planning Forum held prior to the Audit and Risk Committee, there were no new issues to report.

31/19 Audit and Risk Workplan 2018-2019

The Committee noted the Work Programme for 2018/19.

32/19 CIPFA Audit Committee Update Issue 28 – March 2019

The CIPFA Update had been circulated in March 2019 and the Committee noted the contents.

33/19 Private Meeting with External Auditors

The Members of the Audit and Risk Committee did not require a private meeting with the External Auditors.

34/19 Workshop for Members on Statement of Accounts 2018/19

The Members of the Audit Committee attended a Workshop on the Statement of Accounts 2018/19.

The meeting finished at 1320 hours.

Julie Connor Strategic Hub 0121 380 6906 Julie.Connor@wmfs.net

Notes of the Policy Planning Forum

Item 25

**3 June 2019 at 10.30 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

- Present:** Members of the Authority
Councillor Edwards (Chair)
Councillor Iqbal (Vice Chair)
Councillors Barlow, Brackenridge, Dehar, Hogarth,
Miks, Miller, Spence, Walsh and Young
Gurinder Josan
Mr Ager
- Officers:** West Midlands Fire Service
Chief Fire Officer (P Loach)
Assistant Chief Fire Officer (G Taylor)
B Brook, S Burton, J Connor, P Fellows, M Hamilton-
Russell, M Pym, S Taylor, S Timmington, S Vincent, S
Warnes
- Clerk and Monitoring Officer**
K Gowreesunker (Clerk)
S Sahota (Monitoring Officer)
M Griffiths (Treasurer)
- Apologies:** Councillors Barrie, Craddock, Jenkins and Tranter
Professor Simon Brake
Sarah Middleton
Deputy Chief Fire Officer (P Hales)
- Observers:** Councillors Cooper and Gill

9/19 Chair and CFO Announcements

Cllr John Edwards, Chair of West Midlands Fire and Rescue Authority (WMFRA), welcomed all attendees to the Policy Planning Forum.

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Councillors Aston, Craddock and Tranter would not be returning to the Authority and a thank you was placed on record for their contributions during their respective terms.

Councillors Cooper (Walsall MBC), Gill (Sandwell MBC), and Miller (Dudley MBC) were welcomed to the Authority.

The Chief Fire Officer, Phil Loach, thanked the departing councillors for their contributions and noted that he looked forward to working with the councillors joining the Authority.

Councillors who attended the opening of Coventry Fire Station on 2 June were thanked for their support.

10/19 Delivering the Strategy

Phil Loach, Chief Fire Officer, delivered a presentation on 'Delivering the Strategy':

The Integrated Risk Management Plan (IRMP) was the basis of all risk analysis. The effective deployment of resources through the IRMP and the integration of response, prevention and protection was enabling the delivery of the Strategy (The Plan) and the continuing current trend of performance results.

The Grenfell Tower incident had increased the focus upon the prevention and particularly protection. The protection programme was put under pressure following the Grenfell Tower incident. As a result, Officers presented a report to the Fire Authority outlining a need to invest in protection (against a backdrop of financial pressures / budget reductions). The subsequent investment had resulted in the recruitment of 11 members of staff. It was anticipated that there would be further buildings to test and put support in place for as part of a second round of inspections. The Service managed the first round on behalf of the National Fire Chief's Council (NFCC) and could do the same again.

With regard to staffing, the target for in-year savings of £750K had been met. The five minute risk based attendance standard had been maintained during this period. The average attendance time for category one incidents was under five minutes. The average

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attendance times for category two, three and four incidents were all above below the respective targets.

The number of accidental dwelling fires was below target and represented the lowest total since 2016. The number of incidents during quarter three was the lowest number since the Service had started collecting such data (1998/99). The performance was bucking the national trend which was observing increases in the number of incidents.

The percentage of Safe and Well visits referred by our partners was 45.6%, below the target of 55%. It was evidenced that such referrals were effective in achieving referrals to the most vulnerable people within our communities, and there was a need to continue to build upon these. The withdrawal from falls response had impacted negatively upon the referral pathways but the Service was striving to improve these.

The number of Safe and Well points achieved by the Service, at 302,036 was above the target of 300,000, as a result of effective targeting.

