

West Midlands Fire and Rescue Authority

Scrutiny Committee

**You are summoned to attend the meeting of Scrutiny Committee to be held on
Monday, 07 October 2019 at 13:30**

at Fire Service HQ, 99 Vauxhall Road, Nechells, Birmingham B7 4HW

for the purpose of transacting the following business:

Agenda – Public Session

- 1 To receive apologies for absence (if any)
- 2 Declarations of interests
- 3 Minutes of the Scrutiny Committee held on 3 September 2019 **3 - 16**
- 4 Scrutiny Reviews (S Warnes, Assistant Chief Fire Officer) **17 - 20**
- 5 Update on the Review of Safeguarding (verbal update) - (S Warnes, Assistant Chief Fire Officer)

Distribution:

Nicolas Barlow - Member, David Barrie - Member, Jasbinder Dehar - Member, Manjit Gill - Member, Kerry Jenkins - Vice Chair of the Scrutiny Committee, Sybil Spence - Chair of The Scrutiny Committee, Patricia Young - Member

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Minutes of the Scrutiny Committee

3 September 2019 at 1400 hours
at Fire Service Headquarters, Vauxhall Road, Birmingham
B7 4HW

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

Apologies: Councillors Dehar and Young
Sarah Middleton

Observer: Councillor Brackenridge

22/19 Declarations of Interest in contracts or other matters

There were no declarations of interest.

23/19 Minutes of the Scrutiny Committee held on 5 June 2019

Resolved that the minutes of the meeting held on the 5 June 2019 be approved as a correct record.

24/19 Scrutiny Committee Terms of Reference

The Committee noted the amended Terms of Reference of the Scrutiny Committee as approved by the Authority at its Annual General Meeting on 24 June 2019.

The terms of reference had the following addition:

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

As a result of the governance changes within Staffordshire Fire and Rescue Authority (with the Staffordshire Police, Fire and Rescue and Crime Commissioner now responsible for Fire) and the disestablishment of the Shared Fire Control Governance Board, it had been agreed that future performance would be reported to both Service's existing governance structures.

The performance information would be presented at the Scrutiny Committee meeting scheduled for the 11 November 2019.

25/19 **Dispute Resolution Report**

The Committee noted the contents of the Dispute Resolution Report for the period 1 January 2019 to 30 June 2019.

The Committee agreed that once noted the report would be submitted to the Joint Consultative Panel.

The Committee noted the proposed change to reporting dates for future report to be submitted to the Joint Consultative Panel.

The report informed the Committee of the number, type and outcomes of discipline and grievance hearings and other dispute resolution including Employment Tribunal activity that had occurred during the reporting period.

The proposed change in reporting dates for future reports was to align the dates for other performance management data to provide the same reporting cycles. This would change to April to September and October to March for future reports. Instead of January to June and July to December.

Five grievances had been received during the reporting period relating to working practices.

One grievance was resolved locally and four of the grievances went to a formal hearing.

There were two outstanding grievances from the previous reporting period, they were concluded and there were no appeals submitted.

The Service was not in receipt of any Employment Tribunals related to the above grievances.

Disciplinary

There were ten cases (5 at gross misconduct and 5 at misconduct) as set out in the report.

Of the five at Gross Misconduct, three went to a formal hearing and two were ongoing.

Of the Misconduct Hearings, one went to a formal hearing, one was managed locally, three were ongoing.

The outcomes of the four hearings were four Final Written Warnings.

Debriefs were being carried out and feed into the debrief process.

No Employment Tribunal Claims had been received during the reporting period and the Service was currently managing two Employment Tribunals from the previous reporting period. Provisional dates had been set for 2020 but these dates were outside the control of the Service.

There had been an agreement with management and Trade Unions to hold a Joint Working Party to specifically look at the amendments and enhancements that had been identified following the analysis of trends from the debriefs.

The Joint Working Party would be looking at:

- The process for undertaking a management investigation prior to a formal process;
- The management and welfare of employees who are either off sick or suspended, including specific definition around the roles and responsibilities of the welfare officer, and

- The process for undertaking significant or large cases where increased resources are required for all key stakeholder.

