

West Midlands Fire and Rescue Authority

Scrutiny Committee

**You are summoned to attend the meeting of Scrutiny Committee to be held on
Wednesday, 10 October 2018 at 10:00**

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 | |
| 3 | Minutes of the Scrutiny Committee held on 12.09.18 | 3 - 10 |
| 4 | Dispute Resolution Report | 11 - 26 |
| 5 | Scrutiny Committee Work Programme 2018-19 | 27 - 30 |

Distribution:

Nicolas Barlow - Member, David Barrie - Member, Greg Brackenridge - Member, Kerry Jenkins - Member, Sybil Spence - Vice Chair of the Scrutiny Committee, Chris Tranter - Chairman, Ann Young - Member

Clerk Name: Karen Gowreesunker

Clerk Telephone: 0121 380 6678

Clerk Email: Karen.Gowreesunker@wmfs.net

Agenda prepared by Stephen Timmington

Strategic Hub, West Midlands Fire Service

Tel: 0121 380 6680 email: strategichub@wmfs.net

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

Minutes of the Scrutiny Committee

12 September 2018 at 11:00 a.m.
at Fire Service Headquarters, Vauxhall Road, Birmingham B7 4HW

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

Apologies: Councillors Tranter (Chair) and Young.
S Middleton.

Observer: Nil

Note: The meeting of the Scrutiny Meeting scheduled to take place on 5 September was adjourned as it was not quorate. Subsequently, this extra meeting of the Scrutiny Committee was scheduled.

21/18 Declarations of Interest in contracts or other matters

There were no declarations of interest.

22/18 Minutes of the Scrutiny Committee held on 04 June 2018

Resolved that the minutes of the meeting held on the 04 June 2018 be approved as a correct record.

23/18 Review of Safeguarding – Progress Update

Assistant Chief Fire Officer (ACFO) Gary Taylor, Director Service Delivery, presented a report on the review of safeguarding. It was noted that following the submission of the scoping document at the June 2018 meeting, a formal report had been provided to establish the approach to the review and the confirm the membership of the Scrutiny working group.

Andrea Simmonds, Partnerships Manager, and Pete Wilson, Group Manager Prevention, provided a presentation to the Committee (as detailed in appendix 1 of the report).

The presentation covered the following:

- The purpose of the review
- Intended outcomes

- What informed the scope and intended outcomes
- Recommendations for undertaking the review
- Anticipated costs and benefits of external professional
- Timescales

The National Fire Chiefs Council (NFCC) had published a self-assessment toolkit in June 2018. It was noted that the intended outcomes of the review mirrored the toolkit quite closely.

It was noted that there was no single individual in the Service who had a full understanding of the subject of safeguarding. It was proposed that an external professional who possessed the overall skills and knowledge was to be appointed to support, guide and implement the review. In addition, an external professional could also offer subjective analysis.

The external professional and Scrutiny working group would be supported by an internal working group comprising Middle Managers. The internal working group would also implement the recommendations of the review with peer support from the NFCC National Safeguarding Group, the West Midlands Metropolitan Emergency Services Safeguarding Adults Group, and local safeguarding children partners.

There were financial implications with the appointment of an external professional. Costs were approximately £4,800 to £8,000.

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

- It was agreed that safeguarding applied to the 'rescue' element of the Service as well as to 'fire'.
- The financial costs quoted within the report were indicative and were provided to assist Members in their consideration of the recommendations as laid out within the report.
- It was acknowledged that the advice provided by consultants had to be carefully considered, particularly in situations where an organisation may not have the sufficient skills and knowledge to challenge. The Independent Review of Building Regulations and Fire Safety (the Hackitt Review) had also highlighted the possible risks involving the use of consultants and the potential for conflicts of interest to arise.
- The Service could consider the training of an officer to become a safeguarding expert, or to appoint an existing safeguarding officer. It was noted that this could prove to be a recommendation of the review but it was important to not pre-empt the outcomes of the review.
- The Service would be striving for a layer of skills, for example, to not only provide training for staff delivering services but to also provide organisational assurance.

