



WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Monday, 18 November 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 Singh Gill
<u>Solihull</u>	P Hogarth MBE
<u>Walsall</u>	S J Cooper A Young
<u>Wolverhampton</u>	G Brackenridge J Dehar
<u>Police & Crime Commissioner Representative</u>	Gurinder Singh Josan CBE
<u>Co-opted Members</u>	Professor S Brake S Middleton
<u>Independent Member</u>	Mr M Ager

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, 18 November 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 receive apologies for absence (if any)
- 2 Declarations of interests in contracts or other matters
- 3 Chair's announcements
- 4 Minutes of the West Midlands Fire and Rescue Authority meeting held on 30 September 2019 7 - 22
- 5 Portfolio Management (3PT) 23 - 32
- 6 Governance of the Authority 2019-2020 33 - 38
- 7 Statement of Assurance 2018-19 39 - 56
- 8 Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services Inspection and Cultural Review Outcomes 57 - 64
- 9 Monitoring of Finances 65 - 70
- 10 Minutes of the Audit and Risk Committee held on 2 September 2019 71 - 88
- 11 Minutes of the Scrutiny Committee held on 3 September 2019 89 - 102
- 12 Notes of the Policy Planning Forum held on 17 September 2019 103 - 110

13	<u>Minutes of the Scrutiny Committee held on 26 September 2019</u>	111 - 114
14	<u>Minutes of the Joint Consultative Panel held on 30 September 2019</u>	115 - 124
15	<u>Minutes of the Collaboration and Transformaton Committee held on 7 October 2019</u>	125 - 132
16	<u>Notes of the Policy Planning Forum held on 7 October 2019</u>	133 - 140
17	<u>Minutes of the Scrutiny Committee held on 7 October 2019</u>	141 - 144
18	<u>Minutes of the Scrutiny Committee held on 21 October 2019</u>	145 - 160
19	<u>Minutes of the Scrutiny Committee held on 4 November 2019</u>	161 - 174
20	<u>Exclusion of the public and press</u> Chair to move:- <i>"That the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 for the reasons stated below."</i> Information relating to the financial and business affairs of any particular person (including the authority holding that information). Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority, or a Minister of the Crown and employees of, or office holders under, the authority.	

Agenda (not open to public and press)

- 21 Business Continuity Arrangements**
- Information relating to the financial or business affairs of any particular person (including the authority holding that information);
 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matters arising between the Authority or a Minister...
- 22 Fire Safety Prosecution 1**
- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

23 Fire Safety Prosecution 2

- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

Agenda prepared by Julie Connor

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

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WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 4

30 September 2019 at 1100 hours at
Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Brackenbridge (Chair)
Councillor Zafar Iqbal (Vice Chair)
Councillors Barrie, Barlow, Cooper, Dehar, Edwards, Gill,
Hogarth, Iqbal, Jenkins, Miller, Miks, Spence and Young
Mr Gurinder Singh Josan, (Representative of PCC)
Mr M Ager, Independent Member

66/19 Apologies for Absence

Apologies were received from Councillor S Walsh, Prof. Simon Brake, Sarah Middleton, Grant Thornton

67/19 Declarations of Interest in contracts or other matters

The Chair declared a non-pecuniary interest in items 5, 6, 7 and 8. Councillor Edwards declared a non-pecuniary interest in the same items.

68/19 Chair's Announcements

The Chair welcomed Mr Wayne Brown, the Deputy Chief Fire Officer elect, to the meeting of the Fire Authority and congratulated Mr Brown on his new role and said that the Authority looked forward to working with him in the future. Councillor Young echoed the Chair's comments and stated that the appointment of the Deputy Chief Fire Officer had been a difficult task due to the quality of candidates. However, Councillor Young felt that Mr Brown would be an asset to the West Midlands Fire Service and the Chief Fire Officer. Councillor Hogarth concurred with the Chair and Cllr Young.

The Chair invited all members of the Authority to the Passing Out Ceremony for new Recruits that was taking place on Friday, 11th October 2019 at 1730 hours at Fire Service Headquarters.

Two training opportunities had been received from the LGA. The first was Leading the Fire Sector: Oversight of Performance.

The course was being held on two dates:

14 November 2019 – Merseyside Fire and Rescue Service

26 November 2019 – Hampshire Fire and Rescue Service

12/13 February 2020 – Leadership Essentials: Fire and Rescue
at Warwick Conferences, Coventry CV4 7SH

69/19 **Chief Fire Officer's Announcements**

The Chief Fire Officer also welcomed Wayne Brown, Deputy Chief Fire Officer elect to the meeting.

It was confirmed that a report outlining the recent report from Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services and the imminent outcomes of the Cultural Review would be presented to the Authority at its meeting scheduled for the 18 November 2019.

It was confirmed that the Authority had received a single year financial settlement 2020/21. This was a flat cash settlement in real terms and included inflation. This was the first year since 2010 that the Authority had not received a cut in its budget. The Chief Fire Officer confirmed that Phase 1 of the Grenfell Enquiry report was expected before the next Authority meeting scheduled for 18 November 2019. The outcomes of the report would have a direct and indirect impact on service delivery and resilience arrangements for the Service.

70/19 **Minutes of the AGM of Fire Authority held on 24 June 2019**

Resolved that the Minutes of the Annual General Meeting held on the 24 June 2019 be confirmed as a correct record.

71/19 **Annual Audit letter 2018/19**

The Authority noted the Annual Audit Letter 2018/19 report. The report was submitted to inform the Authority of the external audit work undertaken for the audit year 2018/19.

The Treasurer presented the report on behalf of the Auditor who was unable to attend. The Treasurer related the key messages given by the External Auditor at the meeting of the Audit and Risk Committee on 29 July 2019.

Following the Audit and Risk Committee on 29 July 2019 the auditor issued an unqualified opinion on the Authority's 2018/19 financial statements included in the Authority's Statement of Accounts on 31 July 2019.

The Auditor was required to provide a value for money conclusion following the National Audit Office (NAO's) Code of Audit Practice (the code) and Auditor Guidance Note (AGN) 07 – Auditor Report. Following this work the auditor had concluded that for 2018/19 the Authority had proper arrangements in all significant respects to secure economy, efficiency and effectiveness to ensure the delivery of value for money in the use of resource of resources for the year ending 31 March 2019.

The agreed scale fee for the provision of external audit services for the audit year had been set at £29,750 although the Annual Audit Letter had highlighted a fee variation (increase) of £4,000 on the figure. This had arisen through no fault of the Authority and had been caused by national issues requiring the Auditor to undertake work over and above the anticipated work.

One Member noted the materiality figures quoted in the report. The Annual Audit Letter defined materiality as the size of the misstatement in the financial statements that would lead to a reasonably knowledgeable person to change or influence their economic decisions.

The Auditor determined materiality for the audit of the Authority's financial statements to be £2,396,000 which was 2% of the Authority's gross revenue expenditure.

The Auditor also set a lower level of specific materiality for remuneration disclosures of £100,000 due to their sensitive nature and public interest.

A lower threshold of £119,802 is set, above which the Auditors would report errors to the Audit and Risk Committee. Members requested clarification around these figures and felt that they should be brought to their attention.

The Treasurer was asked to share his views on the figures and whether they were a national or industry standard and, if so, would there be any flexibility to move the figure downwards.

The Treasurer confirmed that it was a requirement for all external auditors to apply their professional judgement and the figures may vary between different public sector bodies.

The Treasurer stated that officers and auditors had worked together over many years and confidence had been built in the capability and stability of the Financial Management Team. In addition, the key financial systems were robustly checked on an annual basis by both Internal and External Auditors.

The Auditor would set the materiality figure on what they consider to be a reasonable figure based on a range of factors (including the above) based on professional judgement. The materiality figure of £2.4M may appear quite high but this materiality item related to issues which would significantly 'distort' the overall financial position of the organisation as reflected in the Statement of Accounts.

The Treasurer stated that if the materiality figures were lowered, this may create more work for the External Auditor who, in turn, may require an increase their fee. Consideration would need to be given to the potential benefit of a reduction in the materiality levels compared to any additional fees charged.

A remuneration materiality figure of £100,000 for specific Officer roles was the standard in public sector accounts. A note in the Statement of Accounts also sets out, in £5k bands, the number of employees receiving remuneration between £50k and £100k.

The Treasurer also highlighted that the 'lower threshold' materiality figure of £119,802 was the equivalent of 0.1% of the Authority's gross revenue expenditure, but that did not exclude any other issues identified by the External Auditors being brought to the attention of the Audit and Risk Committee.

The External Auditors would need to be engaged at the next Audit and Risk Committee to obtain their views on the figures, who in turn would report back to the Authority.

The Chair of the Audit and Risk Committee did not have the same concerns about the materiality figure, however, was disappointed that a representative from Grant Thornton had not attended the Authority meeting.

The Members of the Audit and Risk Committee requested that the issue is discussed at their next meeting and the outcome would be reported back to the Authority.

72/19 **Statement of Accounts 2018-19**

The Authority noted the Statement of Accounts for 2018/19 as set out in Appendix A to the report.

The Authority also noted the Summary Accounts for 2018/19 as set out in Appendix B to the report.

The Statement of Accounts and Summary of Accounts for 2018/19 had been approved by the Audit and Risk Committee on 29 July 2019 as part of the statutory requirement.

The Summary of Accounts sets out the Accounts in a more digestible way.

The Audit Findings Report was presented to the Audit and Risk Committee on the 29 July 2019 outlining the findings of the audit work undertaken and the Auditor had issued an unqualified opinion on the Authority's 2018/19 financial statements included in the Authority's Statement of Accounts on 31 July 2019.

In the Independent Auditor's opinion, the financial statements:

- give a true and fair view of the financial position of the Authority as at 31 March 2019 and of its expenditure and income for the year then ended;
- have been prepared properly in accordance with CIPFA/LASAAC code of practice on local authority accounting in the United Kingdom 2018/19; and

- have been prepared in accordance with the requirements of the Local Audit and Accountability Act 2014.

The Treasurer stated that the main Statements were the Comprehensive Income and Expenditure Statement and the Balance Sheet, although both were significantly affected by accounting requirements relating to pension arrangements.

The Treasurer highlighted the Movement in Reserves Statement which showed Earmarked Reserves had decreased by £5.604m from £38.984m to £33.380m in the year ending 31st March 2019 and General Reserves had decreased by £1.476m to £6.914m in the year ending 31st March 2019. The assumption when the 2018/19 budget was approved was that the Authority would need to use £1.5m in general balances and the figure was in line with the assumed use.

The Authority's overall reserves had decreased by £7.080m. and it was anticipated that this trend would continue. Total reserves as at 31 March 2019 were £42.700m and it was anticipated they would reduce further in future years. The overall reserves as at 31st March 2019 are made up of:

£6.914m Un-earmarked general fund reserve
£33.380m Earmarked general fund reserve
£2.249m Capital receipts reserve
£0.157m Government grant

There are other long-term liabilities which are linked to pension liabilities of £1.8 billion. The Treasurer highlighted the scale and size of this figure which was required to be reflected as part of accounting regulations.

The Treasurer also highlighted the Long Term Borrowing which stood at £35.697m. This had reduced from £36.002m the previous year. This was historical borrowing undertaken by the Authority which was used to acquire assets. The value of Property, Vehicles, Plant and Equipment stood at £131.195m. The value of assets was higher than the outstanding borrowing amounts.

£40.302m Cash and cash equivalents was held as at 31 March 2019 compared to £51.379m as at 31 March 2018 the figure was down by circa £11m, a significant proportion of which was the reduction in reserves.

Members of the Authority felt that the accounts were exceptionally good and congratulated the Treasurer.

It was noted that earmarked reserves would continue to decline and had been used in setting the current year's budget.

News had been received on the Fire Sectors provisional 2020/21 financial settlement figure and it was noted that there was not proposed to be a reduction in core funding for the first time in 11 years, but it would not have a significant impact on the downward trajectory of the Authority's reserves.

The Chief Fire Officer stated that the government would be monitoring the Authority's Reserves Strategy and there was an expectation that the reserves should reduce.

The Authority would need to continue to operate without a capital funding arrangement and without any transformation funding. However, capital projects would still be required in the future.

The Treasurer reiterated that reserves can only be used once and the Authority's full reserves strategy was set out in the 2019/20 budget report approved by the Authority on 18th February 2019. This reflected that the level of reserves would continue to fall as the Authority moves forward.

73/19 **Monitoring of Finances**

The Authority noted the Monitoring of Finances as at the end of August 2019.

Appendix A showed the current position of the Revenue Budget with a favourable overall variance of £258,000. The Treasurer referred members to the Corporate Budgets and in particular, the most significant variances related to the Response budget where there was an adverse variance of £382,000.

The £3.8m of savings required when setting the current years budget were not quite where they had been estimated to be at this point, predominantly because the Ridership Factor was higher than the target set. There were favourable financial variances elsewhere in the budget resulting in the overall position being favourable.

Appendix B of the report set out the position in respect of the Firefighters' Pension Scheme and this was broadly in line with expectations.

Appendix C showed that £2.4m had been spent to date on capital schemes. There had been slippages in the Vehicle Replacement Programme and the redevelopment of Aston Fire Station. The forecast year end spend was £7.6m. The capital programme is being funded predominantly by earmarked reserves.

In response to a Member's enquiry about the difficulties being experienced in the ridership factor and resulting impact on savings, the Chief Fire Officer stated that the ridership factor was comprised of a large number of components impacting on the number of people employed for shifts. A significant issue for the Service was attendance and a piece of work had been commissioned on attendance standards. Attendance Management played an important role in the delivery of the plan.

The CFO stated that although the Authority's budget showed a financially favourable variance of £258,000, this was due to underspend budgets outside of the operational elements. A review of support service functions, following ten years of austerity working with what was available, showed that many functions were working close to the line.

The Financial Monitoring Report was noted.

74/19 **Portfolio Management (3PT)**

Following a request from the representative of the Police and Crime Commissioner at a Policy Planning Forum, the Authority received a report setting out the Service's approach to managing workstreams through Portfolio Management

providing a high level overview of how the Service delivers value to the communities of the West Midlands.

Following the Peer Review and evidence collated it had become clear that staff understood and believed the vision of WMFS but that the work was delivered through conversations and relationships. It was recognised that there was a need to understand organisational investment and value through evaluation and scrutiny. It was decided that a non-bureaucratic and streamlined process was required that avoided duplication.

It had been evidenced across the fire sector through a range of reports that a focus needed to be placed on evaluation and understand the benefit of work that was being undertaken to the community. The economic cost of fire through the Community Risk Programme was being looked at.

The 3 PT tool creates an auditable process to demonstrate the effective work people are undertaking capturing the investment and value delivered through each area of work with the method being 20% process and 80% leadership.

The report set out the deliverables (aims and objectives) and accountability for the projects. The Portfolio (CFO) is accountable for the Programmes.

There are three Programmes managed by the Brigade Managers. The Programmes are accountable for Projects.

The Programmes are:

1. **Cultural** – with the Key Performance highlights
Diversity, Inclusion, Cohesion, Equality (DICE) Project
Cultural Review Project
Property Asset Plan Project
Fire Control Vision Project
2. **People** – Key Performance Highlights
Workforce Planning Project
Command Based Delivery Project
Delivery Project – Emergency Services Show
3. **Process** – Key Performance Highlights

Protection Delivery Project – Brigade Response Vehicles
Protection Technical Delivery Project – Planning and
Building Regulations
Protection Technical Delivery Project – Fire Engineers
Vehicle Replacement Project
Strategic Performance and Planning Framework Project

All financial investment is directly reflected in each project.

The Strategic Enabling Team assess and manage organisational risk and issues on a day to day basis through the 3PT approach.

3 PT is the acronym for a layered approach to portfolio management.

The CFO stated that some of the terminology may be unfamiliar to Members but felt that over time the process would become more familiar.

The representative of the PCC found the report useful in setting out the strategic responsibilities and would be interested to see how it develops and adds value to the work of the Service and thanked the CFO for the report.

The Authority noted the report.

75/19 **Brigade Management Recruitment Process**

The Authority noted the decision taken on the 5th July 2019 under the 'Arrangements to Act in Matters of Urgency' (Constitution Standing Orders, Part 7 (17) to delegate the Authority to the Chief Fire Officer to revise the establishment of an additional Assistant Chief Officer role and commence the recruitment of a Deputy Chief Fire Officer and Assistant Chief Officer.

The Authority noted the decision made by the Appointments Committee as set out in the minutes of 9 September 2019. The Authority noted the commencement of the recruitment process for the appointment of an additional Assistant Chief Fire Officer (ACFO).

The Chief and Chair had considered the outcome of the review of the Strategic Enabling Team where the composition of the Brigade Management Team (BMT) and Strategic Enabling Team (SET) was considered. Following the review of SET, it was recommended to increase the current establishment of 3 to a future establishment of 4 thus providing gold cover on a 24/7 basis, aligned to the Gold Book recognised approach and providing resilience and contingency arrangements.

The increase in Brigade Managers would also recognise the Authority's duty of care in operating a duty system and its impact on work/life balance.

The proposed approach would support the effective leadership of the Service in continual improvement and the delivery of the plan through the three programmes of People, Process and Culture.

The reconfiguration of posts would be achieved in a broadly cost neutral way, through disestablishing the role of the DCFO and reducing the current establishment of 6 Areas Managers to 4.

It was stated that Section 3.6 of the report was inaccurate. In as much as the 10% enhancement for the four Area Managers was not for the work outside of the Area Manager role map but was in recognition of additional workload and flexibility and consultation was taking place with key stakeholders.

Following agreement with the Chair on the 5 July to increase the establishment of the Brigade Manager Team to 4, whilst retaining the role of the DCFO, and recruiting an additional permanent additional ACFO role, the DCFO role was advertised nationally on 24 July 2019.

A selection process took place between the 9 August and 9 September 2019 when the Appointments Committee appointed Mr Wayne Brown to the post.

A process would commence to appoint a new ACFO, once the proposal around the review of the Area Managers had progressed through the Employee Relations Framework and, if

appropriate, the application of the Reorganisation, Redeployment and Redundancy Policy.

76/19 **Streaming of Fire Authority Meeting**

The Authority noted the information regarding the options to enable the future streaming of all Fire Authority meetings both internally to staff and externally to the public.

The Authority has a legal duty to provide a record of public meetings and it fulfils this through the publishing of papers prior to an Authority meeting as per statutory requirements and publishes its minutes.

To enable further transparency in decision making all Authority meetings are open to the attendance of members of the public, members of staff (where appropriate) and press except for the hearing or reports which has been classified as private.

The streaming of Authority meetings could provide new opportunities for staff and residents of the West Midlands to view meeting and hear the decision making process. Providing them with the ability to understand the background, discussion and challenges in decision made at Authority meetings.

The Authority considered the two options:

1. Live streaming internally and externally and
2. Live streaming internally and publishing the video and audio record externally.

Officers would be reviewing the options further to understand the resources required and the financial implications and a further report providing an overview of costs versus anticipated value would be brought back to the Authority for decision.

Members thought this was a good idea and welcomed the progress and suggested that it should start internally initially and then be broadcast outside and the public would be able to see how the Fire Authority works.

The representative of the Police and Crime Commissioner stated that the strategic Police and Crime Board broadcast their meetings live and this provided additional transparency.

The Chair said that additional transparency provided more openness of the Authority's decision making.

It was confirmed that following the Policy Planning Forum, the Cultural Review Team would be presenting their report. The technology for live streaming would be trialled on this day internally to test the equipment.

Following this, further work would be undertaken to stream Authority meetings both internally and externally.

77/19 **Member Engagement with Stations**

The Committee received a report on the proposed approach to enabling effective feedback from visits to the Service, as a key component of member engagement and a schedule of visits.

The Constitution of the Authority requires all members to be actively aware of issues inside and outside of the Authority, relevant to the provision of fire and rescue services in order to fulfil a community leadership and representative function, working as necessary in partnership with other local organisation in order to effectively promote the safety and well-being of the whole community of the West Midlands. The Constitution also requires that members undertake at least 2 station visits per year.

To support this a schedule of visits had been prepared and was attached as an appendix to the report. The visits had been aligned to take place on a quarterly basis providing members with the ability to meet their widest compliment of staff. Quarterly newsletters will continue to provide updates on progress and performance.

Members were encouraged to engage directly with station commanders and/operational commanders to vary any of the arrangements set out in the Schedule of visits.

The visits will form part of members reports back to local councils. Themes identified will be analysed quarterly and will support members in the determination of the Authority's scrutiny programme. The themes will also be fed quarterly into the Strategic Enabling Team meetings.

It was confirmed that the visits would move around each station in all of the command areas over the forthcoming year and beyond.

The Chair encouraged member attendance and confirmed that attendance would be recorded and monitored. Members were requested to inform Julie Connor when they visited stations so that details could be captured on the Committee Management Information System (CMIS).

One Councillor felt that her visits to local stations in Coventry had been productive and attended for regular chats, not just on Open Days, and had been made exceedingly welcome by all of the different officers.

The Chair echoed these thoughts and stated that members would be made very welcome on stations, and regular attendance would provide greater insight for all members.