The first meeting of the Joint working Party would be held in September 2019.

In respect of protected characteristics, there was no adverse impact on any particular group and a summary was provided together with a summary of the previous reporting period.

In answer to a Member's question regarding acceptance of guilt if an employee decided not to appeal, it was confirmed that this was individual's choice and if they accepted the outcome to be reasonable and fair they may decide not to progress with an appeal.

There was a healthy appeal rate of decisions based on personal choice and advice from Trade Unions. If the case was clear cut and evidence provided, employees would receive advice from their Trade Union or representatives but they are still able to appeal.

One member felt that employees may not appeal if they were being bullied.

It was confirmed that more grievances are appealed than disciplinary cases.

A new process had been in place for the previous 18 months. The Committee had discussed this previously and felt the new process provided a balanced approach.

Members felt the information was now presented in a better format and the information on the protected characteristics was welcomed but were concerned by the sexual harassment issues.

The policies on sexual harassment was being reviewed and updated and the Diversity, Inclusion, Cohesion and Equality Team (DICE) would be rolling out training broadly highlighting issues on what is acceptable.

The training would be rolled out to bespoke groups over the next six months, but all staff would be made aware of the policy.

The Committee discussed the issues in society and the Me2 campaign and felt it important that everyone had a level of understanding the Policy.

It was confirmed that the Organisational Learning and Personal Development, Workforce Planning and DICE teams are reviewing the progression model to ensure individuals have the required understanding and skills in the application of our policies.

If an issue was reported, Supervisory managers were advised to try and act early and to challenge behaviours.

Managers also needed to be able to show that they were able to understand and apply a policy and be able to use the softer skills.

The Chair of the Authority was pleased to hear about the people skill training and stated that this gave him a lot of confidence.

Assistant Chief Officer (ACO) Sarah Warnes confirmed that the Service has a development session based on behaviours within the workplace that is being used with staff. The evaluation has had positive feedback.

The Chair of the Authority stated that some outstanding people were being appointed and wanted a zero tolerance approach to harassment.

26/19 **Analysis of Progress of Quarterly Performance against The Plan – quarter one 2019/20**

ACO Sarah Warnes, provided an overview of the report:

PI 1 The risk based attendance standard: the median attendance time to category one incidents during quarter one was four minutes and 39 seconds, a one second increase compared to quarter four 2018/19.

It was noted that the Firecoder trial turnout system at Coventry had been well received and would be rolled out across all stations in the future.

It was also noted that the 999 eye system had been used on 1,904 occasions.

PI 2 The number of accidental dwelling fires: there had been 440 incidents in quarter one, 7.6% above the target although within the tolerance levels. There were no hot spots.

PI 3 Injuries from accidental fires in dwellings (taken to hospital for treatment): there had been 20 injuries during quarter one. 77.9% above the target and above the upper tolerance level. This performance indicator continues to show an increasing trend.

PI 4 The number of deaths from accidental dwelling fires: Five fatalities were recorded during quarter one of 2019/20. Three of the fatalities involved people over the age of 60, and in four cases the cause of death was recorded a smoke inhalation. Smoking was the most common source of ignition.

PI 5 The percentage of Safe and Well visits referred by our partners: at 36.6%, performance was below the target of 40%.

The reduction in referral pathways had impacted upon the number of referrals. Officers had looked at current data sets and partnership referrals. The Vulnerability from Fire project was external facing and was to encourage partners

to register safe and well visits through an external facing portal rather than through the contact centre.

Councillor Brackenridge stated that during September a series of events had been organised to raise awareness of partnership referrals and the outcomes could be reported back in October/November.

The Partnerships Team were working the Command Teams to increase the number of referrals. It was noted that Jason Campbell and Peter Wilson were the key personnel in supporting the Operations Commander.

It was suggested that with officers' support, Lead Members could liaise with Cabinet Members for Health and Wellbeing in their Councils.

A package of information would be made available to Members to assist in contacting their Cabinet Members. Members would then be able to set up meetings locally.