- The Service was conscious of key national events and that the NFCC self-assessment toolkit had been issued prior to the Hackitt Review.

Resolved that the Scrutiny Committee approved the Scrutiny working group to take the review of safeguarding forward.

Resolved that the Scrutiny Committee confirmed the membership of the Scrutiny working group, as follows:

- Councillor Barlow
- Councillor Jenkins
- Councillor Tranter (Lead Member of working group)

Resolved that the Scrutiny Committee approved the appointment of an external independent professional to support the review.

24/18 **Analysis of Progress of Quarterly Performance Against The Plan Quarter One 2018-19**

Assistant Chief Fire Officer (ACFO) Gary Taylor, Director Service Delivery, and Area Commander Sarah Warnes, Strategic Enabler People Support Services, provided an overview of the report:

Performance Indicator (PI) 1 – The risk based attendance standard: at 4 minutes and 43 seconds a 10 second decrease had been observed during quarter one. The Service continued to significantly over-perform with regard to category 2, 3 and 4 four incident types, which allowed resources to be changed.

PI 2 – The number of accidental dwelling fires: performance was within the tolerance levels but the number of incidents had increased. This was in line with an increase in incidents which had been observed nationally, a trend which the West Midlands were on the tail end of (a sign of the prevention work undertaken by the Service considering larger increases in areas with lower levels of vulnerability than the West Midlands).

It was noted that PI 3 – Injuries from accidental fires in dwellings, and PI 4 – The number of deaths from accidental dwelling fires, were linked. A slight increase in the number of fires had been observed but the severity of such incidents had reduced. In turn, lower severity potentially resulted in fewer injuries and fatalities.

PI 5 - The percentage of Safe and Well visits referred by our partners: performance was just below the lower tolerance level. The target had been increased gradually over the years. The Service was confident that the target of 55% would be met for the year.

PI 6 – The number of Safe and Well points achieved by the Brigade: performance was above the upper tolerance level and reflected positive performance.

PI 7 – The number of people killed or seriously injured in road traffic collisions: the data for the current year was not available at the time of the meeting (it was noted that the Service were not the custodians of the data). The issues surrounding road safety were often complicated and difficult to tackle but the number of fatalities was higher than the number recorded due to fire. It was frustrating that there were delays in receiving data which delayed timely analysis.

Positive performance had been observed across the PIs related to deliberate fires (PI 8 to PI 12) with all PIs reflecting performance within the tolerance levels or over-performance. This reflected the renewed focus that had been applied to managing deliberate fires. The number of incidents had reduced and would continue to be monitored to ensure that, in the eventuality that the number of incidents had bottomed out, that a subsequent increase was not experienced.

It was noted that the term arson had been changed to deliberate; this was to ensure alignment with the Police and the Home Office.

The two protection PIs, PI 13 The number of accidental fires in non-domestic premises, and PI 14 The number of false alarm calls due to fire alarm equipment in dwellings and non-domestic premises, were both rated as performing with the tolerance levels, although slightly above target. There had been some concern as to whether the performance observed to date could be maintained (forecasting indicated potential increases) and it was reassuring to see that it had been and the Service was confident it could be maintained going forward.

PI 15 – The percentage of employees that have disclosed their disabled status: the disclosure rate had remained constant. Business Partners in People Support Services were liaising with line managers to explore why individuals were not declaring and to understand any potential barriers.

It was noted that staff declaring their disabled status and other protected characteristics helped the Service to understand its workforce better and to implement support measures.

It was noted that overall, the rate of declaring protected characteristics across the Service was good, for example, declarations around sexuality and ethnicity were also both high.

PI 16 – The number of female uniformed staff: to date, 32% of new recruits for this year were female. The Service had set a target of 40% for the year and it was confident that this would be met.

In terms of progression, 27% of female staff in uniformed positions held the role of Crew Commander or above. This represented a slight decrease compared to the previous quarter but remained a significant improvement on the figure of 14% reported in 2012.