Resolved that the schedule of station visits and an agreed approach to enabling effective feedback from visits into the Service, as a key component to member engagement be agreed.

78/19 **Contract Awards Summary of period 30 September 2019**

The Authority noted the contracts in excess of £250,000 that had been awarded since April 2018.

79/19 **Minutes of the Audit and Risk Committee held on 29 July 2019**

The minutes of the Audit and Risk Committee held on 29 July 2019 were received.

80/19 **Minutes of the Appointments, Standards and Appeals Committee held on 9 September 2019**

The Minutes of the Appointments, Standards and Appeals Committee held on 9 September 2019 were received.

81/19 **Exclusion of the Public and Press**

Resolved that the public and press were excluded from the rest of the meeting to avoid the possible disclosure of exempt information under 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)."

82/19 **Business Continuity Arrangements**

This item was deferred for the report to be scrutinised for pre-decision by the Scrutiny Committee.

Meeting closed at 1158 hours

Page Break

18 NOVEMBER 2019

1. **PORTFOLIO MANAGEMENT (3PT)**

Report of the Chief Fire Officer

RECOMMENDED

THAT the contents of the report be noted.

2. **PURPOSE OF REPORT**

- 2.1 The purpose of this report is to provide a Strategic summary on the progress of delivery of value through 'The Plan'. The continual representation of value release and investment in the three programmes of Culture, People and Process will enable progression to be tracked.
- 2.2 This report will lead into the subsequent Fire Authority papers that support the delivery of the Strategy in one or more of the programmes. West Midlands Fire Service (WMFS) is committed to a digitally enabled platform.

3. **BACKGROUND**

In July 2019 a request by members was made to the Chief Fire Officer to provide information and understanding on the management of the Portfolio through the 3PT approach.

The Chief Fire Officer presented to the Fire Authority on 30 September 2019 the first report providing the Strategic overview of the approach to managing workstreams through the Portfolio Management and provided a high-level overview of how WMFS delivers value to the communities of the West Midlands.

For reference the Portfolio Management (3PT) approach is detailed in the Fire Authority Report 30 September 2019.

3.1 Culture Programme

3.1.1 The Cultural Review Project

The cultural review is a project within the Culture programme. This project has been refined to clearly demonstrate the value that we are seeking to deliver through this project. The organisational value that this project is seeking to achieve is:

- A workforce that has the capability, behaviours, judgement and knowledge and reflects the diversity of the communities of the West Midlands.
- Drive public sector reform, innovation and change and that demonstrates to partners our ability to transform, deliver enhanced services and reduce dependency.

This organisational value will be measured through understanding how **satisfied** all stakeholders are with the report and the changes that the report outcome creates. It will also be measured by how this report and the changes it creates meet the **aspirations** of the organisation and the community. Currently there are high levels of satisfaction with all key stakeholders recognising the report as independent. We are delivering limited amounts of value in relation to our aspirations. Value will be delivered to meet our aspirations once the report is fully understood and an action plan developed.

The cultural review was distributed to all staff on 7 October 2019. This review was independently produced by RealWorld HR (RWHR). This review has produced a report. A further six sessions have been organised where RWHR will answer questions to enable all stakeholders to fully understand the content of the report. A wider stakeholder group which supports the whole cultural programme has also met to discuss the cultural review report. A further stakeholder meeting is being arranged in November.

For the cultural review to meet the aspirations of the organisation, it is essential for all stakeholders to work together to achieve the outcomes that enable WMFS to more effectively deliver 'The Plan' and serve the communities of the West Midlands.

3.1.2 HS2

HS2 is captured within a project within the Cultural programme but tasks and dependencies are also captured within the Response and Protection projects. HS2 impacts upon our response capabilities with the introduction of emerging risks such as tunnels and railway infrastructure. Building projects may also cause road closures or temporary road layout changes which could impact upon response times. New builds will have an impact on the number of new planning applications, the amount of building in the West Midlands requiring Fire Safety inspections and the number of Site-Specific Risk Information site visits required.

During the development phase of HS2, there will be impacts on headquarters. The Project Executive has regular meetings with the developers to continually monitor the impact upon staff.

3.2 People Programme

3.2.1 Attendance Management

A key area that is holding the value release is the low levels of performance in relation to attendance management and the impact on staffing and the ridership factor.

There has been an increase in sickness across the organisation, the impact of which has seen the increase in the ridership factor for staffing (operational staff) at 15.3 and Fire Control 26.3.

The Financial Efficiency Plan set a budget based on a ridership factor of 13.5. An increase of one in the ridership factor equals a financial cost to the organisation of circa £300k.

The main reasons for absence have been attributed to:

- Mental Health
- Joint Problems
- Gastrointestinal
- Muscular Skeletal: Back
- Colds and Flu.

These five reasons describe 52% of duty days lost to sickness. In addition, the percentage balance of Long-Term Sickness and Short-Term Sickness for uniformed staff in the year to date is 69.9% Long Term Sickness and for Fire Control 74.9%.

Further work is being done to understand better the reason for the absence when recorded as mental health.

3.2.2 Key Areas of Focus

The command delivery project within the People programme has prioritised pieces of focus.

A task and finish group has been established with key stakeholders to include the Command Delivery team, People Support Services, Representative Bodies, Occupational Health and OLPD.

Video and information in ensuring the HRMS data is completed.

Development sessions and presentations to the middle managers and support staff. Four sessions have already been delivered in the Coventry and Solihull and Birmingham commands.

Review of the Attendance Management Policy – further improvement within the Process programme needs to be established and an understanding through Organisational Intelligence how the policy is being applied.

The next steps will be for middle managers to deliver the development sessions with their supervisory managers with People Support Services, completion date 30 November.

3.3 Process Programme

3.3.1 Vehicle Replacement Programme

Budgets are being managed effectively across the projects. However, there is a £1.4m underspend within the Vehicle Replacement Project which was outlined to the Fire Authority on 30 September 2019. This is due to the delayed introduction of:

- 5 Pump Rescue Ladders (PRL) due to issues with suppliers.
- 1 Command Support Vehicle (CSV) due to technical specification.
- 1 Detection, Identification and Monitoring (DIM) support vehicle awaiting government funding clarification.

3.3.2 Emergency Services Mobile Communications Programme (ESMCP)

In 2011 the government set up the Emergency Services Mobile Communications Programme to look at options to replace Airwave when the contracts expire. The programme's objectives are to replace the Airwave service with one that matches it in all respects and:

- Makes high-speed data more readily available to the Emergency Services to improve their performance.
- Provides more flexibility to take advantage of new technologies as they emerge.
- Costs less.

There have been a series of issues and delays where it is now anticipated to be delivered (at best) in December 2022 and will be over budget by £3.1 billion. Over the course of the programme there have been a number of reviews which have been critical of progress. Most recently in July 2019 following the Public Accounts Committee (PAC) report, the ESMCP has reviewed its management structure. The PAC report also stated that: *"The programme faces substantial levels of technical and commercial risk and failures to date have undermined the confidence of users that the programme will deliver a system that is fit for purpose and meets their needs. On current evidence, it seems inevitable that there will be further delays and cost increases."*

Across the fire sector FRS's are working together regionally to develop implementation plans which are coordinated with our blue light partners. This is then managed in WMFS through a dedicated project which also links to Staffordshire FRS due to the Shared Fire Control. As part of the Process programme, the ESMCP project has a total investment of £2.168m to deliver an anticipated Value Release of 100% currently and, due to a number of risks and issues highlighted in the project, there is an Actual Value Release of 64%.

Key matters for the Fire Authority to be aware of:

- Confidence in ESMCP nationally, regionally and in WMFS is low.
- National ESMCP budget is under increasing pressure and therefore cutting back on the scope and forecasted benefits.
- Unclear financial picture and we are still waiting on Grant, Resource and Data Usage costs.
- Planning is difficult as ESMCP is constantly caveating their statements.
- It is now unclear if 'Data' will still be included in the standard ESMCP product. If it's only a voice provision, then it will be a costly replacement for the current Airwave solution.
- Coverage is still a concern across the country, even in areas of the West Midlands where there are high levels of infrastructure in place.
- Apps are not currently included which will restrict WMFS digital transformation or represent increased costs.
- Unsure if ESMCP devices will be able to be partitioned to allow dual usage (if not, we will need to provide our staff with two devices to carry out their duties).

There are a number of critical dependencies which are monitored through the project, most significantly for the Fire Authority to note:

- Current West Midlands' ESMCP deployment is 2022. This coincides with the Commonwealth Games and both WMFS and West Midlands Police have raised concern.
- Unsure if current Mobile Data Terminals will be able to work with an ESMCP modem or whether new devices will be required across all WMFS frontline appliances.
- Currently there are no plans for ESMCP to embrace the West Midlands 5G testbed.

This position is also reflected in the Corporate Risk Register but whilst Airwave remains available, we are satisfied the risk is being managed so have specifically maintained Corporate Risk 7.1 as 'Medium'. The associated impacts on other related corporate risks are also being monitored on an ongoing basis.

3.3.3 High Rise Incident Assurance (Culture/People/Process)

- (a) Following the Grenfell tragedy in 2017, the organisation has been proactively reviewing intelligence and its preparedness for incidents in high-rise buildings which can present the most challenging environment for the community and firefighters. The approach WMFS has taken to managing high rise properties and the risks they present was positively acknowledged in the recent HMICFRS report. Due to the wider ranging scope of this area of activity, the three programmes have worked cohesively and monitored progress through an assurance plan. Key areas of activity are highlighted below:
- Policy Revisions – the High-Rise Policy has been constantly reviewed as intelligence has emerged both nationally and locally. The policy is aligned to National Operational Guidance where appropriate and enhanced where we feel this will provide additional support locally. The revised policy has followed the recognised consultation process through the Employee Relations Framework (ERF) and is supported by a robust training and communication plan. Whilst operational in its nature, key policy matters for the Fire Authority to be aware of are:
 - The Regulatory Reform Order (RRO Fire Safety) considerations.
 - Building Construction (and construction failure).
 - Different types of High-Rise/Tall buildings (residential, office, shops).
 - Dry/Wet Risers (use of and failure).
 - Evacuation (Stay Put/Simultaneous/Full).
 - Fire Control (Fire Survival Guidance/Evacuation Status).
- (b) Site Specific Risk Information (SSRI) System – the Fire Authority has a responsibility under the Health & Safety at Work Act to provide information as necessary and reasonable practice for its employees.

One of the ways that this is done in relation to high-rise buildings is through the SSRI system. This provides a record of all high-rise buildings and any pertinent information that Incident Commanders would need to effectively manage an emergency incident.

The system is also designed to provide supporting operational plans to help manage an incident, e.g. Initial Operational Plan, Water Plan, Environmental Plan.

Whilst the organisational policy sets out initial actions, quality assurance, review schedules (based on risk) and training expectations, the high-rise assurance plan has highlighted a number of areas that require additional focus and rigor alongside enhancements in digital support. There is also a growing number of new builds across the West Midlands area which fall into this high-risk category of building that are not being included within the SSRI system in a timely manner.

- (c) Incident Commander Competence – This is a critical area where the organisation has responsibility to both the community and its staff. A significant investment is made into systems to provide acquisition, ongoing maintenance and assurance of incident command competence. To provide the higher levels of health and safety compliance we have introduced ‘Standardised Assessments’ to ensure all of the core competencies required of a firefighter/officer are consistently assessed and recorded.
- (d) However, to support the Health & Safety Framework, the organisation undertakes an annual Competency Risk Assessment which reviews the frequency of existing operational activities and any new activities being considered. To provide enhanced assurance around high-rise incidents, the organisation sets an expectation that every officer would complete a standardised incident command assessment specifically based on a high-rise fire. Additional investment has been made to create capacity to accommodate increased demand for these assessments over the next six months. There is also a similar requirement to assess the competency of flexi-duty officers using a standardised assessment process.
- (e) Training Materials and Support – to support the revised policy and staff achieve excellence, there have been a number of enhancements to training and support materials. This includes new Ecademy packages and XVR incident command simulations undertaken both at the Command Development Centre and remotely where the simulations are taken to stations using a mobile platform. This is further supported by the high-rise training facility at Oldbury.
- (f) Research and Development – To support ongoing improvement to our capability and approach to dealing with fires in high-rise buildings, there are a number of new pieces of equipment being considered for inclusion on our frontline appliances. Items being considered are:

- Cleveland Coil Hose – an alternative way to use firefighting hose.
- Smoke curtains and smoke hoods to support evacuation.
- Electric PPV to support firefighting operations, e.g. failure of Wet Risers.

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 will not lead to a policy change. Areas of policy change that are identified at Project are subject to an Equality Impact Assessment.

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**

This report does not contain any financial information.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

Background Papers
Fire Authority Report 30 September 2019.

PHIL LOACH
CHIEF FIRE OFFICER

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**18 NOVEMBER 2019**

Item 6

1. GOVERNANCE OF THE AUTHORITY 2019/2020

Report of the Clerk and Monitoring Officer.

RECOMMENDED

1.1 THAT the Authority approve the proposed amendments to the Constitution as set out in this report in relation to:

- a) Governance and Transformation Committee Terms of Reference and removal of any reference to the Executive Committee

1.2 THAT the Authority approve the proposal of four observer positions on the Fire Authority for each recognised Trade Union aligned to the proposed Terms of Reference in Appendix 1 and that these positions are constituted on the agreement of a Memorandum of Understanding.

1.3 THAT the Authority note the Clerk will develop a Memorandum of Understanding aligned to the Terms of Reference set out in this report between the Authority and Trade Unions and that this be agreed between the Chair, Vice Chair and Trade Unions.

1.4 THAT the Clerk, in consultation with the Chair and Vice Chair, be authorised to make and publish any necessary consequential amendments to constitutional documents, in the light of amendments made to organisational Policy documents.

2. PURPOSE OF REPORT

This report is submitted for the Authority to determine changes to its Constitution for 2019/20. A comprehensive review of the Constitution would then take place in 2020.

3. **BACKGROUND**

- 3.1 The Authority updated its Constitution and Committee Structure at the Annual General Meeting held on 24 June 2019. Following the first meeting of the Collaboration and Transformation Committee, the Committee agreed an enhancement of the current terms of reference as set out below:
- The role of the committee in championing digital transformation across the Service as a core consideration for collaboration;
 - The role of the committee in enabling the Service to improve and evolve new and existing areas of collaboration through providing clear strategic direction, aligned to the Authority's strategy, Our Plan.
 - Member involvement in supporting collaborative relationships through links within respective local authorities.
- 3.2 Upon updating the Constitution, it was noted that some references to the deleted Executive Committee remained. Any references would now be deleted, or where appropriate changed to a decision of the Fire Authority.
- 3.3 It is proposed that four 'observer' places are provided for Trade Unions on the Authority, enabling an open and transparent approach to joint working through being able to discuss issues raised at full Authority meetings.
- 3.4 To enable Trade Unions to ensure this approach is balanced with their responsibilities through the Trade Union and Labour Relations (Consolidation) Act 1992 ('the Act'), observer status ensures Trade Unions can contribute to the discussion, but do not form part of the decision making structure or process of the Fire Authority.
- 3.5 The Authority formally recognises four Trade Unions. One place for the following Trade Unions will be provided for:
- Fire Brigade Union
 - Unison
 - Fire Officers Association
 - Fire Leaders Association

- 3.6 A proposed Terms of Reference for an 'observer' position is set out in Appendix 1 and has been formed based on the Authority's constitution, an understanding of current organisational policy, plus an understanding of how 'observer' and/or Trade Union representation works in other public sector services, where this exists.
- 3.7 On Authority approval of these Terms of Reference a Memorandum of Understanding (MOU), based on these Terms of Reference will be agreed between the Fire Authority and each Trade Union. Once this MOU is agreed the position of an observer will be constituted.
- 3.8 The Service has been updating its Standing Orders and changing them into Policies. Some of these Standing Orders form part of the Constitution and now need to be updated as and when the new Policies are published. This is an ongoing activity and updated Policies are now published on the front page of Mesh when changes take place. The Clerk will amend the Constitution to reflect the changes in line with recommendation 1.4

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.

BACKGROUND PAPERS

Fire Authority AGM June 2019

Collaboration and Transformation Committee, October 2019

The contact name for this report is Karen Gowreesunker, Strategic Enabler, Strategy and Intelligence, telephone number 0121 380 6678

Karen Gowreesunker
CLERK to the Authority

Satinder Sahota
Monitoring Officer

APPENDIX 1

Terms of Reference

The following terms of reference are proposed to be added to the Constitution to enable the effective contribution of 'observer' members.

- 1 The Authority may invite Observers which are not Elected Members to become Observers of the Authority providing that they comply with Authority Standing Orders.
- 2 Observer status confers no legal status and is an arrangement between the Authority and a relevant Member of the Authority classed as an Observer.
- 3 Observers (and any substitutes) may participate in discussions on agenda items and must comply with the terms of the Constitution as they relate but will not have entitlement to vote on any issue or agenda item.
- 4 All parties must ensure that areas of discussion do not compromise potential and/or current areas of change that are being engaged, consulted and/or negotiated on through the agreed Employee Relations Framework. Authority forums cannot be used for the purposes of negotiation.
- 5 Any Observer may be represented at meetings of the Authority by a named representative or a named substitute. Where that Observer is a trade union the named representative or substitute must be from one of the recognised trade unions.
- 6 Written notice of the names of the Observers representative or substitute must be provided to the Clerk by the Observer prior to attendance at any meeting of the Authority.
- 7 Observers may not be present when the Authority is considering 'private' papers.

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

- 8 The Chair of any meeting of the Authority may require an Observer's named representative or named substitute to absent themselves from any meeting of the Authority at the Chair's discretion.
- 9 Where the Authority invites any Observers, then the Authority's Monitoring Officer will prepare a Memorandum of Understanding in such form as the Monitoring Officer deems appropriate. Observer status will take effect on the date that the Memorandum of Understanding which has been signed by the Observer is received by the Authority.
- 10 The provisions in relation to participation in the discussion on agenda items relate to meetings of the Authority only and not to any of its committees or subcommittees.
- 11 Observers are able to attend committees or sub committees but may not participate in the discussion.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 7

18 NOVEMBER 2019

1. STATEMENT OF ASSURANCE 2018-2019

Joint report of the Chief Fire Officer, the Clerk to the Authority, and the Monitoring Officer.

RECOMMENDED

THAT the Authority approves the Statement of Assurance 2018-19.

2. PURPOSE OF REPORT

This report is submitted to seek approval for the Statement of Assurance 2018-19 which the Authority are legally obliged to produce and review on an annual basis under the Fire and Rescue National Framework.

3. BACKGROUND

- 3.1 The Fire and Rescue National Framework for England published in May 2018 sets out a requirement for Fire and Rescue Authorities to review and publish a 'Statement of Assurance' on an annual basis. The requirement is contained within Chapter 4 of the Framework which focuses on governance.
- 3.2 In line with this expectation, the Authority's Statement of Assurance (attached as Appendix 1) has been reviewed for the year 2018-19 and is submitted for approval.
- 3.3 The 'Guidance on statements of assurance for Fire and Rescue Authorities in England' issued by the Government in May 2013 remains current. The guidance stipulates the content of a Statement of Assurance.

The following three key areas must form part of any Statement of Assurance:

- Financial
- Governance
- Operational

3.4 Additionally, the guidance states that Fire and Rescue Authorities may wish to include a section on any potential improvements they have identified across their accounting, governance or operational responsibilities to communities. Therefore, a section entitled 'Future Improvements' has been included in keeping with the guidance and as per previous iterations of the Authority's Statement of Assurance.

3.5 With regard to our arrangements the following are all part of West Midlands Fire and Rescue Authority's (WMFRA) assurance process.

3.5.1 **Financial**

The Authority publishes its Statement of Accounts, pay policy, transparency data, internal and external audit information. Each year the auditors discharge pre-agreed audit plans and are invited to the Fire Authority and Audit and Risk Committee to give their findings. Additionally, the outcomes are published via Fire Authority meetings, the Internet and contained within the Annual Report.

3.5.2 **Governance**

Each year the Authority produces its Annual Governance Statement in support of its accounts. This statement expresses the measures undertaken to ensure propriety. In addition, the Fire Authority maintains a level of scrutiny of the Service through its governance framework, the reports of which are all publicly available.

3.5.3 **Operational**

The Fire Authority publishes and consults on its Community Safety Strategy (Integrated Risk Management Plan) on at least a three-yearly basis. This process of consultation is robust and is in line with the Fire Authority's own consultation strategy which is based on government guidance.

3.5.4 **Future Improvements**

Future improvements reflect on our work to continuously improve our Service Delivery Model through the Prevention, Protection and Response integration project in order to deliver our vision of 'Making West Midlands safer, stronger and healthier'.

- 3.6 It is reassuring to note that the overwhelming majority of the information required as part of the Statement of Assurance is established within the organisation and the vast majority of the documents are already within the public domain. We do acknowledge the benefits of bringing our key financial, governance and operational assurances together within a single document in terms of providing transparency and assurance to our staff, communities, partners and the Government. The Statement of Assurance also ensures compliance with our specific data transparency requirements, for example the Local Government Transparency Code.
- 3.7 The Authority is required to review this document annually to reflect the previous year's activity.