Deliberate fires; the number of deliberate vehicle fires, deliberate fires in dwellings, and deliberate non-domestic property fires were all below target and within the tolerance levels. The number of deliberate fires in derelict buildings was below the target and below the lower tolerance level. The number of incidents had plateaued in recent years and the Service's Fire Investigation Teams were one of the best nationally, supporting other agencies such as the Police. Additionally, there had been a significant reduction in the number of incidents experienced at HMP Birmingham.

The number of false alarm equipment calls was over target and above the upper tolerance level. 98% of such incidents start and remain an unwanted fire signal, with the remaining 2% of incidents resulting in a fire. The Service attended premises and supported the owners / responsible person(s) responsibilities with regard to the Regulatory Reform Order (RRO).

The number of accidental non-domestic property fires was below target and within the tolerance levels.

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Site Specific Risk Inspections (SSRI) - high rise and cladding inspections: To mitigate risk, all residential high rise buildings received SSRIs and Fire Safety inspections. All buildings identified with flammable cladding have been inspected. Additionally, support had been provided whilst cladding was being dealt with. The extra work load resulting from the inspections, etc had impacted upon the risk based protection programme and the number of audits carried out in high risk premises, hence the need for recruitment to be undertaken.

Strategic considerations:

- Continue to perform effectively and efficiently in emergency response
- Increased demand, as a result of Grenfell, fire safety complaints and referrals continued impact audits completed in high risk buildings
- Meeting timelines for building regulation consultations continues to be challenging due to high demand incorporating large scale projects
- Achieving Timelines for Building Regulation Consultations continues to be challenging - high demand & complex developments
- Appreciate risk and implement mitigation methods across prevention, protection and response
- Reduction in health agenda has reduced engagement activities to the most vulnerable members of the community

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

- The Service had put a lot of effort into the recruitment rates of females and people from Black and Minority Ethnic (BME) backgrounds, and great progress had been made. However, it would be a long journey to achieve the required outcomes.
- The Service would continue to support the work around high rise and cladding inspections, including locally via lobbying through the Local Authorities, and nationally via the NFCC. The Service would provide support to affected premises including the provision of extra cover, a sleeping watch, etc.

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- 551 high rise premises had been inspected to provide public assurance. 14 premises had been identified to feature flammable cladding, and the Service was working with the Local Authorities to enact remedial action for the removal of such cladding.
- The high rise and cladding inspections fell within the remit of the RRO, and therefore the Service was funded already for the work via normal funding methods.
- The RRO was not necessarily always effective legislation to deal with flammable cladding, and other forms of legislation had to be used with Local Authorities to deal with, and issue prohibitions.
- The Service worked with all landlords, from Local Authorities to private landlords including arms-length companies. The legislative reach of the Fire and Rescue Service only extended to communal areas. The Service also relied largely on partnerships.
- The Service had experienced a 50% reduction in its central grant. The number of Inspecting Officers in protection, which discharge the legislative fire safety function of the Service, had been reduced. Following the Grenfell Tower incident, the Service had reviewed what resources were required, the outcomes of which were presented as a report submitted to the Authority. There is no new money available so there was a need to fund the additional resources via the realignment of services. This could lead to the use of reserves dependent upon the outcomes of the forthcoming Comprehensive Spending Review.
- With regard to the withdrawal from falls response contracts and the subsequent impact upon referral pathways, the West Midlands Combined Authority (WMCA) could have role potentially via the public service reform agenda. Additionally, the Service was engaged within the WMCA Wellbeing Forum.
- The Service's corporate performance indicators were set locally, but reported nationally. The performance indicators were reported within the Service, and to the Authority via the Scrutiny Committee. Forecasting was incorporated into the targets, for example, the building of more affordable homes in the West Midlands.

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11/19 National Joint Council (NJC) Pay Award and Wider Role Map

Gary Taylor, Assistant Chief Fire Officer, delivered a presentation on the NJC pay award and wider role map.

Current pay position:

- March 2019 – NJC pay offer: 3 year settlement 2019 – 2022 of a cumulative increase of 13.57%
- April 2019 – NJC pay offer rejected by the Fire Brigades Union (FBU)
- May 2019 – discussions continue at a national level

The Service had budgeted according to an annual pay rise of 2%.