PI 17 - The percentage of all staff from BME communities: performance was within the tolerance levels with a slight increase observed from 10.6% in quarter four to 10.8% in quarter one.

PI 17a – The percentage of uniformed staff from BME communities: performance was within the tolerance levels. Of those firefighters recruited during the first quarter, six (27%) were BME. The Service's target for the whole year is 35% and whilst the figure was currently slightly below the target, the Service was confident that it would be met by the end of the year.

In terms of progression, 27% of BME uniformed staff held the position of Crew Commander or above. A lower rate of progression had been observed amongst BME staff (particularly uniformed staff) and People Support Services and the Inspire Group would be exploring this in more detail.

PI 18 – The average number of working days / shifts lost due to sickness – all staff: performance was within the tolerance levels although it did represent a 12.9% increase compared to the same period in 2017/18.

PI 19 – The average number of working days / shifts lost due to sickness – uniformed and Fire Control staff: performance was within the tolerance levels although an increase had been observed. The figure represented a 12.9% increase compared to the same period in the previous year, but it was noted that the figures for that period were particularly low.

Work was ongoing with regard to restricted duties and there was positive direction of travel in the reduction in the number of days individuals were on restricted duties.

PI 20 – The average number of working days / shifts lost due to sickness – non-uniformed staff: Performance was above the upper tolerance level and represented a 35.4% increase compared to the same period in the previous year.

PI 21 - The total number of injuries: performance was above the upper tolerance level but it was noted that the actual number of injuries continued to be low considering the number of staff and visitors.

PI 22 – The total number of RIDDOR injuries: performance was marginally above the upper tolerance level. It was noted that the reporting figures were very low.

Members recognised and applauded the high levels of performance and the hard work of all staff within the Service.

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

- The pre-alert system would go live at the same time as the Vision 4 mobilising system (before October / November). Significant time savings were anticipated.
- It was agreed that an overview of the pre-alert system would be provided to the Committee and that a subsequent update detailing its impact and effectiveness would be provided following its initial implementation.
- A national campaign, a National Fire Chiefs Council Campaign, and local campaigns had been carried out regarding the fire risk of battery chargers for electronic cigarettes / 'vapes'.
- The input from volunteers, community workers and members of the community was invaluable in gaining local intelligence. It was such intelligence that enabled the Service to identify vulnerable individuals who were 'off the radar'. Invariably, individuals referred to the Service by partners were already in the system and were in contact / engaged with one or more agencies.
- All Fire Officers were trained in fire investigation. The Service had a team of Fire Investigation Officers (the Fire Investigation and Prevention Section) who had enhanced fire investigation training and skills. This also included a full time Fire Investigation Dog handler. The team could assist at incidents where the cause of a fire could not be determined by Fire Officers in attendance. The team were experts within their field and supported Fire and Rescue Services both locally and nationally, as well as other agencies including the Police.
- It was agreed that a presentation on the work of the Fire Investigation and Prevention Section would be delivered to all Members of the Authority as part of the Member Development Programme.
- With regard to staff disclosing protected characteristics, Members understood the potential sensitivities surrounding declaring such information and the use of anonymous declarations were suggested as a means to increase the disclosure rate.
- The retention rates for female new recruits was currently 100%.
- Occupational Health provided support and welfare arrangements for potential mental health issues including mental health triage.

- It was noted that local stations worked with communities to increase awareness of and to reduce instances of violence (verbal / physical).

Noted

- The status of the Service's key performance indicators in the first quarter of 2018/2019 (Appendix 1).
- The progress made in delivering the three strategic priorities contained in 'The Plan' 2018-2021 (Appendix 1).
- The update on the performance information system detailed in section 5 of this report

It was agreed that

- An overview of the pre-alert system would be submitted to the Committee.
- An update on the pre-alert system detailing the impact and its effectiveness would be submitted to the Committee following its initial implementation.
- A presentation on the work of the Fire Investigation and Prevention Section would be delivered to all Members of the Authority as part of the Member Development Programme
- A presentation on the Service's approach to positive action would be provided at the November meeting of the Committee, when the next report on the review of positive action and firefighter recruitment would be submitted

25/18 Scrutiny Committee Work Programme 2018/19

The Committee noted the Work Programme for 2018/19.