4. **EQUALITY IMPACT ASSESSMENT**

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

5. **LEGAL IMPLICATIONS**

The preparation of the Statement of Assurance document is a legal requirement as part of the Fire and Rescue National Framework for England.

There are no matters arising out of this report that are required to be brought to the attention of the Monitoring Officer.

6. **FINANCIAL IMPLICATIONS**

The Statement of Assurance will be a web based publication. No hard copies will be produced and as such there are no direct financial implications.

BACKGROUND PAPERS

Fire and Rescue National Framework for England, Home Office, 2018.

Guidance on statements of assurance for Fire and Rescue Authorities in England, DCLG, May 2013

Report by the Home Secretary on Fire and Rescue Authorities' progress with the Fire and Rescue National Framework for England (July 2018)

Firefighter fitness: addendum to the Fire and Rescue National Framework for England

The contact name for this report is Assistant Chief Fire Officer, Gary Taylor, Strategic Enabler – Process, telephone number 0121 380 6914

PHIL LOACH
CHIEF FIRE OFFICER

KAREN GOWREESUNKER
CLERK TO THE AUTHORITY

SATINDER SAHOTA
MONITORING OFFICER

Making the West Midlands SAFER, STRONGER, HEALTHIER Statement of Assurance Summary

In line with our legal and statutory responsibilities, this document provides assurance on our financial, governance, and operational matters. It shows how we have had due regard to our Integrated Risk Management Plan and strategy 'Our Plan', and the requirements of the Fire and Rescue National Framework for England.

STATEMENT OF ASSURANCE
2018/2019

1

FOREWORD



GREG BRACKENRIDGE
Chair of the Fire Authority



PHIL LOACH
Chief Fire Officer

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   @WestMidsFire

As a public service, we are responsible for ensuring that public money is properly accounted for and spent in a way that provides value for money.

In line with the Accounts and Audit Regulations 2015 and the statutory requirement for public bodies to publish the financial results of their activities for the year, we publish our [Statement of Accounts](#) each July following approval by the Audit and Risk Committee. The Statement of Accounts are then presented to all Members for noting at Fire Authority (hereafter 'the Authority') each September. Alternatively, the accounts can be viewed in summary format in the document, [Summary of Accounts](#).

The Statement of Accounts are independently verified on an annual basis by an external auditor. Members of the public and local government electors have certain rights in the audit process prior to the formal approval and publication of the Statement of Accounts. These rights are set out in the [Audit of Accounts](#).

The Authority's external audit work is undertaken by the private audit practice Grant Thornton UK LLP. As well as auditing the accounts, the external auditor is required to conclude whether the Authority has in place proper arrangements for securing economy, efficiency

and effectiveness in its use of resources (known as the value for money conclusion). The full external audit work programme and the risk-based approach to its determination are explained in the external auditor's [Audit Plan](#).

The external auditor reports their findings and provide their opinion on the Authority's accounts and the value for money conclusion to the Audit and Risk Committee each July (and presented to all Members at the September Authority meeting). This information is included within the external auditors [Audit Findings Report](#) and the Authority's Statement of Accounts (Independent Auditor's Report). As a result of the external audit work in 2018/19, there were no significant matters arising that required the Authority to implement an action for improvement.

The [Annual Audit Letter](#) summarises the key findings from the external audit work undertaken for the 2018/19 audit year. It confirms that the external auditor issued an unqualified opinion on the Authority's 2018/19 financial statements, and that the external auditor concluded that the Authority had proper arrangements in all significant respects to secure economy, efficiency and effectiveness and to ensure it



delivered value for money in its use of resources for the year ending 31 March 2019.

As part of the 2016/17 Finance Settlement, the Government offered four-year funding allocations to 2019-20 in return for robust and transparent efficiency plans. The Service's [Efficiency Plan](#), which outlines how the Service planned to introduce further efficiencies over the four-year period in which the Authority would receive reductions in core funding of approximately £10 million, is monitored by the Service and progress is reported on an annual basis to the Authority as part of the budget-setting process.



GOVERNANCE AND REVIEW OF THE GOVERNANCE FRAMEWORK

West Midlands Fire and Rescue Authority was reformed in 2018 following the publication of the Fire and Rescue Authority (Membership) Order 2017. Changes included the reduction in the number of elected Members, the addition of co-opted Members, and the streamlining of its committee structure.

The Authority comprises 15 elected Members (representing the 7 local authorities that make up the West Midlands metropolitan county), the West Midlands Police and Crime Commissioner, and two co-opted Members (one representing health and one representing business).

The Authority has a [Constitution](#) which explains how decisions are made. There is no statutory requirement for a Fire and Rescue Authority to provide one, however we consider it good governance to do so. The Constitution is available on the internet via our Committee Management Information System, which also includes the details of all Authority and Committee meetings, reports, minutes, and records of decisions.

The Authority embraces the seven principles of good governance (in line with CIPFA/SOLACE guidance ‘Delivering Good Governance in Local Government:

Framework 2016”), with clear lines of accountability for any decisions it makes, and clear rules, regulations, policies and practices which govern how those decisions are made and implemented. The Authority has developed and adopted a local [Code of Corporate Governance](#) which brings together all the governance and accountability arrangements that the Authority has in place.

In progressing Fire and Public Service reform, we commissioned an independent evaluation of the potential models of governance for the Service. As a result, the Authority investigated alternative governance arrangements during 2018/19 including a proposed transfer of governance of the Service to the West Midlands Mayor and the Mayoral West Midlands Combined Authority (WMCA). Following extensive work in consultation with key stakeholders including the Home Office, WMCA, and the Local Authorities of the West Midlands, the transfer of governance was not progressed. The governance arrangements of the Service remain with the reformed West Midlands Fire and Rescue Authority. We continue to collaborate with the seven Local Authorities, WMCA, and other partners to reduce vulnerability and risk within our communities aligned to our Integrated Risk Management Plan and our strategy, ‘[Our Plan](#)’.



In line with the Accounts and Audit Regulations 2015, we publish an annual [Governance Statement](#) in support of the statement of accounts. It is considered by the Authority's Audit and Risk Committee in June each year and is included within the Statement of Accounts. The Governance Statement explains the measures taken by the Authority to ensure appropriate business practice, high standards of conduct and sound governance. This includes the scope of responsibility of the Authority, explains the governance framework, its purpose, and the review of its effectiveness, significant governance arrangements within the Authority including audit work undertaken during the year, and a certificate declaring the effective operation of governance arrangements signed by the Chief Fire Officer and the Chair of the Fire Authority.

The governance framework comprises the systems and processes, culture and values by which the Authority assures the delivery of services, including its activities through which it engages with, and is accountable to, 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.

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.

The review of the effectiveness of the governance framework is informed by the work of the statutory officers and principal managers of the Authority who have the 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.

The 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, and other work undertaken by independent inspection bodies.

The work undertaken during the year with regard to both the review of the governance framework and the



review of the system of internal control are detailed within the Governance Statement.

The Audit and Risk Committee produces an [Annual Report](#) which sets out in detail the business undertaken by the Committee, its achievements and its conclusion upon the adequacy of the system of internal control, governance and risk management in the Authority. The conclusion of the Committee is derived from, and informed by, the work of the internal audit and the compilation of the annual Governance Statement. As a result of this work, 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’.

In preparing this Statement of Assurance, the Authority has considered the principles of transparency, promoting openness and accountability through reporting on local decision making, public spending and democratic processes. All relevant information is published on the West Midlands Fire Service website in line with the Local Government Transparency Code

2015.

The information provided in the links below provides additional information on how the Authority has spent its public money, demonstrating the Authority’s commitment to transparency and accountability:

- Contracts information and expenditure over £500
- Salary information
- Pay Policy Statement
- Member Allowances Scheme
- The location of land and building assets
- Counter fraud information

How the Statement of Assurance meets the guidance as outlined within the Fire and Rescue National Framework for England 2018 is available [here](#).

STATEMENT OF ASSURANCE 2018/2019

6



FINANCE

The Authority meets the requirements set out in the:

- Fire and Rescue Service Act 2004
- Civil Contingencies Act 2004
- Regulatory Reform (Fire Safety) Order 2005
- Fire and Rescue Services (Emergencies) (England) Order 2007
- Localism Act 2011
- Fire and Rescue National Framework for England 2018
- The Policing and Crime Act 2017

The Authority is committed to the principles of the Policing and Crime Act 2017 and proactively works in collaboration with the Police and Ambulance Service, as well as a variety of agencies and organisations locally, regionally and nationally.

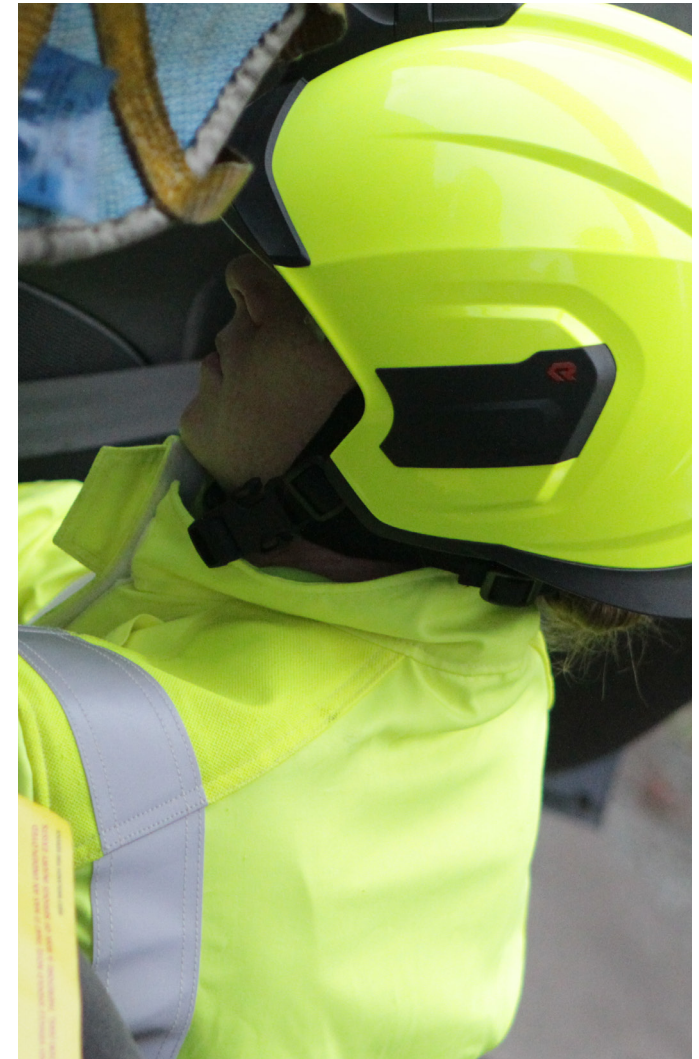
All Fire and Rescue Authorities are required to produce, consult upon, and publish an Integrated Risk Management Plan (IRMP). The Authority's IRMP contains our analysis of fire and rescue related risks in the West Midlands. It is the foundation upon which we build our Service Delivery Model. It shows how we will target our resources so that we can prevent incidents from happening, while also making sure resources are

located in the most effective manner to best protect the community. This enables the Service to continue providing the highest standards of service in the areas of prevention, protection and response through our Service Delivery Model. (See infographic on page 10)

The Authority's IRMP is represented in a visual manner in the form of the [Community Safety Strategy](#), which is available on the wmfs.net website. It is an interactive tool which not only provides an overview of the West Midlands area, but also enables members of the local community to view information which is relevant to where they live.

The Authority consults on its IRMP in accordance with national guidance. The last formal public consultation was held in 2016 and, therefore, the Authority will be consulting on its IRMP again in late 2019.

The Authority has mutual assistance arrangements in place with all Fire and Rescue Services surrounding the West Midlands (Shropshire, Staffordshire, Warwickshire, and Hereford and Worcester Fire and Rescue Services). These are referred to as Section 13 and 16 arrangements (in reference to the relevant sections of the Fire and Rescue Service Act 2004). Such arrangements include providing assistance to neighbouring Fire Authorities in the event of a large-scale incident, or where the resources of the



recipient Fire Authority are seriously reduced. Section 16 arrangements vary in detail from Authority to Authority but, essentially, they are a commitment to a neighbouring Fire and Rescue Authority to mobilise appliances to pre-agreed areas in the event of an emergency call being received.

The Authority is a partner in the West Midlands Conurbation Local Resilience Forum (LRF), the statutory multi-agency partnership set up to ensure the local authorities, emergency services and environment agency in partnership with other organisations including utility companies fulfil their duties under the Civil Contingencies Act 2004. The forum is chaired by West Midlands Fire Service and brings together organisations to plan and prepare for localised incidents and catastrophic emergencies that may impact the communities of the West Midlands. The strategic objectives of the of the LRF are enabled through the General Working Group which involves members from all organisations that attend the LRF. Partners record lessons learnt and share information on planning and response through joint organisational learning. This knowledge is shared via the online portal Resilience Direct.

More localised planning arrangements are further considered within each of the Local Authority areas across the West Midlands via Local Resilience Groups. West Midlands Fire Service officers engage within these

groups and work collaboratively with other responders and partner agencies to protect communities.

In support of National Resilience, and enabled through central Government funding, we have enhanced our capability to respond to major emergencies such as terrorist attacks, industrial and domestic accidents and natural disasters. We have several national resilience assets that can be called upon in the event of a national incident, such as high-volume pumps. We are a partner in the Multi-Agency Specialist Assessment Team (MASAT) which provides an initial assessment of potential Chemical, Biological, Radiological, Nuclear or Explosive (CBRNE) incidents. Our Urban Search and Rescue (USAR) and International Search and Rescue (ISAR) teams are on call 24/7 providing the ability to rapidly respond to incidents locally, nationally, and internationally, assisting and undertaking search and rescue operations. Our ISAR team is able to respond to humanitarian accidents or disasters anywhere in the world.

The Service works together with other emergency services at major incidents and emergencies on an ever-increasing basis. The Joint Emergency Services Interoperability Programme (JESIP) was introduced

STATEMENT OF ASSURANCE
2018/2019

8



OPERATIONAL

nationally to provide the pathway as to how emergency services can work together more effectively. It helps the emergency services better understand each other's expertise and ways of working, improving how they can jointly deal with an emergency, such as enabling better integration and more efficient and effective management of such incidents. The Service is actively involved in the programme and is implementing JESIP into the organisation.

The Service also runs the regional arrangements for the National Inter-Agency Liaison Officer cadre (NILO) which supports cross-emergency service organisational information sharing to support complex incident resolution.

The National Operational Guidance (NOG) Programme is a partnership programme working with fire and rescue services to deliver new national operational guidance that is consistent, easily accessible and can be quickly revised and updated if necessary. NOG covers areas including operations, incident command, and environmental protection covering activities such as fires and firefighting, performing rescues, and hazardous materials. WMFS is adopting NOG both locally and regionally. In alignment with the NOG approach, the Service has a gap analysis, action plan and implementation framework in place. It also

supports a regional action plan for implementing NOG, in partnership with the other fire and rescue services within the region.

Our protection work is focused on helping businesses to thrive, supporting business growth and economic sustainability. We help business communities to become safer from fire and assist businesses to comply with the Regulatory Reform Order. This assistance may take the form of educational events, signposting to relevant guidance and the checking and auditing of fire protection measures. We are committed to enforcing the law so that members of the public and local employees are protected from the risk of death or injury caused by fire. We are proactive in taking enforcement action for the non-compliance of fire safety regulations and have a dedicated team comprising specialist fire safety officers that work to build such prosecution cases.

The Service has a risk-based inspection programme which we continue to develop and enhance as per the requirements of the National Framework and we have adopted the principles of the Regulators Code. Fire safety audits focus on commercial premises that have an associated risk, such as a sleeping area above a shop. Following the Grenfell Tower fire, the Service re-prioritised its risk-based inspection programme.

The Service inspected all residential high-rise buildings



within the West Midlands as a priority, inspected buildings identified with flammable cladding, and supported the Home Office in the national co-ordination of the checking of high-rise premises and the cladding materials.

We are committed to supporting the health, fitness and wellbeing of all our employees and we recognise our duty to ensure they maintain the required level

of fitness to fulfil their roles safely. The Service has a fitness framework and carries out fitness assessments annually on all operational staff.



FUTURE IMPROVEMENTS

Based upon our IRMP and through taking an evidence-based approach, we believe that response times matter in relation to survivability and economic growth. Our Service Delivery Model is built upon a resource configuration that enables us to meet our risk-based, 5-minute response standard for the most serious incidents and to deliver an assertive, effective and safe response. Based upon risk, a blended fleet of vehicles, crewing levels and skill sets are dynamically mobilised to provide the right weight of response. This blended fleet is made up of:

- 3 Business Support Vehicles, crewed by a Fire Safety Officer
- 19 Brigade Response Vehicles, crewed by two firefighters and a supervisory officer
- 41 fire engines, crewed by four firefighters and a supervisory officer (two fire engines also have Technical Rescue capability)
- a number of specialist vehicles including aerial appliances

Demonstrating public sector reform, we continue to embed new and innovative approaches to staffing through the use of a lean, wholetime workforce supported through a system of Voluntary Additional

Shifts (VAS) and integrated resilience. Firefighters have the opportunity to undertake VAS on days where they are not scheduled to be on duty and integrated resilience enables uniformed staff based in departments to regularly crew response vehicles covering for any staffing deficiencies. Integrated resilience also enables such uniformed staff to maintain their core competencies and enables the transfer of skills and knowledge. This approach has enabled us to reduce our wholetime workforce naturally to 1,220 firefighters which includes 52 Technical Rescue firefighters, with VAS used to cover shortfalls in staffing. As a result, significant budget savings continue to be realised whilst maintaining the highest levels of service delivery to our communities.

Additionally, effective risk management through the flexibility in fleet availability and local management of staffing has enabled us to maintain our risk-based, 5-minute response standard whilst making savings in line with the Authority's Financial Efficiency Plan.

We continue to review our fleet, ensuring the correct vehicle types are being deployed, with state-of-the-art equipment and technology, so that response times can be maintained with fewer firefighters. Our Fire Control utilise a system called the Dynamic Cover Tool which provides a real-time visual aid of where resources are located within the West Midlands, supporting

STATEMENT OF ASSURANCE 2018/2019

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FUTURE IMPROVEMENTS



decision making and the management, deployment and movement of resources, to provide optimum response times, matching resource to risk.

We continue to integrate our prevention, protection and response activity which enables us to deliver the Authority’s strategic priorities and objectives, as outlined within ‘Our Plan’, efficiently and effectively. By providing the right training and support for our staff, they can support each other working more closely together as ‘one team’. Our fire safety team will be able to support our prevention priorities - for example, they could be carrying out an inspection at a business premises and identify some vulnerable people; we want them to be able to help. Likewise, whilst spending time amongst their community, firefighters might encounter fire safety concerns and, with the right training, they will be able to offer the appropriate fire safety advice.

Due to additional responsibilities as a direct result of the Grenfell Tower fire and other local large scale projects such as High Speed Rail (HS2), the Commonwealth Games, and the Coventry City of Culture, the Authority is investing in its protection capability to ensure it continues to comply with its statutory responsibilities of consultation on Building Regulations applications and the completion of Fire Safety audits in high-risk properties.

Digital ways of working are a key enabler to ensuring we are using our resources effectively and efficiently to meet our strategic priorities and objectives. As our workforce becomes more mobile and spends as much time as possible in the community, they need to be able to access accurate and useful information when they need it. The Service continues to develop and implement a variety of digital solutions to support its staff.

Examples include the Risk Identification and Data Gathering Engine (RIDGE) which will determine and prioritise both life risk and fire risk identified through our IRMP. This will prioritise premises for fire safety visits, provide the quick retrieval of information to enable targeted activity, and enable an evidence-based approach confirming that risk and vulnerability are being reduced.

Safe and Well visits are an important part of our prevention activity. They enable us to advise and educate on safety at home, with a particular focus on our most vulnerable residents. We have developed the Tymly system which is a digital solution for gathering Safe and Well information more quickly and easily. We are exploring ways in which the system can be used to generate automated referrals to partner organisations such as falls prevention, can prioritise households with regard to the level of risk ensuring that Safe and Well



of the West Midlands most vulnerable residents. We want our workforce to reflect the amazing diversity of the West Midlands. We do a lot of work to make sure we attract and recruit people from groups that are under-represented at the Service. We actively encourage applications from female candidates and from members of the West Midlands black, Asian, and ethnic minority communities.

We have introduced a portfolio management approach to managing workstreams across the Service. It provides us with an agile, flexible and adaptable way of working whilst creating an environment of accountability and an understanding of the value realised through the investment in our activities. It enables us to tell our story more effectively based upon evidence and creates an internal understanding of our priorities in relation to value. It also provides a foundation on which our organisation and the services provided can be audited and inspected against value.

We continue to challenge some calls received by our Fire Control to minimise the number of false alarms responded to, ensuring we have enough resources to mobilise in the most effective manner to calls where lives and property are in danger. We continue to use the 999eye system which allows callers to send images and footage from the scene of an incident to Fire Control. These images and footage can allow Fire Control to mobilise the most appropriate resources and provide vital information to the crews who are responding.