Activities defined by the FBU as non-contractual were embedded across the strategic priorities of The Plan (Response, Prevention, Protection). A number of examples of activities that could be defined as non-contractual and the potential resulting impact on the Service were provided. The withdrawal from non-contractual work would have a significant impact upon the business continuity of the Service, and the trust and confidence across the community and partners.

Strategic considerations included:

- Ongoing national pay negotiations
- The Service participation through the NJC and NFCC
- Re-evaluate corporate risk
- Validate business continuity arrangements
- Communications and engagement (internal / external)
- Fire Authority consideration:
 - Impact on delivery of The Plan
 - Increased risk to community
 - Non-contractual activities as defined by the FBU

Updates would be provided the Fire Authority as the situation developed going forward.

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

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- Business continuity arrangements were in place for all scenarios. The level of confidence of what the impact would be had been reported to the Home Office, with additional work to be undertaken and reported once it was understood what the outcome of any potential industrial action would consist of. Based on the strength of the last ballot, the assessment of the business continuity arrangements through existing staff could not be guaranteed.
- With regard to timescales, the wider role map had been discussed nationally for 12 to 18 months. Going forward, developments were likely to be compressed and to be quite quick. The pay offer was due on 1 July 2019.
- The financial impact of a pay increase constituted £650K per year for every 1% increase. The Service had forecast 2% increases as part of the budget setting process. Therefore, every 1% increase above 2% would represent an additional £650K budgetary pressure.
- In reference to water rescue being non-contractual, the Fire and Rescue National Framework included some support for committing rescues. However, there was some conjecture on how far rescues should go, for example, different levels of response.

12/19 Governance

Karen Gowreesunker, Clerk to the Authority, provided an update on governance of the Authority.

Update on the Draft Order:

A number of Local Authorities had not provided consent and therefore the draft Order would not be laid. Responses from Local Authorities were still being received at the time of the meeting and a further update would be provided to Members in due course.

Snapshot of changes to the membership and committees of the Fire Authority for 2019/20:

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The Fire Authority would be comprised of 10 Labour Members and five Conservative Members, plus the Police and Crime Commissioner representative and two co-opted Members.

The Governance and Transformation Committee would be replaced by the Collaboration and Transformation Committee. Minor amendments to the terms of reference would be made to the Scrutiny Committee (shared Fire Control strategic governance), and to the Appointments, Standards and Appeals Committee (pension appeals – appellant attendance).

The changes would be outlined within the governance report which would be submitted to the Fire Authority at the Annual General Meeting on 24 June 2019.

Chief Fire Officer accountabilities:

The Chief Fire Officer accountabilities were aligned to those proposed for future governance arrangements, and maintaining the principles of Fire Authority governance. They would provide greater clarity of the responsibilities of the Chief Fire Officer and would be incorporated into the Constitution. This would be reported via the governance report which would be submitted to the Fire Authority at the Annual General Meeting.

13/19 Cultural Review

Ben Brook, Strategic Enabler Culture, provided an update on the cultural review:

Following a full tendering process, an independent company had been identified to undertake the review.

Terms of reference had been agreed by all key stakeholders.

The review would look at the Fire Authority, the Service, and representative bodies, including relationships and the impact upon the Service and communities.

The review would focus on seven themes:

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- Leadership
- Communication and engagement
- Valuing people and embracing diversity and inclusion
- Performance management
- Behaviours and core values
- Learning, development and progression
- Adaptability and approach to change

The review would commence in June and be completed in August 2019. Information gathering had commenced.

The review would incorporate an initial meeting with the Chief Fire Officer, and key stakeholder meetings with the Strategic Enabling Team, the Fire Authority, and the representative bodies.

Outcomes of the review would be comprised of:

- Hot debrief and report with the Chief Fire Officer
- A formal structured report for distribution to key stakeholders
- Identification of specific issues unique to particular groups of staff
- A structured set of recommendations

It was noted that the review could look at all of the Service, in addition to the broad themes as outlined above.

The recent inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services would also shape and inform the outcomes of the review.

The meeting closed at 12:08 hours.

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

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