The meeting finished at 12:35pm.

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

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

10 October 2018

1. **DISPUTE RESOLUTION REPORT**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the contents of the Dispute Resolution Report for the period 1 January 2018 to 30 June 2018 are noted by the Scrutiny Committee.
- 1.2 THAT the Dispute Resolution Report noted by the Scrutiny Committee is submitted to the Joint Consultative Panel.

2. **PURPOSE OF REPORT**

To inform the Scrutiny Committee regarding the number, type and outcomes of discipline and grievance hearings and other dispute resolution including Employment Tribunal activity that have occurred during the period of 1 January 2018 to 30 June 2018.

3. **BACKGROUND**

- 3.1 This report provides a summary of the number, type and outcomes of disciplinary, grievance, debriefs, collective Grievances and any reported failure to agree or failure to consult.
- 3.2 Within this report we will identify any lessons learned. This considers feedback and regular discussions with Trade Unions/Representative Bodies and other employees within the Service. Feedback is also noted after case debriefs which we hold once a case has come to an end. Discussions frequently take place at Joint Consultative Committee and monthly Joint Working Party meetings.

4. **SUMMARY OF CASES**

4.1 **Grievances:**

5 Grievances were received during this reporting period

3 of the grievances related to allegations of Bullying and Harassment and 2 related to issues around Terms and Conditions of employment.

Whilst there were discussions that took place to look to resolve these matters informally all 5 Grievances went to a formal meeting.

In 1 case of Bullying and Harassment the Grievance was upheld and a subsequent management enquiry was commissioned, which is still ongoing. The employee did not appeal this outcome.

1 case relating to terms and conditions of employment was not upheld at the first meeting there was an appeal lodged and again this was not upheld. There has been no associated Employment Tribunal.

The remaining 3 cases (2 of Bullying and harassment and 1 relating to Terms and Conditions of Employment) have all had formal meetings and the Grievances have not been upheld. All 3 cases are subject to an Appeal Process which will be reported in the next report for the period July to December 2018.

The Service is in receipt of 2 Employment Tribunals that are related to 2 of the Grievances above.

The grievances received were from Grey Book, Male employees. Following analysis of the equality data there has been no impact on any specific group. Please refer to appendix 1 which has a full breakdown of the equality data for each case.

Business partners work very closely with line managers to identify any concerns at the earlier stages, which helps resolve issues informally.

Monthly breakdown on all grievance cases are given at the Joint Working Party which is attended by trade unions and the relevant managers.

4.2 **Disciplinary:**

There were 14 cases (11 at Gross Misconduct and 3 at Misconduct) detailed as follows:

A single incident from 1 station resulted in 8 of these disciplinary investigations, this was fully investigated with and all cases progressed to a formal hearing. These were allegations that were related to a breach of the Services Core Values.

Of these 8 cases deemed as Gross Misconduct there were: 2 dismissals (1 reinstated in appeal and reduced to a Final Written Warning) and 6 Final Written Warnings.

Only those employees that were dismissed appealed the decisions and of which 1 remains dismissed. The Service has not received an Employment Tribunal relating to this matter from any employees.

3 of the remaining cases were investigated at Misconduct and were related to behaviours of the employees both to other employees and external members of the public. 2 of these are being progressed to a formal hearing with the outcomes to be reported in the next reporting period. The remaining case went to a formal hearing in this period and the award was a First Written Warning. This was subject to an appeal the original hearing outcome was upheld.

The 3 remaining cases in the period were investigated at Gross Misconduct, 2 cases were an alleged breach of core values, 1 did not progress to a formal hearing following investigation and 1 has been progressed to a formal hearing the outcome of which will be in the next reporting period. 1 case is relating to criminal investigation and is ongoing.