We really value the trust our communities place in our organisation and staff. It lets us into the lives of some

The Service received an inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) in quarters three and four of 2018. The findings of which will be reported in the Statement of Assurance 2019-20. In the interim, the final report of HMICFRS and accompanying documentation will be available via both the HMICFRS and WMFS website.

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FUTURE IMPROVEMENTS

WEST MIDLANDS FIRE AND RESCUE AUTHORITYItem 8

18 NOVEMBER 2019

1. **HER MAJESTY'S INSPECTORATE OF CONSTABULARY
AND FIRE AND RESCUE SERVICES (HMICFRS)
INSPECTION AND CULTURAL REVIEW OUTCOMES**

Report of the Chief Fire Officer

RECOMMENDED

THAT the content of the report is noted.

2. **PURPOSE OF REPORT**

This report provides members with an overview of the outcomes of both the HMICFRS Inspection and Cultural Review key findings.

3. **BACKGROUND**

3.1 **HMICFRS Inspection**

In July 2017, HMICFRS extended its remit to include inspections of England's Fire and Rescue Services. HMICFRS assess and report on the efficiency, effectiveness and people of the 45 fire and rescue services in England.

Inspections focus on the service provided to the public. They assess how well Fire and Rescue Services prevent, protect against and respond to fires and other emergencies and how well they look after the people who work for the service and includes an assessment of:

- the operational service provided to the public (including prevention, protection, resilience, and response);
- the efficiency of the service (how well it provides value for money, allocates resources to match risk, and collaborates with the police and ambulance services); and

Ref. AU22810191

(Official – WMFS – Public)

- the organisational effectiveness of the service (how well it promotes its values and culture, trains its staff and ensures they have the necessary skills, ensures fairness and diversity for the workforce and develops leadership and service capability).

Fire and Rescue Services are given graded judgments as outcomes of each inspection. These are:

- outstanding;
- good;
- requires improvement; and
- inadequate.

Good is the 'expected' graded judgement, based on policy, practice or performance that meets pre-defined grading criteria that are informed by any relevant national operational guidance or standards. If the policy, practice or performance exceeds what is expected for good, then consideration will be given to a graded judgment of outstanding.

If there are shortcomings in the policy, practice or performance of the fire and rescue service, then consideration will be given to a graded judgment of requires improvement. If there are serious critical failings of policy, practice or performance of the fire and rescue service, then consideration will be given to a graded judgment of inadequate.

The HMICFRS Inspection process for the Service began in December 2018 with an on-site 'discovery' week where the inspection team reviewed information prior to the actual on-site inspection process which commenced on 28 January 2019 and spanned 2 weeks concluding on 8 February 2019.

3.2 Independent Cultural Review

In May 2019 RealWorldHR (RWHR) were asked to complete an independent cultural review of West Midlands Fire Service and for this to be completed by the end of September 2019.

The purpose of this review was:

- To undertake an independent root and branch review of the organisation including the Fire Authority, the Service, personnel and Trade Unions to assess the culture and relationships and the impact they have on the successful operation of the Service, along with the health and wellbeing of employees within the existing culture.
- To identify areas of good practice and further considerations that can be made to support effective and functional relations between all parties in the future.
- To identify future cultural challenges within West Midlands Fire Service to ensure the best possible position to deliver for the communities of the West Midlands.

The review commenced on 10 June 2019 and spanned over a three-month period ending on 30 September 2019 with the issue of the review report from RWHR to the Chief Fire Officer (CFO) as the Commissioner of the review.

The report was then communicated to all key stakeholders prior to the presentation of the report and its process to stakeholders by RWHR.

3.3 **Inspection and Review Outcomes**

HMICFRS judged that West Midlands Fire Service:

- is 'good' at effectively keeping people safe and secure from fire and other risks;
- is 'good' at efficiently keeping people safe and secure from fire and other risks; and
- is 'good' at looking after its people.

Within the effectiveness pillar, the Service was rated as 'outstanding' for its response to fires and other emergencies. The Service is the only one from 44 other Fire and Rescue Services to achieve this level of recognition for its response services in this first year of inspection.

Within the 'people' pillar there were 2 x 'requires improvement' aligned to the question areas of:

- How well does the FRS promote its values and culture?
- How well does the FRS develop leadership and capability?

There were a number of 'areas' for improvement identified throughout the report findings, which are detailed in Appendix 1.

These areas for improvement have been reviewed by the Strategic Enabling Team. A number of areas have already been addressed and are planned into the Service's portfolio of work. SET determined that the 'people' areas for improvement and particularly the question areas which were rated as 'requires improvement', would be further considered once the outcomes of the cultural review had been delivered. This provided an opportunity to understand in more detail the areas of focus required in improvement planning.

The Cultural Review outcomes do not provide specific recommendations aligned to each theme of the review. Areas of consideration are referenced throughout the report and there are 'further recommendations' provided by RWHR in part 5 in the report.

The conclusions to the 'Executive Summary' to the review report sets out the following:

'As an organisation, it therefore appears not a question of **'what** you have to do to address the concerns and dissatisfaction in the Service that have led up to the dispute but more a question of **'how**' you are going to do it. At the minute there are different views and opinions of how things should be led, managed and delivered and it is materialising as a perceived resistance to change.

Vision: is clear and the staff recognise and appear to subscribe to it.

Values: the core values describe what everyone feels is important to them.

Employee Relations Framework: emphasises joint working.

Constitution: of the CFA is clear about the role of members.

Governance: SET have described levels of responsibility and accountability.

Development: Managers are provided input through the managing and leading excellence programme.

Ironically, we feel that it is this clarity that is causing frustration, irritation and dissatisfaction and it has manifested in a lack of trust amongst each other because these commitments are not being met.'

3.4 **Enabling understanding and improving planning**

Both the inspection and review outcomes have been communicated to staff using a several methods. The release of the full reports from both processes has formed part of this. Both formal and informal communication with and from staff has indicated the outcomes from both processes have not been widely reviewed and understood.

Following the receipt of the Independent Cultural Review outcomes, in agreement with all key stakeholders, RWHR are re engaging with key stakeholders including staff to enable consistency in the interpretation and understanding of the report.

This is taking place over a 4-week period commencing on 4 November 2019 and will be delivered through a number of group sessions with stakeholders and staff and ongoing communication throughout.

It is intended that this will support a consistent base of understanding for all stakeholders to move forward jointly in ensuring the most effective delivery of the Authority's Strategy, developing actions in response to areas for improvement for both the HMICFRS Inspection process (people) and the Cultural Review.

A joint stakeholder communication issued to all staff has highlighted the above approach as well as initial next steps to enabling the development of a joint stakeholder implementation plan and stakeholder oversight.

It is intended that areas for improvement will be managed through the Service's Portfolio Management process and, as such, will be embedded into 3PT projects.

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**

This report does not contain any financial information

7. **ENVIRONMENTAL IMPLICATIONS**

This report does not contain any environmental information.

8. **BACKGROUND PAPERS**

HMICFRS Inspection Report, West Midlands Fire Service

<https://www.justiceinspectorates.gov.uk/hmicfrs/>

Independent Cultural Review of West Midlands Fire Service (2019)

The contact name for this report is Karen Gowreesunker, Strategic Enabler Strategy, telephone number 0121 380 6677.

Phil Loach
CHIEF FIRE OFFICER

Appendix 1**Fire and Rescue Service: Effectiveness, Efficiency and People**
2018/19**Areas for Improvement**

- a-c are confirmed and are being addressed through projects.
- d,g,h,i & j are seeking affirmation from the cultural review before understanding how improvement planning can address the AFI.
- e is being affirmed through a review of SPA outcomes.
- f has already been addressed.

EFFECTIVENESS	
1. Protecting the public through fire regulation	(a) The Service should ensure that it has sufficient resources to delivery its risk-based inspection programme.
2. Responding to national risks	(b) The Service should ensure operational staff have good access to cross border risk information.
	(c) The Service should arrange a programme of over the border exercises sharing the learning from these exercises.
PEOPLE	
3. Promoting the right values and culture	(d) The Service should ensure its values and behaviours are demonstrated at all levels of the organisation. It should also ensure that managers actively promote these standards to improve the perception among some staff of an overbearing management style.
4. Getting the right people with the right skills	(e) The Service needs to ensure that records for risk critical competencies, such as breathing apparatus, emergency fire appliance driving and incident command are accurate and up to date.
	(f) The Service should ensure that its workforce plan includes how it intends to reduce the number of operational staff on temporary promotion.
5. Ensuring fairness and diversity	(g) The Service should improve the way it communicates with its staff, specifically those in operational roles.

	(h) The Service needs to understand and address the impact positive action is having on staff, including those with protected characteristics.
6. Managing performance and developing leaders	(i) The Service should put in place an open and fair process to identify, develop and support high potential staff and aspiring leaders.
	(j) The Service should ensure processes for development and promotion of staff are open, transparent and fair.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 9

18 NOVEMBER 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

3.1.1 Appendix A compares the revenue budgeted to the end of October 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.

3.1.2 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 October 2019, including commitments, was £54.923 million compared to a projected budget of £55.115 million, an overall favourable variance of £0.192 million.

3.1.3 The most significant variances relate to Service Delivery – Response (adverse variance £427k against the annual saving target of £3.8m) which is off-set mainly by salary related savings within People Support Services, Operations and Corporate Service Support.

3.1.4 In funding, there has been additional section 31 grant which has been notified to the Authority following the February 2019 budget setting meeting.

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

3.2 **Capital Expenditure**

3.2.1 The Authority's approved capital programme for 2019/2020 is £8.956 million. A scheme analysis is shown on Appendix C. Expenditure to the end of October 2019 is shown as £2.904 million.

3.2.2 The main forecast variance within the capital programme relates to:

- Vehicle Replacement Programme – delayed purchase of the command support vehicle pending the outcome of a review, awaiting the decision of Government funding for the Detection, Identification and Monitoring vehicle and slippage of 5 PRL's to 2020/21.
- Aston Fire Station where there has been a delay to the completion of the refurbishment phase of the current station which has slipped to quarter 1 of 2020/21.
- Coventry Fire House refurbishment requires to be retendered and has therefore slipped into 2020/21.
- Replacement of windows and doors at Dudley, Handsworth and Sheldon Fire Stations have been re-phased to 2020/21.

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 Gary Taylor, Assistant Chief Fire Officer, Strategic Enabler (Process), telephone number 0121 380 6006.

MIKE GRIFFITHS
TREASURER

REVENUE MONITORING SUMMARY TO OCTOBER 2019

	LATEST BUDGET 2019/2020 £'000	PROFILED BUDGET £'000	ACTUALS + COMMIT -MENTS £'000	VARIANCE TO PROFILED BUDGET £'000
DEVOLVED BUDGETS				
Corporate Management	2,878	1,705	1,701	-4
Corporate Charges	-5,325	-5,306	-5,288	18
Service Support				
People Support Services	6,554	3,796	3,715	-81
Intelligence and Innovation	2,490	1,535	1,492	-43
Finance & Resources	5,317	2,997	2,968	-29
ICT	4,954	3,070	3,015	-55
Service Delivery				
Operations	10,470	5,821	5,568	-253
CORPORATE BUDGETS				
Service Support				
People Support Services	2,596	1,669	1,496	-173
Intelligence and Innovation	100	50	47	-3
Finance and Resources	20,593	12,963	12,951	-12
ICT	138	80	86	6
Service Delivery				
Response	44,520	25,978	26,405	427
Protection	-47	-39	-24	15
Other Income & Expenditure	1,540	796	791	-5
Appropriation to Reserves				
TOTAL (NET BUDGET REQUIREMENT)	96,778	55,115	54,923	-192
Core Funding	-53,563	-34,454	-34,654	-200
TOTAL (COUNCIL TAX REQUIREMENT)	43,215	20,661	20,269	-392

FIREFIGHTERS' PENSION SCHEMES

NON-FINANCIAL INFORMATION	2019/20 PROJECTION				ACTUAL POSITION AS AT OCTOBER 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	-	-	80	80	-	1	46	47
Opt-In (including net auto-enrolment)	-	-	-	-	-	1	36	37
Transitional Members during year	-32	-1	33	-	-12	-2	14	-
Transfers from Other Pension Schemes	-	-	10	10	-	-	-	-
Transfers to Other Pension Schemes	-	-	-3	-3	-	-	-	-
Retirements	-55	-2	-	-57	-42	-	-3	-45
Opt-Out	-	-	-13	-13	-	-2	-17	-19
Leavers	-3	-	-14	-17	-3	-	-9	-12
Ill-Health Retirements	-2	-	-1	-3	-	-	-	-
Members of the Fire Pension Schemes as at 31st October 2019					155	6	1,089	1,250

CAPITAL MONITORING STATEMENT 2019/20

Scheme	Year 2019/20	Latest Budget £'000	Actuals October 2019 £'000	Forecast £'000	Variance £'000
<u>LAND & BUILDINGS</u>					
Boiler Replacement Programme	Ongoing	151	16	151	-
Roof Replacements	Ongoing	160	21	160	-
Windows/Door Replacement	Ongoing	276	1	39	-237
Rewires	Ongoing	426	115	426	-
Coventry Fire Station	5 of 5	171	69	171	-
Drill Towers / Training Facilities	2 of 2	295	38	45	-250
Security Works	1 of 1	68	0	68	-
HQ Alterations	3 of 3	42	52	52	+10
Aston Fire Station	5 of 5	3,205	1,534	2,905	-300
<u>VEHICLES</u>					
Vehicle Replacement Programme	Ongoing	3,540	857	2,172	-1,368
<u>ICT & EQUIPMENT</u>					
Enterprise Resource Planning (ERP)	1 of 2	180	0	180	-
C&C Upgrade Vision 4 / ESMCP	4 of 4	417	201	422	+5
Oracle Licensing	9 of 9	25	0	25	-
Grand Total		8,956	2,904	6,816	-2,140
<u>Funded By</u>					
Prudential Borrowing		0		0	-
Capital Grants / Contributions		157		157	-
Capital Receipts to be Applied		0		0	-
Revenue Financing / Earmarked Reserves		8,799		6,659	-2,140
TOTAL		8,956		6,816	-2,140
SURPLUS(-)/DEFICIT(+)					

Minutes of the Audit and Risk Committee ^{Item 10}
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2 September 2019
at Fire Service Headquarters, Vauxhall Road,
Birmingham B7 4HW

Present: Councillors Miks (Chair), Gill (Vice Chair), Barrie,
Miller and Spence
Mr Ager (Independent)
Peter Farrow, Audit Manager
John Matthews, Internal Audit
ACO Gary Taylor, Strategic Enabler (Process)

Apology: Richard Percival, Grant Thornton
Karen Gowreesunker, Strategic Enabler (Strategic
Hub)

As well as the Members of the Committee the following attended
the meeting:

Mike Griffiths, Treasurer
Kal Shoker, Finance Manager
Councillor Brackenridge, Chair (Observing)
Emily Maine, Grant Thornton

At the beginning of the meeting everyone introduced themselves.

45/19 **Declarations of Interest**

Cllr Brackenridge declared a non-pecuniary interest as he is
in receipt of a fire service pension.

46/19 **Minutes of the Audit and Risk Committee held on 29
July 2019**

Resolved that the minutes of the Audit and Risk
Committee held on 29 July 2019 be approved as a
correct record with the following amendment.

Cllr Barry should read Cllr Barrie in the list of
attendees.

In the penultimate paragraph on page 9 of the minutes, on the final line the word “should” to be deleted.

47/19 **Corporate Risk Update**

Assistant Chief Officer (ACO) Taylor (Strategic Enabler – Process) presented the Corporate Risk Update. As agreed by the Audit Committee on 25 July 2016 the updates are now provided bi-annually.

The Update covered Quarters 4 2018/19 and Quarter 1 2019/20. The report included the Corporate Risk Assurance Map Summary and the Position Statement for Quarter 1 2019/20. In accordance with the Services risk management strategy, the Corporate Risk Assurance Map Summary was submitted for approval by the Audit and Risk Committee following its submission and discussion at the Corporate Performance Review Meeting.

Corporate risks are 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 of the meeting, the Service maintained 9 corporate risks, some of which had more than one element.

Each corporate risk is assigned to a Risk Owner, who is a member of the Strategic Enabling Team. The Risk Owner has 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 or 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 1 2019/20 (Appendix 1) and the Position Statement for Quarter 1 2019/20 (Appendix 2) were included.

In undertaking a review of corporate risks, the Risk Owners 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 to 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.

Increase/Decrease in Overall Corporate Risk Score

During the six months (Quarter 4 2018/19) there had been an increase in the risk scores for Corporate Risk 4.1, Protection. This risk score increased from 6 (Likelihood 2 x Impact 3) to 9 (Likelihood 3 to Impact 3).

This was due to the high demand and complexity in the building applications received. These applications included two high profile developments; High Speed Rail (HS2) and the Commonwealth Games. Additional investment for Protection resources into the Planning and Building Applications team was agreed by the Authority in November 2018, however it would take approximately 12 months for the additional Protection officers to become competent.

ACO Taylor explained that the Performance Indicator had shown that officers were not responding to all planning applications within the 15 day consultation period. However, following the increase in capacity in the Fire Safety Team, compliance had increased by 40% to significant compliance of 78%.

Officers were using some investment for existing and qualified staff to undertake work on overtime.

As well as HS2 and the Commonwealth games there was more demand for new properties.

Nationally the cronic impact of the shortage of fire safety expertise was also being recognised.

In Quarter 1 2019/20 there was a decrease in Corporate Risk 1.1 External (Political and Legislative) Environment. This decreased from 6 (Likelihood 3 x Impact2) to 2 (Likelihood 1 x Impact 2).

The change in Our Plan 2019-2022 indicates there is currently limited risk of public service reform impacting on the delivery of core service delivery.

ACO Taylor confirmed that health commissioning work had now ceased, the transfer of governance to the Mayor would not progress and governance of WMFS would continue through the Reformed Fire Authority.

The Position Statement attached as Appendix 2 to the report provided the detail of the risk management activity undertaken or ongoing in respect of the Authority's 9 Corporate Risks for the six months (Quarter 4 2018/19 and Quarter 1 2019/20).

- Corporate Risks 1.1, 1.2, 2.3, 4.1, 5.2, 8.1 and 8.2 were awarded a green confidence (substantial) opinion, which is the highest level that can be awarded.
- Corporate Risks 2.1, 2.2, 3.1, 3.2, 6.1, 7.1, 7.2, 9.1 and 9.2 were awarded an amber (satisfactory) confidence opinion. In all cases, work is in progress to enable for a green rating to be attained.

Position Statements

Corporate Risk 2 – People The risk owner is confident that positive progress continues to be made in the delivery of several elements of the collective agreements and the Employee Relations Framework (ERF) has now been issued. An E-Cademy learning package for all employees is being developed, to enable all employees to ensure a greater understanding of the ERF and the specific elements in it. The Cultural Review was coming to a close and the outcomes will also provide opportunities.

Corporate Risk 3 – Prevention An IT solution to assist with Safe and Well visits was currently being developed as part of the introduction of Tymly, this was currently being piloted in the Black Country South. This was with the view to eventually rolling it out across the organisation.

Corporate Risk 5 – Response The continuation of the flexible use of resources to achieve the £3.8M savings outlined in the Financial Efficiency Plan shortfall and to deliver a balanced budget in 2019/20, means that there is

an overall reduction in fleet availability. The reduction in fleet in done dynamically and currently includes Brigade Response Vehicles and 2nd PRL's riding at 4, instead of 5 personnel.

ACO Taylor stated that the flexible response was working well but changes were having some impact, but the Service was maintaining its Service Delivery Model and its risk based attendance standard.

Corporate Risk 6 – Business Continuity

and Preparedness The Emergency Planning team are monitoring all events that will have an impact on business continuity and alongside Local Resilience Forum Partners continue to engage with specific EU Exit No Deal planning. West Midlands Fire Service are maintaining awareness of updated government planning assumptions and have continued engagement with the Ministry of Housing Communities and Local Government.

Regular updates would be provided at Policy Planning Forums and briefings would be provided to Members on an ongoing basis. Councillors would then be able to pass this information onto their colleagues.

ACO Taylor confirmed that all authorities are undertaking their own Business continuity activities in the conurbation with category 1 and 2 responders.

In response to a Members question about Brexit preparedness, ACO Taylor stated that there was a high level of confidence and the Service was as prepared as it could be. In respect of the broader Business Continuity arrangements for possible Industrial Action levels of confidence had reduced.

Corporate Risk 7 – Information, Communications and

Technology The organisation continues to take a cloud-based approach to data storage thus reducing the reliance on in-house processes, procedures and infrastructure to access and maintain data.

Cloud based solutions for business continuity and disaster recovery are being considered to improve resilience.

Corporate Risk 8 – Finance and Assets The budget was set in February 2019 with several significant issues still to be determined regarding future funding impacts. This specifically related to the Firefighters Pension Scheme, Firefighters pay awards, the outcome of the Governments Fair Funding Review and a lack of clarity around future Government funding settlements linked to the uncertainty of the timing and impact of public sector Comprehensive Spending Reviews. Details regarding these issues have not yet been determined.