PI 6 The number of Safe and Well points achieved by the Service: 61,170 points had been achieved during quarter one 2019/20. There are no tolerance levels for this performance indicator). The annual target is 259,680.

The Tymely system continues to be developed. Currently working well but some teething problems to be ironed out. Officers are working with two sets of data that need to be combined. This will give an accurate picture of overall performance.

PI 7 The number of people killed or seriously injured in road traffic collisions: Data for quarter one 2019/20 had not yet been released (due to ongoing delays in receiving data). The figures for quarter four 2018/19 indicated a quarter on quarter decrease from the number reported in quarter three which was in line with similar decreases observed during the same periods in the previous two years. Officers continue to educate and work within schools.

PI 8 The number of deliberate fires in dwellings: 45 incidents were recorded during quarter one 2019/20, 17.7%

below target, and within the tolerance levels. A significant decrease of 27% compared to the same period 2018/19 (63 incidents).

PI 9 The number of deliberate fires in non-domestic premises: 42 incidents had been recorded during quarter one 2019/20, 8.9% below target. However, the number of incidents during quarter one represented a large increase compared to the level levels recorded during quarters three (23) and four 2018/19 (21).

PI 10 The number of deliberate vehicle fires: 212 deliberate vehicles fires during quarter one, 10.1% above target. Performance is within the tolerance levels despite a slight increase in incidents.

PI 11 The number of deliberate rubbish fires: 519 deliberate rubbish fires during quarter one, 9% above target although within the tolerance levels. The quarterly figures represented the highest number of incidents recorded since quarter two 2017/18.

PI 12 The number of deliberate fires in derelict buildings: 50 incidents had been recorded during quarter one, 47.9% above the target. The quarterly figure represents the highest number of incidents recorded since quarter two 2016/17. 103 incidents were recorded for the year 2018/19.

The Committee were informed that a number of incidents had been highlighted in Smethwick by officers from the Black Country South team in a particular area. The issues had arisen between 4 and 7 pm near to derelict buildings and the canal. West Midlands Police and Officers from Sandwell had ensured that the site was secured and 24 hour security fitted. This has reduced the number of incidents.

Officers from Black Country South had also undertaken work identifying derelict building and liaised with local managers to make sure that sites were secure in Walsall. Once the sites had been identified, security had been put in place prior to the building being demolished or brought back into use.

Cllr Barrie stated that security cameras are often put in place in derelict buildings and then the uploaded pictures are checked 28 days later. The pictures give an indication of any break ins by urban explorers.

PI 13 The number of accidental fires in non-domestic premises: 115 incidents were recorded during Quarter one, 4.2% above target although within the tolerance levels.

PI 14 The number of false alarm calls due to fire alarm equipment in dwellings and non-domestic premises: 1426 incidents had been recorded during quarter one, 2019/20, 5.3% above the target although within the tolerance levels.

PI 15 The percentage of employees that have disclosed their disability status: 95.2% of staff had disclosed their disability status, a slight rise compared to previous periods. Declaration rates across the protected characteristics continued to remain high. A targeted piece of work had been undertaken to seek understanding for non-disclosure and to provide further education and support. Currently 99.4% disclosed ethnicity and 87.4% disclosed their sexual orientation.

PI 16 The number of female uniformed staff: there were 134 female uniformed staff as of quarter one, two below target and within the tolerance levels. The Service had employed 16 new entrant firefighters since April 2019, seven (44%) of which are female.

Officers were working with the Fire Service College and a pre-recruitment programme had just started.

PI 17 The percentage of all staff from BME communities: 11.5% of all staff were from BME communities, compared to a target of 11.8%. Performance was within the tolerance levels. A pre-recruitment programme was being run for BME and there was a slight increase in attraction levels.

PI 17a The percentage of uniformed staff from BME communities: 10% of uniformed staff were from BME

communities, (a slight increase from 9.4% quarter one 2018/19) performance was within the tolerance levels.

PI 18: The average number of working days/shifts lost due to sickness – all staff: an average of 2.04 working day/s shifts per person were lost due to sickness during quarter one which was above target and above the upper tolerance levels.