There were no hearing outcomes from the previous reporting period.

Debriefs are been undertaken for each of these cases.

All but 1 disciplinary cases involved male employees, with a variance of ages, race and religion. There has not been any impact on any particular group. Please refer to appendix 1 which has the full breakdown of equality data for each case.

People Support Services work very closely with the managers and trade unions and resolve issues at the very early stages, New managers are 'buddied up' when dealing with any disciplinary investigations which supports their development.

Monthly breakdown on all disciplinary cases are given at the Joint Working Party which is attended by Trade Unions and the relevant managers.

People Support Services Business Partners have regular meetings, discussions and dialogues with Trade Unions to keep them informed of any issues in an attempt to resolve them at an earlier stage. It is hoped this approach will assist in avoiding circumstances developing into disciplinary or grievances proceedings.

5. **EMPLOYMENT TRIBUNALS**

The Service during this reporting period has received 3 Employment Tribunal Claims. 1 was a collective claim by 85 employees relating to an allegation of a specific employment law breach. The Service provided a response to this claim to the Tribunal Services, this case has now been withdrawn by employees with no liability for the Service.

The other 2 Employment Tribunals are relating to Grievances reported in section 4 of this report. The Service is preparing their response to these claims and progress will be reported in the next period.

6. **DEBRIEFS AND LEARNING OUTCOMES**

A report was submitted to the Joint Consultative Panel detailing a review of Case Management Debriefs in September 2018. This report covered all learning from the debriefs for this reporting period. In future reports a summary of all debriefs will be included and all learning and actions identified.

7. **POLICIES AND PROCEDURES**

The Disciplinary Standing Order is currently under formal consultation with Joint Consultative Committee members. Trade unions and stakeholders have been fully involved when making any changes to this Standing Order.

The Grievance Standing Order has been reviewed and consulted on. Trade unions and stakeholders were fully involved whilst this was under review and consultation.

The Service has recently provided management training on a range of people management training including Discipline and Grievance, this was available to all supervisory managers and a supporting training package has been developed.

8. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out. The Service's Policies that are applied in all case management have been subject to full Equality Impact Assessments.

9. **LEGAL IMPLICATIONS**

There are no direct legal implications arising from this report.

10. **FINANCIAL IMPLICATIONS**

There are no financial implications to this report.

BACKGROUND PAPERS

Disciplinary Standing Order 2/1

Grievance Standing Order 2/2

Previous JCP reports Dispute Resolution Reports 0-15 and Review of Case Management Debriefs.

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

PHIL LOACH
CHIEF FIRE OFFICER



Grievances

West Midlands Fire and Rescue Service



Scrutiny Panel

10 October 2018

Report of: The Chief Fire Officer

Audience: Scrutiny Panel

Content: Grievance, Disciplinary, Employment Tribunal activity & Other dispute resolution.

Dates covered: 1 January 2018 – 30 June 2018



Tribunals Service

Purpose of this report:

To inform the Scrutiny Panel about the number, type and outcomes of discipline and grievance hearings and other dispute resolution including Employment Tribunal activity which have occurred during the period of 1 January 2018 to 30 June 2018.



9 Protected Characteristics



5 Grievances lodged from January – June 2018



5 Grievance outcomes were appealed and not upheld

GRIEVANCES

AGE

Under 30 = 0 employee
31-45 = 4 employees
46 – 55 = 1 employees

Religion

1 Christian
2 prefer not to say
1 = none
1= not stated



0 employees



Gender Re-assignment

0 employees



Sexual Orientation

Heterosexual = 2 employees
Transgender = 1 employee
None = 1 employee
Prefer not to state = 1 employee