Corporate Risk 9 – Business Development The recommendation was for Corporate Risks 9.1 and 9.2 to be removed. This was due to the Fire Authority directing officers to develop alternative options to make appropriate budget reductions in order to set a balanced budget. The revised strategy was presented and agreed at the 18 February 2019 Authority meeting, where it was agreed that “Our Plan” and the balanced budget would be delivered through the flexible risk-based management of resources daily. There was no longer a requirement to achieve alternative funding targets through business development and the wider health contracts that were in place were closed on the 3 April 2019.

The Committee discussed the issue of Safe and Well visits and the fact that some elements were considered nationally outside of the role map. ACO Taylor stated that there was an arrangement with staff and FBU and currently Safe and Well visits were continuing on the basis of good will, but it was down to individual choice with questions around wider vulnerability. Some staff were uncomfortable to ask questions for example about receiving benefits. Where this happened the crews had the option to give the occupier a tablet device to complete the full set of Safe and Well questions personally.

As the Service had now stopped delivering commissioned health work, some partnership referrals were suffering.

Officers were using their best efforts to engage with making representations to Councils about safeguarding of residents but were struggling to get traction with local authorities and this was less effective than falls response referrals. The Chair felt it was important to find a way to engage with the most vulnerable.

ACO Taylor stated because there was no longer day to day engagement and the Authority had withdrawn from health contracts, officers were having to work in a different way, but the commitment was still there to refer people to the Safe and Well list.

It was suggested that this could be an area for discussion at the forthcoming Policy Planning Forum with the potential to look at this work through a Scrutiny Review and that Elected Members would have more influence in their own Councils.

Cllr Greg Brackenridge stated that the focus for Safe and Well visits was on quality rather than quantity.

Cllr Brackenridge suggested a Conference could be held with Cabinet members on this subject in a similar way to the Conference being held on prevention and protection and sprinklers.

ACO Taylor confirmed that the Service was delivering safe and well visits and the mechanism for individual referrals but was struggling with external engagements.

It was confirmed that in Wolverhampton City Council the partnerships referrals system was more effective as the withdrawal from the falls contracts was longer and allowed more time to embed the referral pathway. However, in other areas there was a quicker withdrawal and the relationships and pathways were broken.

The Chair would suggest that the Scrutiny Committee look at this work further.

The Independent Member stated that considerable efforts had been for the transfer of governance to the West Midlands Combined Authority and enquired if central government would have any views on this matter.

Cllr Brackenridge stated that the Authority's view was not to go down this road again. The government had removed the red lines from the Order and had asked Leaders to sign within 36 hours notice. The Order had not been approved.

It was noted that the PCC or Mayor could put in a bid to take over the governance arrangements for the Fire Service but following conversations there did not appear to be any appetite to follow this route.

The other option would be for primary legislation.

ACO Taylor confirmed that some of the collaborative benefits still exist and officers were still working positively with local partners for efficiency and effectiveness.

In response to a Member's enquiry about the Risk Score of 9 showing as both green and amber, it was confirmed that this was due to professional judgement applied by the Risk Owner.

The Committee thanked ACO Taylor for a thorough report on risk.

Resolved that the Corporate Risk Map Summary (Quarter 1, 2019/20, Appendix 1) be approved and the Position Statement noted the Audit and Risk Committee be approved.

Resolved that the removal of Corporate Risks 9.1 and 9.2 be approved.

48/19 **Request of a Member to Discontinue Pension Payment of Periodical Contributions - New Firefighters' Pension Scheme (2006)**

The Committee, in their role as Scheme Manager, considered a request from a firefighter to discontinue payment of his periodical contributions under the rules of the New Firefighters' Pension Scheme (2006).

Members were provided with background information including details of Part 11, Chapter 2, Paragraph 8 of the New Firefighters' Pension Scheme (2006).

The request to stop paying the additional payment related to financial circumstances as set out in the Appendix to the report.

In answer to a Member's question, it was confirmed that this was the first occasion where a firefighter had requested to stop paying additional payments. Very few firefighters make additional payments and additional payments only affect the individual and not the Authority and each case was to be judged on its own merits.

Another Member felt that the Committee were not in a position to give financial advice and it was down to individuals to make extra payments and accept the changes to their future pension.

Resolved that the Committee, in their role as Scheme Manager, have decided that the request of a firefighter to discontinue payment of his periodical contributions under the rules of the New Firefighter' Pension Scheme 2006 be approved.

49/19 **Pensionable Pay Decision**

The Committee received a report providing information to enable them to make a decision, as required by the Firefighters' Pension Scheme regulations, as to whether

the allowance for the provision of Canine Response should be treated as pensionable pay.

West Midlands Fire Service had recently implemented a new allowance payable to a member of the Technical Rescue Unit for the provision of Canine Response.

At the Strategic Enabling Team meeting held on 12 December 2018 it was stated that in recognition of the additional responsibility and impact on personal time and in line with similar arrangements across other Fire and Rescue Services, proposed that a 10% pay enhancement should be attached to the role. The allowance recognised that:

- The dog is permanently resident with the employee;
- The employee has caring responsibilities for the dog and to ensure that it remains fit and healthy for work;
- The dog is available for duty in line with the employee's shift pattern and on call arrangements; and
- The employee needs to reach and maintain additional competencies to enable the dog to be deployed to operational incidents.

Pensionable pay for all schemes is defined as being the pay determined in relation to the performance of the duties of the role.

Members of the Committee were provided with Guidance from Home Office on the Firefighters' Pension Scheme and a fact sheet was attached as an appendix to the report.

Members of the Committee were also provided with details of the Firefighter Role map.

The definition of pensionable pay states that the pay must be in relation to the performance of the duties of the role and must be clear in terms of the decision.

There was no definition on what sort of allowances should be regarded as permanent or temporary.

Each case was to be considered on its merit.

The Pensionable Pay Guidance outlined the case law when interpreting the application of pensionable pay, the 'Blackburne Principles' were often cited. The judge cited that in order for pay to be pensionable it had to be:

- Calculated in accordance with ordinary rate of pay
- For work done under the Firefighters contract of employment
- Regular in nature, i.e. something to which the firefighter was entitled in the ordinary course of fulfilling duties under the contract, not a one off or unexpected payment.

The monthly allowance was for the care of the dog and regular payment would be made for the foreseeable future and met the tests.

A proportion of the allowances was for care and welfare of dog, food and vets charges. The dog lives with the firefighter to enforce the bond and to ensure that the relationship is enhanced. The dog also needs to be available when the firefighter is required.

The key decision for the Committee was whether the allowance related to the Firefighter Rolemap.

Members felt that the role was permanent, regular and not an additional contract and the requirements were discharged under Reference FF6 Support the effectiveness of operational response and FF8 Contribute to safety solutions to minimise risks to your community of the Firefighter Rolemap and there was evidence to support this.

Resolved that the allowance for the provision of Canine Response should be treated as pensionable pay.

50/19 **Annual Audit Letter 2018/19**

The Audit and Risk Committee received and noted the Annual Audit Letter 2018/19.

In line with the Code of Audit Practice, the Auditor is required to produce a letter at the end of the audit and it was intended to communicate key messages to the Authority and external stakeholders including members of the public.

The key messages included the financial statements audit, (including audit opinion) the Value for Money Conclusion and the Audit fees charge for audit and non-audit services and titles and dates of when reports had been issued.

The Audit Findings Report had been presented to the Audit and Risk Committee on 29 July and outlined the findings of the audit work undertaken.

The Auditor had issued an unqualified opinion on the Authority's 2018/19 financial statements included in the Authority's Statement of Accounts.

As part of the external audit work programme, the Auditor was also required to provide a value for money conclusion.

As a consequence of this work the audit concluded that for 2018/19, the Authority had proper arrangements in all significant respects to secure economy, efficiency and effectiveness and to ensure it delivered value for money in its use of resources.

The Auditor had determined materiality for the audit of the Authority's financial statements to be £2,396,000 which is 2% of the Authority's gross revenue expenditure.

The Auditor had set a lower level of specific materiality for remuneration disclosure of £100,000 due to their sensitive nature and public interest.

The Auditor set a lower threshold of £119,802 above which the Auditor reported errors to the Audit and Risk Committee in their Audit Findings Report.

The Auditor stated that financial sustainability was a significant risk and reserves had dwindled.

As set out in the Audit Plan the Auditor felt there were real challenges for the Authority. All organisations have financial risks but this would remain an area of focus for Grant Thornton and they would continue to report on this at future meetings.

The final fee charge for the audit was £33,750. The planned fee was £29,750 but an additional charge of £4,000 had been added to cover the additional work required in Assessing the impact of the McCloud ruling, Pensions -IAS 19 work and PPE Valuation work of experts.

This figure still represented a reduction on the £38,636 charge in 2017/18.

It was noted that following consultation with the Treasurer some areas of the Annual Audit Letter would be amended prior to submission to the Fire Authority on the 30 September 2019.

As follows:

On pages 86 and 87 Key Findings, Significant risk in our Audit Plan, Financial Sustainability

- “FFPS – Employers Contributions – potential additional costs of £6.2m per annum assuming no government funding.” The figure should read £5.3m.

On page 88, Reports issued and fees

“As outlined in our audit plan, the 2018-19 scale fee published by PSAA of £29,750 assumes that the scope of the audit does not significantly change. There are a number of areas where the scope of the audit has changed due to national issues outside of the Authority’s control, which have led to additional work. These are set out in the following table.”

The words “due to national issues outside of the Authority’s control” would be added.

In answer to a Member's enquiry it was confirmed that at the time the budget was set the estimated cost was £5.3m with the grant of £4.8m for the current year. However, when the actual figures were confirmed the costs were higher for all Authorities and this national issue was then raised with the Home Office who eventually covered the cost of £6.2m for WMFRA with a grant of £5.7m. There was the potential that the Authority would be required to pay this if not covered by the Home Office.

The Treasurer confirmed that in respect of the McCloud case, no further indication or clarity had been received on the figure quoted if all transitional arrangements had to be rectified

In answer to a question from the Independent Member on the significant risk identified in the audit plan on the Valuation of Property and Equipment and that the audit work had not identified any issues in respect of valuation of land or buildings, the Auditor stated that the Authority revalues its land and buildings on an annual basis to ensure that the carrying value is not materially different from the current value at the financial statements date. The valuation of land and the buildings represents a significant estimate by management.

The valuer makes an assessment of assets and the Auditor undertakes testing on assumptions and never give positive assurance, but there is a low risk of estimation and uncertainty

The method of annual evaluation is of benefit for the Authority, however, other authorities use the previous year's valuation.

51/19 **Residential Homes**

The Committee received a report from the Treasurer on the current status of the Authority's Residential Homes (flat and houses). The facilities had been provided in the past for firefighter use. The Authority no longer provides residential homes to new tenants and any properties that become vacant are held as 'surplus assets' for accounting purposes.

The information had been requested by the Chair of the Audit and Risk Committee.

A table of residential home, sites and commentary was provided as an appendix.

In answer to a Member's enquiry it was confirmed there was a small level of cost dependent on the rateable value of the site.

Some of the properties are used for training and partnership work.

There was current interest from a third party in refurbishing and leasing a house at Kings Norton although access was an issue for the houses and flats at this station.

A planning application had been approved in relation to creation of new vehicular access with the intention of the disposal of the Houses at Perry Barr Fire Station.

A Housing Association may be interested in modernising or redeveloping the houses on this site. It was noted that the houses are near the area of the 2022 Commonwealth Games.

Members were concerned about the number of homeless in the Region and whether the Authority would be able to work with external partners in respect of vulnerable and homeless people.

The Audit and Risk Committee requested a further report outlining the options as the Lead Member of the Combined Authority's Reduction of Homeless Strategy is a Member of Sandwell Council and they may be able to assist.

The Chair requested further information to be provided to the next meeting of the Audit and Risk Committee.

52/19 Audit and Risk Workplan 2019-2020

The Committee noted its Work Programme for 2019/12.

53/19 **Update on Topical, Legal and Regulatory Issues**

The Treasurer stated that an independent review had been announced with the outcomes being published towards the end of the year.

The Committee were informed that the government had indicated that the Chancellor would be announcing a 12 month spending round on the 4 September 2019.

ACO Taylor informed the Committee that in the absence of a pay settlement for the Fire Service, the National Fire Chiefs Council and the Local Government Association had written a joint letter highlighting the importance of fair pay across the sector.

54/19 **CIPFA Audit Committee Update 29**

John Matthews stated that the CIPFA Update had been circulated to Members and provided information to Audit Committees to enable them to keep up to date and improve their effectiveness. The document set out details of the CIPFA Statement on the Role of the Head of Internal Audit and the five principles that are used to deliver the organisation's strategic objective. Members of the Audit and Risk Committee should be aware of the five principles and the key steps.

In answer to a query about the Audit Commission, following a suggestion in 2010 by Eric Pickles MP, it was confirmed that the Audit Commission had been abolished in 2015 some of the staff had been TUPEd to other Audit companies and these companies now undertook the Audits.

A small body of people from the Audit Commission had been used to create a team who managed the PSAA Ltd and the National Fraud Office.

Members were requested to let Julie Connor know if they wished to attend any of the Training Opportunities available to members of the Audit and Risk Committee outlined in the document.

The meeting finished at 1208 hours.

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

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.

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OFFICIAL – WMFS PUBLIC

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

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

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.

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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

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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%

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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.

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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.

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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.

Contact Officer: Julie Connor
Strategic Hub
West Midlands Fire Service
0121 380 6680

Notes of the Policy Planning Forum

Item 12

**17 September 2019 at 11.30 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

- Present:** Members of the Authority
Councillor Brackenridge (Chair)
Councillor Iqbal (Vice Chair)
Councillors Barlow, Dehar, Edwards, Gill, Hogarth,
Jenkins, Miks, Miller, Spence, Walsh, and Young
- Officers:** West Midlands Fire Service
Chief Fire Officer (P Loach)
Assistant Chief Fire Officer (G Taylor)
B Brook, S Barry, J Connor, P Fellows, M Hamilton-
Russell, M Pym, S Timmington, S Vincent, S Warnes,
A Afsar, N Spencer, H Cross

Clerk and Monitoring Officer

K Gowreesunker (Clerk)
S Sahota (Monitoring Officer)
M Griffiths (Treasurer)

- Apologies:** Councillor Barrie
Gurinder Singh Josan
Professor Simon Brake
Sarah Middleton
Mr M Ager

Observers: Nil

14/19 Chair and CFO Announcements

Cllr Greg Brackenridge, Chair of West Midlands Fire and Rescue Authority (WMFRA), welcomed all attendees to the Policy Planning Forum, which was scheduled to today due to a HMICFRS meeting.

Deputy Assistant Commissioner of London Fire Brigade, Wayne Brown, was recently appointed as the Deputy Chief Fire Officer of West Midlands Fire Service (WMFS). Cllr Brackenridge thanked Jo Simmonds and K Gowreesunker for their assistance throughout

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**Policy Planning Forum
17 September 2019**

the process. There were no female applicants but there were eight applicants from BAME members. The Chair plans to introduce DCFO Brown at the next meeting.

The next Authority meeting is to be held on the 30th September, with the JCC panel following on from this.

Members were invited to attend the Emergency Services Show, taking place on the 18th and 19th September.

Members were also invited to attend the WMFS Band concert on 5 October in Shirley. The annual Christmas carol concert is being held on 8 December at St Martin in the Bullring church. J Connor will forward a list of firefighter pass-out parade dates to all members, who were invited to attend.

The Chair thanked all fire stations who have welcomed him during station visits, which allowed for beneficial conversations to take place. The Chair also requested if members could send messages of support to Blue Watch, who had two challenging tours recently.

Following on from the recent HMICFRS visit, WMFS received an outstanding report for response and was the only UK fire service to do so. The Chair expressed thanks to all WMFS staff for this. The second round of inspections is likely to commence in around 12-18 months' time.

Phil Loach, Chief Fire Officer, congratulated Wayne Brown on his successful application and appointment as Deputy Chief Fire Officer, and recognised the other applications including that of ACFO Gary Taylor.

The next round of HMICFRS inspections was likely to focus on risk.

The new Police minister also has responsibilities for fire. Considerations to make reductions in fire had been redesignated and members were asked to consider this in the media going forward. Single year settlement was announced and there will be no cuts to public services. WMFS have flat cash settlement, real terms, which will include inflation. WMFS have level of reserves

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committed to unfunded capital programme. The service cannot rely on any council tax flexibilities.

Following a member's question, it was confirmed that the government will not provide any further reserves. WMFS set out a reserve plan setting out how it plans to spend it. As an authority, the reserve strategy is published for review.

The cultural review was extended by one month until 30th September, with invites being extended to additional stakeholders. The findings will be shared with members and would be the subject at the Policy Planning Forum on the 7th October, before being shared with the representative bodies and staff. Around 1,000 staff have answered the questionnaire to date.

Phil Loach echoed the Chair's comments regarding attending the Emergency Services Show as WMFS hosted trauma and extrication competitions. As part of his role as Vice Chair of the National Fire Chiefs Council (NFCC), Phil was due to sign a Memorandum of Understanding with the Brazilian Fire and Rescue Service at the show.

WMFS are hosting an International Symposium, welcoming delegates from around the world. This will also provide an excellent opportunity to showcase the West Midlands region.

15/19 Delivering the Strategy

Phil Loach delivered a presentation on 'Delivering the Strategy'.

Members were reminded of the agreement at the last meeting regarding fleet availability and the reduction of six BRVs. WMFS are still achieving the attendance standards. With the 4.5% reduction in fleet availability, WMFS are slightly behind on actual savings but are still in a positive figure for finance overall. Overall, the service is seeking to achieve savings of £3.8m.

There had been a decrease in partnership referral pathways and reduced visibility of WMFS overall in health forums as the service ceased to deliver a number of services for health. The target for 2019/20 was 36.7%. There will potentially be a conference to

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discuss this further. Whilst the reduction of fleet availability is to be considered, WMFS will continue aspiring to meet targets.

WMFS are extremely reliant on referral pathways to ensure engagement with the most vulnerable members of the community. The Chair requested for members to feed this back to their authorities as they can play a strong role in asking their Cabinet Members to speak to the relevant teams and ensure that these referrals are being made.

A Member noted that they had successfully progressed a referral to WMFS from a resident living in a complex living development.

Further to approving the additional investment in protection, the service's outlook is now more positive. WMFS has been marked as off target with the Risk Based Inspection Programme (RBIP). The audit was targeted towards high risk premises using a new tool, RIDGE. This shows that WMFS are in the 'green' so are confident that RBIP is being targeted effectively. There had been investment in new staff within protection and they were undergoing training. However, it was noted that it could take several years for an individual to become fully competent.

WMFS support services are still struggling. There has been a reduction in Safe and Well, as well as a reduction in the effectiveness of our partnerships. Whilst the direction of travel is positive, there is still a way to go.

16/19 Business Continuity

Gary Taylor, Assistant Chief Fire Officer, delivered a presentation on business continuity.

All members were reminded of the legal responsibilities placed upon the Fire Authority as detailed by the Fire and Rescue Act of 2004.

The pay discussion is currently paused; this is out for consultation.

National Security Risk Assessment (NSRA) is to assess key risks and has many risks included within this. Events that could impact

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WMFS delivery of services may include cyber-attacks. There are also many considerations of events that could impact staff directly including pandemic flu, severe weather and strike action. However, in the event of pandemic flu, it is estimated that at least 71% of operational staff will still be available to attend work.

Industrial action has recently been added as a risk on the NSRA. Worst case scenario would effectively lead to loss of life either due to limited resources or by the delay of mobilising resources to those who need them. In 2018, WMFS nearly experienced industrial action (however this was later withdrawn due to an agreement being reached) which may have led to limitations on resource availability

The Home Office (HO) expectation is that Fire & Rescue Services will seek to ensure that at least 30% of normal resources would be available during periods of industrial action. The HO had raised concerns that WMFS had a business continuity plan of only 28.3%. However, further assurance was provided to the HO by WMFRA which was subsequently accepted by the HO as this exceeded the 30% business continuity cover that is expected.

Gary Taylor presented two options for members' consideration:

Option 1 – WMFS contingency workforce

- This option involves WMFRA recruiting, training and retaining a number of contingency firefighters to supplement and work alongside current business continuity arrangements (mixed crews).
- Legal responsibility remains on WMFRA in relation to the ongoing employment and Health and Safety requirements.
- Challenges around ongoing recruitment, retention and training
- This approach would take up to 4 months to implement due to timeframes for recruitment and training.

Option 2 – External Contractor (recommended)

- This option involves an agreement with an external contractor who would supply a guaranteed number of

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qualified staff to supplement current business continuity arrangements but work independently to WMFS (not mixed crews)

- Legal responsibility on WMFRA is managed through an agreed contract where ongoing employment and Health and Safety requirements are the responsibility of the External Contractor.
- This could be implemented within a shorter timeframe due to contractors maintaining competent contingency operatives and needing 7 days' notice to provide the services.

Option 2 is the recommended option. Whilst it will require more investment, it removes some of the risks that are associated with option 1.

It was agreed that these two options are to be scrutinised by the Scrutiny Committee. It was noted that overall, as the Service perceived there would be limitations with current business continuity arrangements, there was a level of urgency for the proposed options to be progressed and additional arrangements to be put in place.