PI 19 The average number of working days/shifts lost due to sickness – uniformed and Fire Control staff: an average of 2.07 working days / shifts per person were lost due to sickness during quarter one. The figure represented a 27.4% increase compared to the same period in 2018/19.

Gaps continued in the recording of reasons for absence and return to work information.

PI 20 The average number of working days / shifts lost due to sickness – non-uniformed staff: an average of 1.95 working days / shifts per person were lost due to sickness during quarter one. This was above the target and above the upper tolerance level. The figure represented a 29.6% increase compared to the same period in 2018/19.

It was noted that the missing data for absence reasons and return to work information had increased during the quarter.

A bespoke piece of work on data cleansing and systems issues was being undertaken and a full report would be provided at the next meeting.

In response to a Member's enquiry, it was confirmed that return to work interviews were happening but the system of recording was not being updated. An automated aide memoire system was being investigated.

A working group are looking at ensuring improvements within the attendance management across the organisation.

In respect of Mental Health, the Occupational Health team were undertaking a thematic review of mental health and its impacts. National guidance was available.

The Committee discussed mental health issues, the stigma surrounding these issues and its reporting.

ACO Sarah Warnes stated that a working group had been set up for managers and providing key tools and also preventative tools for staff to help to keep staff at work and to come back to work.

Managers were being enabled carry out stress risk assessments so that they would be able to support their staff.

It was noted that this was the third time that the lack of information on return to work had been mentioned and it was felt that managers should be held to account for the missing information and should be recording the reasons for sickness. This was something that the Scrutiny Committee may wish to look at in the future.

Helen Sherlock confirmed that she was involved with the Workforce Planning team to help them maintain the momentum in this area of work and developments to the system.

The percentage of long-terms sickness had increased. There was a focus on a long term sickness and the appropriate contact and support was being provided to assist in speedier returns to work.

PI 21 The total number of injuries: there were 41 injuries during quarter one, this was above target and above the upper tolerance level. The figure is two above the 39 that were recorded during quarter one in 2018/19.

There had been a spike in hot fire training incidents and a full review of the assessment process was in placed.

Cllr Brackenridge noted that there had been 11 incidents relating to breathing apparatus issues and he had recently visited the Fire House.

ACO Sarah Warnes stated that officers would continue to monitor and evaluate the new fire kit.

Cllr Jenkins thanked ACO Sarah Warnes for the level of information, but was saddened to see the level of violence against firefighters reported.

PI 22 The total number of RIDDOR injuries: there were five RIDDOR reports during quarter one, two reports were incident related, two were training related, and one report was categorised under 'support' and occurred at station. with both injuries occurring at incidents.

PI 23 To reduce the Fire Authority's carbon emissions: this performance indicator will be reported at the end of quarter four.

PI 24 To reduce gas use of Fire Authority premises: this performance indicator will be reported at the end of quarter four.

PI 25 To reduce electricity use of Fire Authority premises: this performance indicator will be reported at the end of quarter four.

The Chair thanked Officers for an informative report.

Resolved that:

- the status of the Service's key performance indicators in the first quarter of 2019/2020
- the progress made in delivering the three strategic priorities contained in The Plan 2019-2022
- the update on the performance information system

be noted.

27/19 **Scrutiny Committee Work Programme 2019-20**

The Committee noted its Work Programme for 2019/20.

The Clerk suggested that the Fire Control reporting would go to a future Scrutiny Committee and at the Policy Planning Forum scheduled for the 17 September, all Members would have an opportunity to contribute to future reviews to be undertaken by the Scrutiny Committee. Traditionally the Scrutiny Committee had decided on the areas to be reviewed.

The Reviews would then be added to the Workplan.

The Chair and Vice Chair agreed to this course of action.

28/19 **Review of Safeguarding – verbal update**

The Committee noted that that the Review of Safeguarding policy was being considered through the Joint Consultative Committee and was out for consultation. The Consultation would end on the 8th October 2019.

Part of the consultation was a suggestion to change to process in Fire Control and how they make referrals. Further work was to be completed and the Action Plan would be signed off at Programme Board.

It was agreed that an update on the review of safeguarding would be provided at the next meeting of the Committee.