The CFO stated that if asked by the Home Office about current resilience levels he would not be able to provide assurance that the required resilience in times of staffing shortages could be met.

17/19 EU Exit (Brexit)

WMFS and the West Midlands Local Resilience Forum (LRF) have worked to identify potential consequences of a Brexit and specifically a No Deal Brexit scenario.

WMFS are considering various scenarios including:

- Travel, freight and borders
- Disruption of services
- Information and data sharing
- Demonstrations and disorder

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Strategic Enabler for Response and Preparedness, Steve Vincent, has been seconded to lead Brexit planning through the local resilience forum, which is centrally funded.

There are many exercises taking place to ensure all consequences are considered. A 'Brexit briefing' is being published on MESH and will also be distributed to all WMFRA members. Overall, WMFS is well positioned in regards to Brexit planning.

18/19 Scrutiny reviews

Members were invited to participate in a workshop exercise to gather thoughts regarding areas for scrutiny over the 2019/20 Authority year.

Following consideration and discussions, it was agreed that the following three areas will be taken to the Scrutiny Committee:

1. Quality vs. Quantity of Safe and Wells, linked with performance management and prevention
2. Business continuity arrangements
3. Operational training and effectiveness
4. Discipline Policy

Note - Further considerations regarding whether points 3 and 4 should form the basis of a Scrutiny review or take the form of a Member awareness session was discussed and would be considered by the Scrutiny Committee in due course.

The meeting closed at 13:25 hours.

Contact Officer: Hannah Cross Strategic Hub West Midlands Fire Service 0121 380 6683

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Minutes of the Scrutiny Committee

26 September 2019 at 10:30 a.m.
at Fire Service Headquarters, Vauxhall Road, Birmingham
B7 4HW

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

Apologies: Councillors Dehar, Gill and Young
S Middleton

Observer: Councillor Brackenridge

30/19 Declarations of Interest in contracts or other matters

There were no declarations of interest.

31/19 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 Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 relating to the financial or business affairs of any particular person (including the authority holding that information).

32/19 Review of Business Continuity Information

A presentation on the Service's business continuity arrangements had been delivered to Members at the Policy Planning Forum held on 17 September 2019.

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Officers had assessed and updated corporate risk 6 'Business Continuity and Preparedness' and the subsequent two options proposed for the business continuity arrangements of the Service were provided in the presentation. Following the Policy Planning Forum, the Scrutiny Committee requested that the business continuity options, and the recommended option be brought before the Committee for scrutiny. Therefore, a special meeting of the Committee had been convened.

The Committee reviewed the information regarding the business continuity arrangements.

Upon the request of Members, ACFO Sarah Warnes was in attendance and provided further information on the proposed arrangements in answer to Members' questions.

33/19 Working Group Discussion

In tandem with item 32/19, the Committee considered and discussed at length the information provided regarding the proposed options for the business continuity arrangements. The Committee agreed that:

- the proposed options for business continuity arrangements would be the subject of a review by the Scrutiny Committee.
- the scope of the review would be to consider the two options for the business continuity arrangements.
- the report on the business continuity arrangements which was due to be submitted to the Fire Authority on 30 September is to be deferred to allow for the completion of the scrutiny review process.

34/19 Timeline for Review and Next Steps

The Committee considered the timeline for the review and the potential next steps.

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The Committee agreed that separate meetings of the Scrutiny Committee would be convened to undertake the review of the business continuity arrangements.

The Committee noted the immediacy of the decision to be made.

The meeting finished at 11:55am.

<p>Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680</p>

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Minutes of the Joint Consultative Panel
Held on Monday 30 September 2019

Item 14

Attendance :

Councillors Brackenridge, Cooper, Edwards (Chair), Jenkins, Miller

Steve Price-Hunt – Fire Brigades Union

Sasha Hitchens - Fire Brigades Union

Aaron Pell - Fire Brigades Union

Maurice Carter – UNISON

Benjamin Brook, Strategic Enabler, Culture

Satinder Sahota, Monitoring Officer

Karen Gowreesunker, Clerk to the Authority

Wendy Browning Sampson, People Support Manager

Helen Sherlock, People Support Manager

8/19 Apologies

Julie Felton - Julie Felton was due to attend the meeting of the Panel as part of her personal development but would now be attending the meeting scheduled for 4 November 2019.

Kevin Rowsell, Fire Officers' Association

9/19 Declarations of Interest

None were received on this occasion.

10/19 Introductions

As this was the first meeting of the municipal year, and there were some new members, all members of the Panel introduced themselves.

11/19 **Terms of Reference**

The Terms of Reference of the Committee had been updated as part of the Employee Relations Framework and agreed with the representative bodies and approved at the Annual General Meeting of the Fire Authority on the 24 June 2019.

12/19 **Notes of the Joint Consultative Panel held on the 8 April 2019**

The Chair of the Panel stated that the report on the Disciplinary Process would be presented to the next meeting of the Panel scheduled for the 4 November 2019.

The Fire Brigades Unions stated their disappointment with the delay in receipt of the report as they had requested the information five months ago previously, they felt that the data was available and the amount of money spent on disciplinary cases could possibly amount to a six figure sum.

Steve Price-Hunt also enquired about the debrief and outcomes of the large case debrief as these had been requested at the April meeting of the Panel. The full costs involved in complicated and large cases had been requested together with the costs involved in secondments, backfilling of posts, referrals to Occupational Health and the costs involved in sickness and mental health referrals and investigations. The Fire Brigades Union had expected the information to be provided at the Panel.

It was requested that the next meeting of the Panel should be limited to this one substantial item.

The Chair confirmed that the report would be available to the Panel at its meeting scheduled for the 4 November 2019.

13/19 **Dispute Resolution Report**

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

The report informed the Panel of the number, type and outcomes of discipline and grievance hearings and other dispute resolutions 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.

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

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 stakeholders.

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

In respect of protected characteristics, there wasn't any adverse impact on any particular group and a summary was provided together with a summary of the previous reporting period.

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

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.

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.

It was 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 Dispute Resolution Summary set out the information that had been collated since the figures started to be collated in 2013.

Cllr Brackenridge welcome the data on protected groups and requested that the presentation be forwarded to Members of the Panel.

Concern was expressed on the amount of time taken for Disciplinary Hearings, the explanation in respect of criminal charges was understood but it was suggested that it would be good idea to set a time period for certain disciplinaries for example 2 -3 months, as this was a stressful time and if necessary the timeframe could be extended.

Councillor Jenkins enquired about the number of disciplinaries starting with Gross Misconduct and the results then reducing in some cases to written warnings and felt that this was happening too often.

The Chair stated that this matter had been raised previously.

Steve Price-Hunt thanked the members and referred to the table of cases including:

135 gross misconducts

23 misconducts

Of these 86 resulted in Written Warnings and this was one of the reasons the Fire Brigades Union wished the Members to look at the figures and costs.

It was stated that it costs on average £250 a day for a member of staff to be away from work. 10% of the workforce had been disciplined under a gross misconduct charge and 60% had been part of a disciplinary hearing. The FBU felt that this was costing £100,000s per year and not helping industrial relations and the Union felt they had legitimate concerns for a number of years.

In response to a query from Sasha Hitchens regarding the figures, Helen Sherlock agreed to check the minutes and it was confirmed that a rolling breakdown was forwarded to all the main union representatives on a regular basis. Steve Price-Hunt confirmed that he received the documents. Helen Sherlock agreed to share the details of the figures for the last 18 months – two years at the next meeting of the Panel.

The process for deciding the level of gross misconduct or misconduct was for an officer to commence a process, with the support of the People Support Services (PSS) Team, and this was then given to the Strategic Enabler (People). Officers were starting to see the impact on the cases. The definitions are those set out in the ACAS Code of Conduct and Standing Order 2.1

For Employment Tribunals, if there was no mitigation the likelihood would be that an employee would be dismissed, but the differentials depend on the cases put forward.

The commissioning officer sets a process and this falls within a range of 2 – 6 weeks, but they can go back to seek an extension to the process. PSS also check if officers have any leave scheduled.

PSS are now recording the time taken for cases to be processed, and collecting data but this was not historically collected.

Councillor Jenkins was concerned about the human cost on employees and not just the financial implications of disciplinary hearings.

Steve Price-Hunt stated that cases very rarely meet timeframes and are usually extended.

The figures of 135 cases with 23 results evidenced the work involved, but welcomed the current figures and hoped that the changes to the process have bucked the trend and the education and courses provided have assisted. It was hoped that following the report being presented to the November meeting of the Panel, that there would be a noticeable change to the previous default of gross misconduct and looked forward to working collectively with officers.

Strategic Enabler Ben Brook confirmed that the Service was committed to moving the impacts of Disciplinary Hearings through for individuals and managers. This had to be balanced against the fact that some investigations were complex and needed the right amount of time to fully investigate them ensuring that all information was collected and considered.

Maurice Carter from Unison fully supported the FBU's stance on the issue of Gross Misconduct. He considered that mitigating factors could be spotted a lot sooner and Managers could manage situations earlier and issues could be solved earlier by better management of employment. He felt that Managers could intervene sooner as they knew those they managed best.

Cllr Miller asked for clarity around the case management number increase in August 2016 report. Helen Sherlock committed to providing clarity on the cases at this time.

Helen Sherlock stated that this was a valid point and PSS would be talking to managers regarding the behaviours of staff and the new training programme on behaviours would be rolled out to all employees.

Wendy Browning Sampson confirmed that officers were working with the Trade Unions on the toolkits for behaviours and rolling this out would help both managers and employees.

Cllr Brackenridge stated that indicative timescales would be useful in respect of the Joint Working Party.

However, he felt the information provided was much improved especially in respect of protective groups. He requested an

indication of the number green and grey book employees and the level of officers involved.

He suggested that this information would assist in identifying spikes and issues.

Councillor Brackenridge stated that this information had been found to be helpful in his own Council in Wolverhampton.

He welcomed the direction of travel now taking place and that good discipline was needed.

Cllr Cooper asked who decided on whether to charge someone with Misconduct or Gross Misconduct and Helen Sherlock stated that the Middle Manager makes the initial assessment with the support of the PSS Business Partner. In the event of a potential gross misconduct this is then discussed and agreed with a nominated SET member who then commissions the gross misconduct investigation.

Satinder Sahota asked when considering welfare issues, if resilience was built into the assignment of a Single Point of Contact. Helen Sherlock confirmed that this was usually the Line Manager with two primary and secondary officers to cover rotas.

Sasha Hitchin asked if any cases had gone from Gross Misconduct to Misconduct to come down. SPH can remember one

Satinder Sahota was not aware of this happening during the investigation but was more likely at the outcome stage.

SPH stated that there was a drastic difference for employees between Misconduct and Gross Misconduct charge. Employees found the process alarming and they always became ill and worried when the letter was sent out to their home address. It is difficult for employees to accept that the likelihood is low and they fear for their jobs and livelihood. He reiterated that the latest figures appeared to buck the trend and felt the decision to challenge had been correct.

The Panel discussed the process for gross misconduct hearings and the Monitoring Officer confirmed that it made sense for a review of the charge only when the investigation is concluded.

The Monitoring Officer Satinder referred the Panel back to the Terms of Reference and stated that the Commissioning manager had an opportunity to review allegations, the Representatives Bodies have an opportunity to make representations and the outcome warning will reflect the change.

The Outcome letter should then record the change.

The Chair felt that some thought should be given to the Monitoring Officer's suggestion as to whether this was desirable or implementable.

Steve Price Hunt said that the Toolkits would help with the decision making and education and training was very useful.

The Chair stated that as part of the ACAS Code of Conduct, individuals must be notified within certain timescales that are not open to change.

Helen Sherlock confirmed that Management Investigations take place before formal notifications and the Joint Working Party would look at this during the debriefs. This would come back to the Joint Consultation Panel in due course.

Maurice Carter stated that Managers should be spotting signs during performance reviews.

If left until the investigation phase this leaves no room for preventative action to take place.

Helen Sherlock confirmed that the numbers are small and although some trend analysis could be undertaken it is difficult. Correlations can be made but there wasn't enough to indicate trends, but a more detailed report would be submitted to the November meeting.

Wendy Browning Sampson confirmed that training on the Employee Relations Framework was being rolled out to employees and Members.

Members agreed that further Employment Law training would be useful for all Members of the Authority.

Cllr Brackenridge suggested that it would be useful for employees to receive employment law training before they are promoted and Councillor Edwards stated it had not been easy to recruit firefighters to crew commander posts.

Steve Price-Hunt enquired about the roll out programme re the Employee Relations Framework.

It was confirmed that Strategic Enabler Simon Barry had been working with the Unions on IPDR and this training was fully supported and needed to be embedded.

Cllr Brackenridge suggested that the training should be undertaken prior to promotion in order to make the organisation more resilient.

The meeting closed at 1340.

Collaboration and Transformation Committee

Item 15

7 October 2019

Present: Councillors Barlow, Dehar (Chair), Edwards, Hogarth, Iqbal, Walsh and Young

Prof. Simon Brake

1/19 Apologies for Absence

No apologies were received.

2/19 Declarations of Interests in Contracts or other Matters

There were no Declarations of Interest on this occasion.

3/19 Collaboration and Transformation Committee Terms of Reference

The Committee received the draft Terms of Reference of the Collaboration and Transformation Committee.

The establishment of the Committee was approved at the Annual General Meeting of the Authority in June 2019, to ensure the appropriate consideration and oversight of new and developing areas of strategic collaborations. The Terms of Reference had been changed from those submitted to the Fire Authority at the Annual General Meeting on the 24 June 2019. If approved the Terms of Reference would need to be submitted to the Authority for approval.

The Authority's commitment to collaboration was set out in its three-year rolling Strategy, Our Plan, and has been an accepted way of working for the Fire Service in delivering joint community outcomes.

The Terms of Reference set out the role of the committee in 'the strategic development and assurance of transformational collaborative working agreement (up to implementation) aligned to

the 'Duty to Collaborate' (Policing and Crime Act 2017) and/or the delivery of the Authority's Strategy.

The Authority's review of future governance and outcomes of the Future Governance Working Group clearly highlighted the benefits of wider collaboration in services delivered for local communities. The Members of the Committee considered the following points in the review and enhancement of the current terms of reference:

- The role of the committee in championing digital transformation across the Service as a core consideration for collaboration;
- The role of the committee in enabling the Service to improve and evolve new and existing areas of collaboration through providing clear strategic direction, aligned to the Authority's strategy, Our Plan
- Member involvement in supporting collaborative relationships through links within respect local authorities.

Members were asked to consider making additions to the Terms of Reference.

Members felt that the new Terms of Reference were very useful

Resolved:

1. that the changes to the terms of reference for the Committee be approved
2. that the changes be submitted to the next meeting of the Fire Authority.

4/19 Strategic Collaborations – An Overview

Members of the Committee noted the ongoing areas of Strategic Collaboration across the Authority and Service with other public service and blue light service providers.

The three-year rolling strategy "Our Plan" is the accepted way of working for the Fire Service in delivering joint community outcomes. This approach to joint working has been legislated through the Policing and Crime Act.

The Act sets out a ‘duty to collaborate’ with other blue light services stating that ‘the three emergency services should consider opportunities to collaborate with other services. If it is in the interests of the efficiency or effectiveness of at least one of the parties to collaborate, then the relevant service (i.e. the service that originally considers the opportunity) must notify the other service of the proposed collaboration.”

The Policing and Crime Act 2017 doesn’t exclude other collaborations.

A broad range of examples of current collaborative activity were provided in an Appendix to the report examples of which were:

- National Fire Chiefs Council Support Hub
- West Midlands Police – sharing of estates
- West Midlands Combined Authority – Road Safety Strategy, Digital, Portfolio and Project Management
- Staffordshire Fire and Rescue Service – Share Fire Control
- Local Resilience Forum
- Digital – Shropshire, Staffordshire and South Wales Fire and Rescue Services
- Primary Authority Scheme – Fire Safety
- High Rise Training Oldbury – FRSs
- Health Consensus Statement
- Emergency Services Working Group
- National Procurement Framework

In 2017 for every £1 spent with the Fire Service, West Midlands communities receive £5 of ‘social value’.

The Chair of the Committee suggested that income could be made by using empty office space or empty properties could be used for the homeless.

The Treasurer stated that there were limited opportunities but options that could be looked at. The matter had been raised at the Audit and Risk Committee and a further report would be presented to the next meeting of the Committee. It was suggested that members of the Committee may wish to attend the next meeting of the Audit and Risk Committee scheduled for the 11 November and prior to the Collaboration and Transformation Committee.

One Member suggested collaboration with Councils/Combined Authority and the Fire Service in respect of road safety as councils were cutting back on signage, white lining and decluttering of the roads from sandbags, banners and redirection signs that we no longer needed or applicable.

Another Members stated that this was the first meeting of the Committee and requested that an hour was set aside for training on the purpose of the Committee and its Terms of Reference.

The Clerk confirmed that this could be arranged, however, the following report set out the key factors which contribute to collaborative working across the Service to enable the Committee to determine a definition for Collaboration for the Authority.

5/19 Collaboration – Developing Strategic Collaboration Definition

The Committee considered the key factors which contribute to collaborative working across the Service and discussed the definition for collaboration for the Authority which will support the Service in considering future strategic direction.

The Committee had received details of the Services collaborative working and details of the ‘Duty to Collaborate’ as set out the Police and Crime Act 2017, which required them to look for transformational ways to enhance public safety and/or efficiency with other blue light services. It was noted that collaboration was not restricted to blue light organisations.

In developing the definition there should be an alignment of purpose for the respective organisations and purpose of those we want to collaborate with.

The collaboration should also meet with the Authority’s priorities as set out in “Our Plan”.

The Duty to Collaborate aims to strengthen and deepen cross-emergency service collaboration opportunities.

- Keeping Communities safer
- Increasing collaborative momentum
- Developing a wider understanding of good collaborations
- Value for Money

The Emergency Services Collaboration Working Group is a cross blue light service group which report to government and provides an example of how the sector is meeting the duty to collaborate.

The duty does not set out a specific definition on but seeks to enable it and provide a few high level provisions and in particular the development of a collaborative agreement.

The dictionary definition of collaboration was set out as:

“the situation of two or more people working together to create or achieve the same thing”.

The dictionary definition of transformation is:

“a change in the appearance or character of something or someone, especially so that that thing or person is improved.

In developing the definition it was suggested that there should be alignment of purpose for the respective organisation in the collaboration and preferably in wider organisational values, strategy and process.

There were several considerations that ultimately ensure communities receive the most effective and efficient service and these include:

- People resources
- Financial resources
- Agreement on risk
- Internal communications
- Clear perspective

An example of a collaborative agreement was the Shared Stoke on Trent and Staffordshire and West Midland Fire Service Fire Control.

Collaboration for West Midlands Fire and Rescue Authority could be seen as where:

“two or more public service organisations agree to work together to deliver something of public value (public safety, efficient and/or effectiveness), which supports the priorities of the organisations and community outcomes”

“collaborations will use the IRMP to forecast risk and future capability and will meet digital expectations as set out the Service’s Digital Declaration”.

In recommending the definition for the Authority, Members would be enabling the strategic direction for collaboration to be determined by the Authority, in alignment with the approval of strategic priorities and outcome and the Authority budget setting meeting in February 2020.

Officers will work within this framework to develop and engage in structured collaborative relationships in line with the delegations set out in the Authority’s constitution.

The Committee agreed to further explore the definition of Collaboration at its meeting scheduled for 11 November 2019.

A member expressed a word of caution in respect of collaboration and past experiences where a lot of work, time and effort had been put into projects that had not subsequently come to fruition. There were also risks associated with working with some partners.

The Clerk stated that these points would be set out in a report to the next meeting.

Members discussed previous collaborations that had been successful or unsuccessful to varying degrees. A discussion took place on the possible negative outcomes of collaboration with certain organisations and resistance experienced previously and felt that the Authority should be cautious.

Members wanted the community to benefit from the effects of collaborative working.

The co-opted member joined the meeting at this point and apologised for being late.

The co-opted member stated that during his 18 months on the Authority he has been impressed that the Fire and Rescue Service is doing a good job. It was suggested that the Fire Service could spread its skills and abilities across the communities. He informed the Committee of his experience when visiting the New York Fire Service and their work with paramedics. He said that if a 911 call is received for a person with a cardiac arrest in New York, the fire service attended first and then hand over to paramedics and they

have worked in this way for 20 years. The prompt for this way of working was due to the loss of fire stations and adding value to the community.

One member felt this way of working would be difficult following the recent experience with falls response.

The co-opted member stated that firefighters exhibited care for the community and the response times were impressive and the attendance times can make a significant difference to saving lives. In New York it was about sharing capacity and not changing roles.

Other Members noted that the co-responding approach had historically been used for example with the Birmingham City Fire and Ambulance Service.

It was also noted that this type of work is already undertaken in some rural areas by other fire and rescue services and the NJC have stated nationally that the Fire Brigades Union do not have a problem with their members responding to cardiac arrest. There had also been a trial undertaken in Manchester and a detailed report had been published.

This type of work would require funding and national agreement, as well as agreement between the fire and ambulance service and it was felt that in rural areas, retained firefighters are more community based and are keen to do this type of work because of the rural atmosphere. However, this is a sensitive area of work.

If anyone were to fall outside of the fire station, firefighters would instinctively assist.

The contents of the report were considered and the Committee decided to further discuss the definition of Collaboration, to support the development of future strategy, for recommendation to the Fire Authority, as its next meeting scheduled to take place on the 11th November.

Notes of the Policy Planning Forum

Item 16

**7 October 2019 at 11.30 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

- Present:** Members of the Authority
Councillor Brackenridge (Chair)
Councillor Iqbal (Vice Chair)
Councillors Barlow, Barrie, Dehar, Edwards, Gill,
Hogarth, Miks, Miller, Spence, Walsh and Young
Professor Simon Brake
- Officers:** West Midlands Fire Service
Chief Fire Officer (P Loach)
Assistant Chief Fire Officer B Brook, G Taylor and S
Warnes
S Burton, S Barry, J Campbell, P Fellows, M Hamilton-
Russell, S Taylor, S Timmington, S Vincent

Clerk and Monitoring Officer

K Gowreesunker (Clerk)
S Sahota (Monitoring Officer)
M Griffiths (Treasurer)

- Apologies:** Councillors Cooper and Jenkins
Gurinder Josan
Mr Ager
Sarah Middleton

Observers: Nil

19/19 Chair and CFO Announcements

Cllr Greg Brackenridge, Chair of West Midlands Fire and Rescue Authority (WMFRA), welcomed all attendees to the Policy Planning Forum.

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Wayne Brown, who had recently been appointed as Deputy Chief Fire Officer, and Steve Mason, Chief Executive of RealWorldHR, were welcomed to the meeting.

The Authority had a commitment to consult on the Integrated Risk Management Plan (IRMP) every three years. The Authority would be holding a public consultation from November 2019 to January 2020.

The cultural review had been completed and the final report had been produced. The report would be issued to all staff across the Service later that day.

It was noted that openness and transparency were key, and it was important not to seek to apportion blame.

Phil Loach, Chief Fire Officer welcomed Steve Mason to the meeting. Steve had guided the Service through the process which had been an independent process. As part of the meeting, Steve would talk Members through the process, how the report was put together, and explain its format. Following the Policy Planning Forum, the report would be discussed with the representative bodies. The report would then be sent electronically to all members of staff, followed by a live stream communicating the report to staff.

The proposals for the public consultation on the IRMP would be submitted to the Authority at its meeting in November.

20/19 Cultural Review

Steve Mason, Chief Executive RealWorldHR, provided an overview of the cultural review process, how the report was put together, and explained the format of the report.

The Authority and the Service had noted the level of response to the industrial dispute in 2017 and had wanted to understand the level of dissatisfaction amongst the workforce. As a result, the Authority and the Service requested a comprehensive cultural review.

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The report looked at things from multiple points. Some people would agree with the contents of the reports, others would not. The report provided a view of the perception of reality from staff across all areas of the Service. The cultural review was not an investigation. If it had been, a different approach would have been taken. It reflected the workforce's version of reality; the report did not seek to challenge this but to report it.

The review had found that some members of staff were not happy, and that staff wanted to see change. The report identified dissatisfiers and included a number of recommendations.

The report was comprised of five main parts:

- Views of senior stakeholders and stakeholder groups – what they told us
- Workforce perceptions of WMFS and their own jobs
- Workforce perceptions of what WMFS does well
- Summary of findings by theme
- What staff would like to see changed

The five parts would provide the semblance of an action plan. However, it did not mean that all points had to be addressed.

It was noted that many organisations undertaking a cultural review process would often attempt to build in a debrief mechanism. It was confirmed that the Authority and the Service had not attempted to build in any such mechanism or sought involvement. All participants and the Service as a whole had remained professional throughout the duration of the process, which was unusual for a cultural review. This was a testament to the organisation.

In terms of the methodology used for the review, RealWorldHR had involved a group of individuals to undertake the process who had a vast range of experience of organisational cultures, including witnessing the worst-case examples. These were supported by a team of data analysts all of whom had strong public accountability backgrounds. A qualitative analysis approach was used, and the

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report described the series of tools used that underpinned the methodology of the review.

The cultural review process comprised of the team meeting stakeholders, a survey which included three free text questions, focus groups, and one to one discussions. The survey resulted in 916 respondents, and 61 focus groups were held in which 446 people attended.

A check and challenge approach was adopted to challenge the responses as part of the analysis. Triangulation was used to clarify themes, subjects and context.

Seven themes were identified by the review (part four of the report):

- 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
- Feelings of 'them and us'
- IT systems and infrastructure
- Workloads, staffing and recruitment

All of the themes were explained in detail within the report. The three most common themes were 'them and us', IT systems and infrastructure, and workloads.

The section also brought together some of the analysis from the survey, displayed in table format identifying the groups of staff and comments made. These were statistically in line with the percentage of respondents, but it was something that needed to be considered. Additionally, the section included summaries of comments from the survey and focus groups. Some comments had been included within the report and these were effectively a copy and paste, although subtle changes were required to avoid the potential to identify an individual. It was noted that some

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comments occurred throughout and were linked to all seven themes.

The findings of the report found that the areas staff wanted to see improved were recognition, communication, and management and development. It was noted that the Service already had these in place and that it was not a 'broken' organisation. The findings highlighted it was more a case of the level of understanding of staff.

It was noted that the Strategic Enabling Team (SET) featured throughout the findings. However, what was meant by staff was often not actually SET. Station Commanders were also criticised but what staff wanted was already in place.

An example was noted where it had been identified that staff had reported an event to RealWorldHR but when the team went back to the station where the event had happened, it had transpired that the event had been very different to the one that had been reported.

There were a lot of things that the Service could do. It was evident that people did not understand the Service.

In answer to Members' questions the following points were raised:

- The stakeholders were comfortable with being involved in the process. The Fire Brigades' Union were open in their engagement and were very supportive of the process, with a view to how to take the cultural review forward. SET wanted to move the cultural review forward. Members wanted to know that relationships had improved. Some members of staff indicated that they felt a need to move things forward as the situation had not been a healthy one.
- It was acknowledged that the data reported as a result of the cultural review differed to the data and findings of the HMICFRS report and there were a number of reasons for this. The questions used by the HMICFRS were closed questions rather than the open questions that had been used within the cultural review. Additionally, a different definition of a bullying environment had been applied to the two

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processes (for instance the difference between physical bullying and bullying style, for example, the latter being the setting of targets that aren't agreed with by staff). It was noted that some members of staff still felt there was an environment of bullying in the Service. However, there was a difference of attitude when comparing the answers to the questions within the survey and the discussions within the focus groups. It was recommended that the Service examine this issue and attempt to draw any issues out so that they could be resolved.

- The report noted that communication was a common theme and that staff likened it to 'speaking in a different language'. Staff had said that there were a lot of communication channels and didn't know which one to use. Some members of staff said that they did not understand some of the communications, but did not know who to speak to for guidance. It was noted that management speak was not always used in the right context.

Phil Loach noted that this was very much the starting point. RealWorld HR would continue to be available for a period of time to assist developing a way forward. Separately, a large stakeholder group comprised of a wide membership from across the Service had already been formed, which will also support discussion about the report and examine the themes that had been highlighted.

21/19 Integrated Risk Management Plan – public consultation

Phil Loach, Chief Fire Officer, delivered an overview of the planned public consultation on the Integrated Risk Management Plan (IRMP).

Fire and Rescue Services were required to undertake a public consultation of their IRMP every three years. Following on from the Authority's last public consultation in 2017, it was now timely for the Authority to consult with its communities, business and partners on its strategy. It was proposed that the public consultation would take place from November 2019 to January 2020.

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A briefing note on the proposals was circulated to Members. Further information would be provided at the Policy Planning Forum in November which would also allow Members to support the formulation of the questions. Members were asked to advise Mark Hamilton-Russell of any thoughts and these could be incorporated into the meeting. A report on the public consultation would be submitted at the Fire Authority meeting in November.

The meeting closed at 12:10 hours.

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

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Minutes of the Scrutiny Committee

7 October 2019 at 13:30 p.m.
at Fire Service Headquarters, Vauxhall Road, Birmingham
B7 4HW

Present: Councillor Spence (Chair)
Councillors Barlow, Barrie, Dehar, Gill, and Young
S Middleton

Apologies: Councillor Jenkins

Observer: Nil

35/19 Declarations of Interest in contracts or other matters

There were no declarations of interest.

36/19 Minutes of the Scrutiny Committee held on 3 September 2019

Resolved that the minutes of the meeting held on 3 September 2019 be approved as a correct record.

37/19 Scrutiny Reviews

Sarah Warnes, Assistant Chief Fire Officer, provided an overview of the report.

The report outlined the four themes that had been put forward by Members for the Committee to review, as a result of a scrutiny workshop held at the Policy Planning Forum on 17 September 2019.

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Members were asked to consider the themes for review by the Committee, and to include any agreed review into the Committee's work programme. The themes were:

- 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 Committee had already agreed to the review of this item and the review was being progressed.
- 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.
- Operational training and effectiveness
 - To review the approach to operational training and effectiveness within the Service.
- 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.

Members were asked to consider if the themes, in particular operational training and effectiveness, and discipline policy, were to constitute a review or to form the basis of a Member awareness session.

Resolved that the Committee approved the reviews of:

- Business Continuity Arrangements
- Prevention – Safe and Well

Resolved that the Committee agreed that the themes of operational training and effectiveness, and discipline policy, would be the subject of a Members awareness session.

Resolved that the Committee approved the addition of the reviews and member awareness session to the Committee's work programme.

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It was agreed that the Members awareness session would be scheduled during early 2020 and that the review of Safe and Well would be scheduled following the completion of the review of Business Continuity Arrangements.

38/19 **Update on the Review of Safeguarding**

Sarah Warnes, Assistant Chief Fire Officer, provided an update on the review of safeguarding:

The Safeguarding Policy had been updated as per the following:

- The removal of the requirement for Fire Control to ring the local authority to let them know that a referral is on its way.
- Streamlining of the internal notification of the safeguarding concern process and the use of Office 365 functionality to do this.
- Update to the cross-reference section for WMFS policy and relevant legislation and statutory guidance.
- Requirements about making safeguarding personal and voice of the child in the process/referral.
- Improved guidance for information sharing.
- New guidance on the Care Act 2014 requirements for safeguarding adults.
- Addition of 'Radicalisation' as a category of abuse.
- Update to the list of types and indicators for each category and references to where this information was obtained from.

In terms of timescales, external consultation with local Safeguarding Adults and Children's Boards commenced 7 October with internal consultation to follow. The policy would be submitted to the Joint Consultative Panel in November.

A key point of the review had been where safeguarding sat within the Service. It had been agreed that safeguarding would be aligned under the people programme (previously prevention) to ensure the right elements of the action plan were in place.

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

- Informing staff of the change in approach would be worked through the action plan. Ecademy packages were being reviewed to ensure that staff knew how to issue referrals. Further updates on this would be provided in due course.

The meeting finished at 13:47pm.

<p>Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680</p>

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Minutes of the Scrutiny Committee

21 October 2019 at 10:30 a.m.
at Fire Service Headquarters, Vauxhall Road, Birmingham
B7 4HW

Present: Councillor Spence (Chair)
Councillors Barrie, Edwards (substitute for Cllr Gill),
Hogarth (substitute for Cllr Barlow), Jenkins and
Young

Apologies: Councillors Barlow, Dehar and Gill
S Middleton

Observer: Nil

39/19 Declarations of Interest in contracts or other matters

There were no declarations of interest.

40/19 Minutes of the Scrutiny Committee held on 26
September 2019

Resolved that the minutes of the meeting held on 26
September 2019 be approved as a correct record.

41/19 Scrutiny Committee Working Group – Business
Continuity Arrangements

Karen Gowreesunker, Clerk to the Authority, provided an
overview of the report.

The report had been submitted to frame the meeting. The
scope of the review was to consider the two options

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proposed to provide additional business continuity arrangements for the Service.

Following the meeting of the Scrutiny Committee on 26 September 2019, the report 'Business Continuity Arrangements' was subsequently deferred at the Fire Authority meeting on 30 September 2019, upon the request of Scrutiny Committee to allow the review to be conducted.

Upon the request of the Committee, independent witnesses had been called to provide information (via the Scrutiny Committee Working Group Session – item 5 of the agenda).

Members were asked to note the Committee's terms of reference including how the Constitution set out the separation of the scrutiny and decision-making processes. In answer to a Members' question, it was confirmed that Members were not able to vote at Fire Authority if they were involved in the scrutiny review.

A Member noted that Members had previously asked if the Fire Authority report 'Business Continuity Arrangements' could be moved into the public domain and issued to witnesses, and asked if this had been done.

It was confirmed that the contents of the Fire Authority report had not been made publicly available due to the confidential information that it contained.

The Member noted that it was difficult to ask witnesses to provide an opinion on a subject of which they did not have the full details of.

Members were informed that ACFO Sarah Warnes was in attendance and could provide an overview of the contents of the report to the Working Group as part of the Scrutiny Committee Working Group Session.

A Member noted that such an overview would only be useful for those witnesses that were present.

The Chair acknowledged that the confidential nature of the details contained within the report made it difficult to share such information.

42/19 **Scrutiny Committee Working Group Session**

Upon the request of the Committee, independent witnesses had been invited to provide evidence to inform the review process. The Committee had circulated questions to the independent witnesses in preparation for the meeting. The Scrutiny Committee Working Group session allowed Members to consider the information that had been provided by the witnesses in answer to the Committee's questions and to examine the evidence in more detail.

ACFO Sarah Warnes provided an overview of the two options being considered:

- Option 1 – additional business continuity arrangements to be provided via a contingent workforce
- Option 2 - additional business continuity arrangements to be provided via an external provider

A Member noted that it was for the Service's management team to work with these options and that they should be able to undertake what they see as the best action to take. The Member believed that the business continuity arrangements were mainly a management decision.

A Member noted that the proposals were highly sensitive. It was acknowledged that option two was recommended by the Service's management team, but this was a matter of judgement for the Fire Authority. The Member noted that there was a political dynamic to the subject being considered. It was important to receive evidence from witnesses to allow an evidence-based approach to be undertaken.

The Working Group discussed whether the meeting should be deferred in light of the points raised above. The Chair acknowledged the points raised but noted that witnesses and information were available. It was possible for Members to

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defer any recommendation at the end of the meeting if required. Members agreed that the meeting would continue.

The Committee then considered the information provided by each of the witnesses who were in attendance for the meeting, in order of:

- Representative of the Fire Brigades Union
- Representatives of an external provider who could provide option two
- An Officer from a Fire and Rescue Service which had implemented a contingent workforce (option one)
- An Officer from a Fire and Rescue Service which had implemented the services of an external provider (via written submission only)
- A Health and Safety Legal Advisor
- ACFO Sarah Warnes in an advisory capacity to the Committee

Witness 1 - Representative of the Fire Brigade's Union

The witness advised the committee that further information had been requested but had not been forthcoming. Therefore, a written brief had not been provided prior to the meeting.

It was noted that the information requested by the Fire Brigade's Union (FBU) would have been redacted and therefore would not have been available due to its confidential nature.

The witness advised the Working Group of the following key points:

- The FBU did not agree with the second option, as recommended by the Service's management team.
- The FBU's view of private companies operating within the Fire and Rescue Service was not a positive one. It was believed that such an arrangement was very expensive, particularly over a period of time for a service that may never be called upon. The public

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might have a dim view of such a use of public money, especially in a time of austerity.

- Research carried out into other Fire and Rescue Services who used similar arrangements had found concerns regarding the competence of such a workforce. The witness also noted from professional experience how difficult it could be to maintain competencies.
- More defensive firefighting was adopted rather than offensive firefighting when such a workforce was deployed.
- Such an arrangement could have a very negative impact upon industrial relations, particularly when the Service is coming out of a previous industrial dispute. The FBU would rather see management work with staff and the representative bodies to ensure such a situation never got to a point where such arrangements would need to be utilised.
- Additionally, the Service has a recall to duty system in place plus the Voluntary Additional Shifts. As a result, it is believed that the Service already has the facilities and capacity in place.

A Member noted that it had been stated that there were contingency arrangements in place with firefighters at a time of industrial action and enquired what assurances the FBU could provide in such a situation.

The witness advised that the Brigade Committee would meet before and during a period of industrial action and it would be a decision for the committee. It was noted that volunteers comprising Officers of all ranks had been available during previous periods of industrial action.

It was confirmed that the Service had used volunteers in the past. However, the Service was required to provide a guarantee and assurance of the level of cover that would be available during a period of industrial action. The assessment had been made and was included within the contents of the Fire Authority report. It provided the evidence that the required levels of assurance could not be provided

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by the Service. It would not be appropriate for the Fire Authority to base a decision on a level of assurance on good will from the FBU.

It was confirmed that the Service, in agreement with the FBU, had arrangements in place if there was a major incident. In such a situation, strike action would cease for that period. However, this would be for larger incidents. The Service was required to provide a guarantee and assurance of the level of cover available in reference to normal day to day business and these arrangements did not cover this.

A Member noted that it was important to have an insurance policy in place if such a situation ever arose.

It was noted that the financial implications were contained within the deferred Fire Authority report, which had been circulated to all Members as part of the private section of the agenda pack for the meeting held on 30 September 2019. The two options were similar in terms of the financial figures. However, option one would result in extra demand placed on the Service, in particular the Organisational Learning and Personal Development department.

A Member asked how the Service would monitor the training of an external workforce.

It was confirmed that the Service would ensure that the training requirements including monitoring and competencies would be clearly defined in any contract.

A Member noted that it was important to remember that business continuity arrangements were not solely about industrial action.

A Member noted that the options being proposed could have an impact upon industrial relations. There was a need for the Service to move back to a position of having good industrial relations, something which was currently being progressed but these proposals were not necessarily a way forward.

The Member also noted that they were not sure how the figures regarding the level of cover had been reached and wondered if there was a way to increase availability.

A Member noted the Home Office interpretation of the evidence supplied by the Service and there was a need to understand this in more detail.

Witness 2 – Representatives of an external provider (option two)

Written answers provided by the witness to Members' questions were circulated to the Working Group.

The witnesses advised the Working Group of the following key points:

- The provider were currently contracted to a number of Fire and Rescue Services.
- An overview of the structure and strength of the organisation was provided including resources, size and availability of the contingent workforce.
- An overview of the training, competencies and experience of the workforce, workforce capability, command and control, the deployment process, and concept of operations.
- Examples of current contracts with Fire and Rescue Services were provided and it was advised that any solution provided to a Fire and Rescue Service could be bespoke for that particular service.

A Member asked what number of women were in the organisation.

The witnesses advised the organisation actively recruited women into the workforce. However, the pool of applicants remained male dominated.

A Member asked if the contractors used their own appliances.

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The witnesses confirmed that the relevant Fire Authority provided the use of their existing appliances. However, there would be no access to Fire Stations, with appliances located elsewhere. Familiarisation sessions would be undertaken for contingent staff.

The witnesses advised that the training of contingent workers was delivered by the Fire Service College, which included an initial training course and annual refresher training. Supervisors received a further assessment and drivers underwent emergency driver training. It was noted that contingent workers would not carry out all elements of a wholetime firefighter's role, for example hazmats. National best practice was adopted for contingent workers who worked within the associated standard operating procedures. They were trained to national standards and would have the core skills of a firefighter, for example, fighting fires, attending road traffic collisions; but not periphery skills such as rope and water rescue.

ACFO Sarah Warnes acknowledged individuals would not have the same level of experience as existing staff in either option.

It was confirmed that there would not be any mixed crews comprising WMFS and contingent workers.

A Member noted their concern regarding the availability of staff in the event of multiple Fire and Rescue Services requesting contingent workers at the same time and asked how the organisation ensured staff were available and how it was invoked.

The witnesses advised that the availability of resources was closely monitored, and the organisation never double sold a contract. Additionally, the organisation did not support services on an ad-hoc basis, only those where contracts were already in place, ensuring sufficient availability was always maintained.

A Member noted that in terms of health and safety, the organisation would be responsible for the contingent workers

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when they worked on their own. However, what would the situation be in the eventuality of a WMFS Officer entering the fireground.

The witnesses advised that arrangements were in place and detailed within their standard operating procedures. In the event of a WMFS Officer assuming control of an incident, this would be done via clear communication and confirmation of their intentions. Management of contingent workers would have to be via a contingent crew manager. All arrangements would be in accordance with the Conduct of Employment Agencies and Employment Business Regulations.

A Member asked in what manner the contingent workers were employed by the organisation.

The witnesses advised that it varied depending on the individuals, for example, some were on casual contracts, others were existing members of staff employed in other roles within the organisation who had the opportunity to join the scheme, complimenting their career.

A Member noted the high standards expected and that the Service whittled down applicants and asked what the organisations failure rate was.

The witnesses advised that robust reporting of performance was provided to the Fire and Rescue Services using such arrangements. Performance reporting included training pass and failure rates (there was a failure rate as expected but it was not very high).

A Member asked if the organisation had scrutiny in place in addition to that of other Fire and Rescue Services, and if any concerns had ever been raised as a result.