29/19 **Training**

The Clerk to the Authority asked Members of the Scrutiny Committee to consider any refresher training or guidance they required specifically in their role as members of the Committee.

Guidance had been received from the office of public Scrutiny and the Clerk was requested to bring suggestions for the Committee to consider.

The meeting finished at 15.30pm.

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WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

7 OCTOBER 2019

1. SCRUTINY REVIEWS

Report of the Chief Fire Officer.

RECOMMENDED

- 1.1 THAT the Committee note the themes put forward by Members to be considered for review by the Scrutiny Committee.
- 1.2 THAT the Committee approve a maximum of two reviews for the Committee to undertake during the municipal year (2019-20).
- 1.2 THAT the Committee consider the inclusion of any review into the work programme of the Committee.
- 1.4 THAT the Committee approve the additions to the Scrutiny Committee work programme.

2. PURPOSE OF REPORT

This report is submitted to enable the Committee to identify a maximum of two reviews to undertake during the municipal year of 2019-20 and to include such review(s) within the Committee's work programme.

3. BACKGROUND

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

- Inform policy development
- Hold Officers and the Service to account
- Hold the Authority to account
- Conduct reviews into specific issues

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

As part of its role and functions, the Committee is to 'carry out a maximum of two scrutiny reviews per annum selected by the Committee. Such reviews will be Member led and evidence based, and will produce SMART (specific, measurable, attainable, realistic and timely) recommendations to the Authority.

4. **THEMES FOR SCRUTINY REVIEWS**

4.1 To support the effectiveness of the Scrutiny Committee, a Scrutiny Review workshop was held at the conclusion of the Policy Planning Forum held on 17 September 2019, where Members considered themes which could form the basis of future reviews to be undertaken by the Scrutiny Committee. These themes have been compiled and are listed below for consideration by Members for inclusion within the work programme of the Committee:

4.2 Business Continuity Arrangements:

- To review the recommendations made by the Chief Fire Officer to meet the Fire Authority's responsibility for sufficient business continuity and resilience arrangements for the delivery of response services.
- The scope of the review will be to consider the two options submitted to the Authority by the Chief Fire Officer in providing additional business continuity arrangements. These options are:
 1. A contingent workforce.
 2. An external provider.
- This review item is being progressed. A meeting of the Committee was convened on 26 September to consider the subject in more detail, with a view to submit the Committee's recommendation at the Fire Authority on 30 September (due to the requirement to publish reports five clear working days before meetings, this report was produced and published prior to the Fire Authority meeting).

4.3 Prevention – Safe and Well:

- To review the performance management of prevention activities, in particular the delivery of Safe and Well visits including a focus on the quantity versus quality of Safe and Well visits undertaken.

4.4 Operational training and effectiveness:

- To review the approach to operational training and effectiveness within the Service.
- To consider if this theme should constitute a review by the Committee or form the basis of a Member awareness session.

4.5 Discipline policy:

- To review the reasons for the level of discipline cases undertaken within the Service and to consider the route and rationale for gross misconduct versus misconduct.
- Both the Scrutiny Committee and the Joint Consultative Panel review discipline and grievance information as part of their respective roles. As a result, Members are asked to consider if this theme should constitute a review by the Committee or should form an awareness session for all Members of the Fire Authority, which would support understanding of what constitutes disciplines and grievances, and how decisions are made.

4.6 Upon confirmation and approval of the reviews for which the Committee will undertake, Members are asked to consider the Committee work programme and to schedule the reviews accordingly. It should be noted that the Scrutiny Committee terms of reference stipulate that ‘in addition to its programmed meetings, the Committee will hold additional meetings, as and when required, in order to efficiently manage its workload’.

7. **EQUALITY IMPACT ASSESSMENT**

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

8. **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.

9. **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

10. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

BACKGROUND PAPERS

Scrutiny Committee Work Programme 2019-2020
Scrutiny Committee Terms of Reference

The contact name for this report is Sarah Warnes, Assistant Chief Fire Officer, Strategic Enabler - People, telephone number 0121 380 6907.

PHIL LOACH
CHIEF FIRE OFFICER