The witnesses advised that departmental scrutiny was in place internally. Fire and Rescue Services were allowed to audit and review the service as they wished. No concerns had been raised to date. Additionally, the organisation reviewed and audited all of its suppliers.

Witness 3 – An Officer from a Fire and Rescue Service which had implemented a contingent workforce (option one)

The witness advised the Working Group of the following key points:

- An overview of the approach taken by the Service was provided, including the recruitment and provision of a contingent workforce comprised of community response operatives and drivers to supplement existing staff in the event of industrial action.
- The community response operatives were recruited to undertake limited firefighting.
- An overview of the structure of firefighting was provided, including time required to ensure a good level of competence.

The witness advised that the approach had been resource intensive with a lot of resources required to undertake recruitment and training.

A Member asked if the service still had an inhouse capacity.

The witness advised that the service no longer had an inhouse incapacity following the reduction in numbers of staff available. It was noted that nearly all of the individuals had gone onto become full time firefighters into the service or elsewhere in the country. Therefore, maintaining numbers had proved difficult.

A Member asked if there had been any reaction from existing staff to the introduction of the contingent workforce.

The witness advised that although such a situation was never easy, there had been no adverse reaction.

A Member asked if there was a reason why the service had decided to use an inhouse capacity rather than an external provider.

The witness advised that they had found that an external provider was expensive and did not necessarily provide the

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level of assurance that the service would have if they recruited and trained individuals themselves.

Witness 4 – An Officer from a Fire and Rescue Service which had implemented the services of an external provider (via written submission only)

The witness had provided a written response to Members' questions which was circulated to the Working Group at the meeting. There were no specific issues arising.

Witness 5 – A Health and Safety Legal Advisor

Written answers provided by the witness to Members' questions were circulated to the Working Group.

The witness advised the Working Group of the following key points:

- An overview of who carried responsibility for the health and safety (and other related issues such as the training and competencies of individuals) of staff employed by private contractors when providing firefighting services for a Fire and Rescue Authority.
- Guidance was provided regarding how responsibility would be impacted when staff employed by a private contractor were under the direction of WMFS Officers at an incident.

The witness noted that, to the best of their knowledge, there were no examples in case law relating to this or other examples of legal action that had taken place in the UK or elsewhere. It was noted that there were examples of broader scenarios of using contractors, but these were not in the fire sector or similar sectors. There were case studies where the contract had been found to be wrong in its assumptions regarding responsibilities, and secondly, where legal, it had been the contractor which had been found to have the responsibility for the health and safety and training of their staff.

The witness noted that there was a need for any arrangements to be clear for both organisations as to who provides supervision. It was clearer if the contractor managed its own people rather than mixing teams. A linear approach was less risky.

ACFO Sarah Warnes – advisory capacity to the Committee

ACFO Sarah Warnes, in an advisory capacity to the Committee, offered the Working Group the opportunity to ask further questions of the Service and the proposed two options.

A Member noted that when it was considered that industrial action could be taken as a result of the industrial dispute during 2018, through the implementing business of its continuity arrangements, a request for volunteers was made to WMFS non-striking operational staff.

ACFO Sarah Warnes advised that the request for volunteers had indicated a level of cover that was below the assurance rate required. A further factor to consider was, although individuals could indicate they would volunteer, whether they would in a real situation could be a different matter.

Members were advised that discussions had taken place with the Home Office with regard to the Service's blended fleet and that the Home Office recognised the Service's blended fleet as part of expected resilience levels. The Service would intend to continue to provide a blended fleet in such periods of reduced appliance availability as the Service knew that it was the best way to meet risk. The use of resources must also take into consideration the ability to attend High Rise. Based on the request for volunteers through the period of the trade dispute the level of assurance required could not be reached by using the number of PRL's in isolation or with the inclusion of the BRV's.

A Member noted the historic position of the Service in terms of the assurances that could be provided regarding levels of cover and communications with the Home Office to this effect.

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ACFO Sarah Warnes advised that industrial action could take place over a long period of time. Evidence from the previous period of industrial action had indicated that levels of cover varied throughout such periods. At the start of the last period of industrial action, the level of resources available was below the requirements set by the Home Office.

Members were advised that the Fire Authority must ensure they have effective business continuity arrangements in place in accordance with their duties under the Civil Contingencies Act 2004. Based on the evidence provided by Officers, the Fire Authority did not have the level of assurance to be able to provide sufficient business continuity arrangements and resource availability against the expectations set by the Home Office.

A Member asked if there were any written communications regarding the Home Office expectations regarding appliances.

The Member was advised that the Home Office understood that the Service was different with regard to how its service delivery model was configured. Calculations had been based on pump rescue ladder appliances and Brigade Response Vehicles. There was a need to take into account the number of appliances that could be available and therefore the required number of people.

A Member noted that the Service and the Fire Authority did not know how many people would be available in the event of industrial action. There was a likelihood that the number of people available, and therefore the level of cover, would be below the expectations set by the Home Office which were clear. Therefore, there was a need to put in place an additional scheme or be prepared to gamble.

A Member noted that due to the significant nature of the decision, there was a need to carry out more research into this subject and further information was required.

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ACFO Sarah Warnes acknowledged that it could be seen as a sensitive decision for the Fire Authority. However, the expectations were clear from the Home Office. Additionally, the issues flagged within the National Security Risk Assessment had led to the Service updating Corporate Risk 6 accordingly.

A Member noted that further research into the position of Fire Authorities across the country would be beneficial, reflecting that there were different models across the country. There was a need to seek further clarity from the Home Office regarding how they calculated the level of assurance of different services. Additionally, the Service's service delivery model had changed; what impact would this have on the calculations by the Home Office.

ACFO Sarah Warnes advised that the recommendations of Officers and the evidence base to support such a decision, was quite clear. Based on the evidence provided within the report officers were not able to provide the required levels of assurance to the Authority in relation to the resource availability in the event of industrial action as set out by the Home Office.

Karen Gowreesunker, Clerk to the Authority, advised that there was a need to be clear about the timelines, bearing in mind the nature of the decision, and a recommendation to be put forward by the Committee ahead of the Fire Authority scheduled to take place on 18 November 2019.

Following the extensive deliberation throughout the meeting, Members agreed that further information would be required. Information was requested on:

- the guidance issued by the Home Office
- the expectations of the Home Office with regard to the levels of assurance required
- the calculation methodology used in determining levels of assurance

As a result of the above, Members agreed that it was not appropriate to make a recommendation regarding either

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option at that current time. It was agreed that a further meeting of the Committee would be called to enable the provision of the further information with a view for Members to come to a decision and to conclude the review.

Resolved that the recommendation of the Committee is to be deferred and that a further meeting of the Scrutiny Committee Working Group be called.

The meeting finished at 14:28pm.

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

Minutes of the Scrutiny Committee

4 November 2019 at 15:00 p.m.
at Fire Service Headquarters, Vauxhall Road, Birmingham
B7 4HW

Present: Councillor Spence (Chair)
Councillors Barrie, Edwards (substitute for Cllr Gill),
Hogarth (substitute for Cllr Barlow), and Jenkins

Apologies: Councillors Barlow, Dehar and Gill
S Middleton

Observer: Nil

43/19 Declarations of Interest in contracts or other matters

There were no declarations of interest.

44/19 Minutes of the Scrutiny Committee held on 26
September 2019

With reference to paragraph four on page two of the minutes (page four of the agenda pack), a Member noted that they had believed that the subject matter of the report could be considered in a public report, with elements available in the public domain. The Member had acknowledged that certain elements of such a report would be redacted.

ACFO Sarah Warnes advised that two reports would be submitted to the Fire Authority at its meeting scheduled to take place on 18 November 2019. One report providing a general overview would be public whilst the second report

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detailing the full financial implications and resilience related information would be private.

Resolved that the minutes of the meeting held on 21 October 2019 be approved as a correct record, subject to the matter raised by the Member (as above).

45/19 **Scrutiny Committee Working Group – Business Continuity Arrangements – 04.11.19**

Karen Gowreesunker, Clerk to the Authority, provided an overview of the report.

The brief report had been submitted to set the scene for the meeting. The report reaffirmed the scope of the review which was to consider the two options proposed to provide additional business continuity arrangements for the Service.

Upon the request of the Committee, Officers had gathered further information and clarification from the Home Office in terms of expectations and the level of assurance required. This information would form the focus of the Scrutiny Committee Working Group Session, allowing Members to review the information provided.

46/19 **Scrutiny Committee Working Group Session**

The Committee had formulated questions for the Home Office as an outcome of the Scrutiny Committee meeting held on 21 October 2019. The questions had been submitted to the Home Office who had provided answers to each of the questions. The questions and the responses from Home Office are available in full within appendix 1 of these minutes.

The Home Office response was circulated to Members along with an extract of the Fire and Rescue Services Act 2004 (section 22 – Intervention by Secretary of State).

Upon the request of the Committee and in agreement with the Chair, Officers left the room for a short period of time to allow Members to digest the information that had been provided.

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ACFO Sarah Warnes provided an overview of the Home Office response and its position.

In relation to question one:

The response provided the background as to how the Home Office had determined the minimum levels of resilience which included a requirement for Fire and Rescue Authorities in high population areas (which included the West Midlands) to achieve 30% resilience levels, and that all authorities ensured a high rise capability. Additionally, the Home Office outlined in the request to the Authority the need to assure the availability of critical National Resilience assets hosted by the Service.

ACFO Sarah Warnes confirmed that in the event of industrial action, pump rescue ladder appliances would be crewed with five staff and Brigade Response Vehicles would be crewed with three. The crewing arrangement ensured that a high-rise capability would be provided.

ACFO Sarah Warnes advised that the Service could not provide the assurance levels expected by the Home Office as evidenced in the Business Continuity paper.

A Member asked DCFO Wayne Brown (due to the Officer's service with London Fire Brigade) if London Fire Brigade had used the facility provided by an external provider.

DCFO Wayne Brown confirmed that London Fire Brigade had used the facility provided by an external provider. From a Fire Authority perspective, the arrangement ensured that the Fire Authority and members of the public were protected. Industrial relations within London were such that it was not possible to rely on volunteers during a period of industrial action. Members of staff had not welcomed the arrangements and it did not sit well with them, however the legal responsibility of the Fire Authority and why the arrangements were implemented was explained to staff. The overriding decision was one of public safety.

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A Member asked what level of support was provided by the external provider.

DCFO Wayne Brown advised that arrangements were based on no members of staff volunteering to be available during a period of industrial action. However, a number of staff did declare their intentions to volunteer during such periods and they were added to the resources provided by the external provider, therefore increasing the number of appliances available. It was noted that members of London Fire Brigade did not crew appliances with members of staff from the external provider.

A Member asked if the arrangements had proved to be reliable.

DCFO Wayne Brown confirmed that the arrangements had proved to be reliable. The contracts featured penalty clauses which ensured resources would be provided as required. Additionally, the external provider undertook training with London Fire Brigade in periods of no industrial action.

In relation to question two:

The Home Office understood that Fire and Rescue Authorities utilised a range of different solutions to delivering Business Continuity Plans. Consideration would be given to any blended solutions applied within West Midlands Fire Service. ACFO Sarah Warnes confirmed that this would be based on the blended fleet of 60 resources.

In relation to question three:

The Home Office noted that the number, disposition and crewing arrangements of firefighting appliances were laid out within Fire and Rescue Authorities Integrated Risk Management Plans. These arrangements provided the baseline business as usual metrics which Business Continuity Plans and the required levels of resilience were assessed against.

ACFO Sarah Warnes confirmed that the Service would be working in line with its Integrated Risk Management Plan and the current Service Delivery Model.

In relation to question four:

The Home Office provided an outline of the compliance process for Business Continuity Plans and the process to be undertaken if, following assessment by officials and the National Fire Chief's Council, such plans were found to be below the required levels of resilience.

Following the overview of the response from the Home Office, the following points were raised:

A Member noted they were not sure if the Committee had made themselves clear during the course of the review regarding the impact of the proposals upon existing volunteers. Historically, the Service had been able to deliver a service using volunteers and other members of staff in slightly different roles. This arrangement had been last tested on the ground during the pension dispute. The impact either of the two options would have on existing volunteers was not known and not clear. In the event of either option resulting in a negative impact upon volunteers, it was possible that there would be a reduction in the number of volunteers and potentially, more reliance on an external provider.

The Member also noted that whenever the Service had experienced industrial action it had been a result of a national dispute. The last period of industrial action had occurred during 2015 in relation to the pension dispute, one which remained live in many ways. The Service tested its resilience levels during that time, and the resulting evidence was communicated to the Home Office. The figures provided indicated the levels of resilience were lower at the start and higher toward the end of the industrial action; there was nothing exceptional regarding this.

The Service did not have the fleet availability it once had because it simply could not afford to staff all appliances.

Figures presented to Members at the Policy Planning Forum

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held that morning had indicated that fleet availability had already reduced. It was noted that fleet availability was a moving feast during periods of industrial action and periods when there was no industrial action.

Volunteers were utilised during the period of industrial action in 2015 and very few flash points had occurred. The public and members of staff understood how the Service provided business continuity. It was believed that this evidence should satisfy the Home Office, which it had done when the Authority previously wrote to the Home Office and Fire Minister, who accepted the figures and assurances provided by the Service.

The Member also noted that when there was a potential for industrial action through the trade dispute in 2018, the Service had carried out a survey to determine the number of staff who would be willing to volunteer. The percentage of staff who indicated that they would be willing to volunteer did not surprise the Member since the dispute was a local dispute, and not a national dispute. It was a very personal issue which saw firefighters concerned that their jobs were changing.

The Member noted that options one and two could have a detrimental impact upon industrial relations and the Member expressed their concern regarding the potential impact upon volunteers. The Member stated that they did not believe either option should be recommended to the Authority and believed there was no reason why the 30% resilience level could not be provided during an industrial dispute.

The Member advised that the Authority should be recommended to write to the Government to express its concerns, that the Authority was doing its best to plan for the provision of business continuity during a period of industrial action, and call for the Government to take all available steps to avoid industrial action and settle the industrial dispute with the Representative Bodies.

ACFO Sarah Warnes reaffirmed the reasons for the proposal of the two options, including the revising of the National

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Security Risk Assessment, and that the Service was here to ensure the safety of the public. The evidence base clearly identifies that the current assessment shows that the 30% assurance level cannot be achieved. Additionally, the Authority had a statutory responsibility under the Civil Contingencies Act 2004 to provide business continuity arrangements.

ACFO Sarah Warnes advised that Officers had provided a strong evidence base regarding the levels of resilience, which was included within the Business Continuity report, and Members to support the proposed options to provide additional business continuity arrangements for the Service as per the recommendation of the Chief Fire Officer. The focus should be on protecting the public and the communities we serve. If the Service knows it can provide the assurances required via option one or two, it is strongly advised that the Authority undertakes one of the options.

Members were also advised that when considering option one or two, normal volunteers could still volunteer, for example, an external provider would provide resources to make up any deficiencies. It would not be satisfactory if we knew we could provide additional resources to increase public safety but chose not to do so.

It was also noted that the Home Office had stated this was a local matter for Fire and Rescue Authorities to consider, not a national matter.

A Member advised that they felt that moving the issue back to the Government was not satisfactory. Members were on the Authority to represent the people of the West Midlands and to protect them. The Member believed that the Service's management team were in place to manage. It was noted that it was a situation that hopefully would never happen, but the proposals were an insurance policy in case such a situation did occur.

The Member noted that it was vitally important that the Authority carried out its responsibilities, especially if it could not ensure the levels of assurance required.

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Another member seconded the views of the Member as outlined above.

DCFO Wayne Brown asked Members to consider that the Chief Fire Officer had previously been able to provide the level of assurances to the Authority. However, the national picture had changed, and circumstances locally had changed accordingly. As a result, the Chief Fire Officer had provided the advice based on the evidence available.

Upon the request of the Committee and in agreement with the Chair, Officers left the room for a short period of time to allow Members to consider the information provided throughout the meeting and to date, as part of their deliberations in making a recommendation to the Fire Authority. All Officers left the meeting for this period until requested by Members to return.

The Committee took a vote on the options:

- Option one – a contingent workforce.

Outcome:

For: None (nil)

Option one would not be recommended to the Authority.

- Option two – an external provider.

Outcome:

For: Two Members (2)

Against: Three Members (3)

Option two as recommended by the Chief Fire Officer would not be recommended to the Authority.

Following the outcome of the vote, the Chair advised the Committee that some members of the committee had formed a recommendation to be put forward for consideration.

A Member advised the Committee of the proposed recommendation:

‘We recommend the Fire Authority does not accept option one, or option two in the report ‘Business Continuity Arrangements. We recommend that the Fire Authority continues to utilise existing arrangements for business continuity during industrial action through the use of volunteers drawn from existing staff numbers’.

The proposed recommendation was put to a vote:

Outcome:

For: Three Members (3)

Against: Cllr Barrie and Cllr Hogarth (2)

Note: the Councillors indicated above, requested that their names be recorded against their votes.

The recommendation would be recommended to the Authority.

The recommendation made by the Chief Fire Officer was not supported by the Committee.

The report on Business Continuity Arrangements would be submitted to the Authority on 18 November 2019.

Resolved -

That the Committee reviewed the two options proposed to provide additional business continuity arrangements.

That the Committee would not recommend option one ‘a contingent workforce’.

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That the Committee would not recommend option two 'an external provider'.

That the Committee put forward a third recommendation (recorded in full above).

That the Committee would recommend the third recommendation to the Authority.

The meeting finished at 16:20pm.

<p>Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680</p>

Appendix 1

The Home Office response to questions put forward by the Scrutiny Committee Working Group:

Q1 What is the rationale for arriving at 30% resilience required?

The minimum levels of resilience required for Industrial Action Business Continuity Planning (BCP) were introduced by the Fire Minister in January 2018.

These requirements were put in place following a review of all Fire Authority (FRA) BCPs in England, undertaken by Home Office officials and the FRS National Resilience Assurance Team in 2017, which revealed wide disparate levels of resilience and several causes of concern within FRAs whose arrangements were at the lower end resilience levels.

Subsequently, the Fire Minister required Chairs of FRAs in high population areas (which includes the West Midlands) to achieve 30% resilience levels – and given the tragic events of the Grenfell Tower fire, that all authorities ensure the capability to fight high rise fires.

Furthermore, with regard to the critical National Resilience assets hosted by West Midlands – for which the Home Office provides significant funding – the FRA was asked to assure the availability of a Marauding Terrorist Firearms Attack, a Mass Decontamination Unit, a Detection Identification and Monitoring unit capability and the availability of a full Urban Search & Rescue capability.

The Minister wrote to the Chair of West Midland FRA in February 2018 explaining as set out in his letter dated 26 January 2018 to Roy Wilsher, Chair of the National Fire Chief's Council, that his ask of FRAs to reach these levels, along with high rise firefighting capabilities and critical national resilience assets, is proportionate to risk, operational activity and aligned to areas with higher populations. The methodology and modelling applied compares the number of fire appliances available during industrial action with the number available during business as usual, and the number of

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appliances that can respond to localities for a range of response times.

Q2. Is the rationale applied to all of our blended fleet?

FRAs utilise a range of different solutions to delivery their IA BCPs to comply with the required levels of resilience. These arrangements include the utilisation of Wholetime firefighters, senior and FDS officers, On-call firefighters, support staff, auxiliary firefighters, resilience contracts and private sector contracts and in many cases using a blended approach.

Consideration would be given to any blended solutions applied within West Midlands FRS.

The required levels of resilience and rationale would apply to your blended fleet of firefighting appliances.

Q3. How do you take into account differences in service delivery models where some services ride with a crew of four?

The number, disposition and crewing arrangements of firefighting appliances are laid out within FRSs' Integrated Risk Management Plans.

These arrangements provide the baseline business as usual metrics which IA BCPs and the required levels of resilience are assessed against.

The disposition, configuration and size of crews for firefighting appliances for IA BCP purposes are determined by the FRA.

Q4. What is the process for non-compliance?

Home Office are the responsible lead government department for Fire Authority Business Continuity planning.

In September 2017 Home Office and the National Fire Chiefs Council signed off an agreed Memorandum of Understanding and Concept of Operations for IA BCP arrangements. These arrangements require an annual review of all FRA IA BCPs,

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undertaken by officials and the NFCC which are assessed against the required levels of resilience.

The 2019 assessment of FRA BCPs will test whether they reach the required levels of resilience. Any IA BCPs below the required levels of resilience will be brought to the attention of the Fire Minister and the first stage of intervention would consist of a ministerial letter to the Chair of the FRA followed with a visit by officials and the NFCC to carry out an in depth review of arrangements. A full report would be prepared and forwarded to the FRA containing findings and recommendations that would enable the authority to achieve the resilience requirements. These arrangements have been put into place to assist FRAs compliance with their Statutory duties set out in the Civil Contingencies Act 2004.

The Fire Service Act 2004, section 22 lays out the Secretary of State's Powers of Intervention.

Home Office encourages the FRA to have regard to the Chief Fire Officers IA BCP proposals whereby the required levels of resilience are satisfied, and which serve the FRA in discharging their statutory duties to protect local communities.