Male employees 5



1 employee has
declared a disability



4 employees married
1 employee is single



4 employees British white
1 employee is black/british



0 female employees

DISCIPLINARY

14 Cases under Discipline

11 Cases investigated under Gross
Misconduct

=

9 went to a formal hearing
2 did not go to hearing

3 Case investigated under Misconduct

Outcomes of the **9** Hearings

0 – No formal action

1 – Written Warning

6 – Final Written Warning

2 –

DISMISSAL

2 – Appealed and decision was not overturned

1 – appealed, the award was lowered to Written warning



AGE

-30 – **1 employee**
31 - 40 – **3 employee**
41-50 - **10 employees**

Religion

1 = Catholic
6 = Prefer not to state
5 = Christian
2 = None



0 employees



Gender Re-assignment

0 employees



Sexual Orientation

7 employees – Heterosexual
1 employees – prefer not to state
6 employees - none

9 British White
1 British black
1 White Irish
1 other

2 Mixed white & black

0 disability



8 employees married
1 legally seperated
5 employee is single



13 male employees



1 female employees



DISMISSED

**There has been 2 employee dismissed
within this reporting period:**



Tribunals Service



The Service has received **3**
Employment Tribunal Claims.

1 was a collective claim (85 employees)
2 relating to Grievances

Dispute Resolution Summary															
			Types of Grievance					Level				Outcomes			
Report No.	Date of Report	No of Grievances	Work Practice	Bullying/ Harassment	Org Change	Other	No of Discipline Investigations	Gross Mis-conduct	Mis-conduct	Other	No of Discipline Hearings	Dismissal	Final Written Warning	Written Warning	No Formal
4	Sep-12	9	2	4	3	na	5	4	1	0	5	2	2	0	1
5	Apr-13	17	2	4	6	5	12	8	1	3	4	2	2	0	0
6	Sep-13	7	2	2	3	0	8	5	2	1	8	5	1	0	1
7	Apr-14	7	0	0	6	1	15	14	1	0	4	1	2	1	0
8	Sep-14	13	0	9	4	0	21	20	1	0	9	2	5	2	0
9	Mar 15	8	0	3	5	0	13	13	0	0	15	4	4	3	4
10	Oct 15	3	0	1	2	0	4	4	0	0	2	2	0	0	0
11	Mar 16	8	2	4	1	1	4	4	0	0	2	0	1	1	0
12	Aug 16	11	7	3	1	0	30	22	8	0	8	1	1	2	16
13	Mar 17	4	0	3	1	0	9	8	1	0	7	4	1	2	2
14	Sept 17	2	1	0	1	0	13	13	0	0	3	0	0	2	1
15	Mar 18	6	4	2	0	0	8	7	1	0	5	1	0	4	0
16	Oct 18	5	5	0	0	0	14	11	3	0	9	2	6	1	0

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY
SCRUTINY COMMITTEE WORK PROGRAMME 2018/19**

Date of Meeting	Item	Responsible Officer	Completed
2018			
05 September 2018	Analysis of Progress of Corporate Performance against The Plan for Quarter 1 2018/2019	Director of Service Delivery	12.09.18
Rescheduled to 12 September 2018	Review of Safeguarding	Director of Service Delivery	12.09.18
	Consideration of Work Programme	Chair Of Scrutiny Committee	12.09.18
10 October 2018	Dispute Resolution Monitoring	Strategic Enabler People Support Services	
	Operational Assessment Improvement Register	Strategic Enabler Strategic Hub	
14 November 2018	Analysis of Progress of Corporate Performance against The Plan for Quarter 2 2018/2019	Director of Service Delivery	
	Diversity, Inclusion, Cohesion & Equality	Strategic Enabler	

	Update	People Support Services	
	Review of Positive Action and Firefighter Recruitment	Strategic Enabler People Support Services	
2019			
Date of Meeting	Item	Responsible Officer	Completed
27 February 2019	Analysis of Progress of Corporate Performance against The Plan for Quarter 3 2018/2019	Director of Service Delivery	
	Review of Safeguarding	Working Group / Director of Service Delivery	
27 March 2019	Dispute Resolution Monitoring Report	Strategic Enabler People Support Services	
	Operational Assessment Improvement Register	Strategic Enabler Strategic Hub	
	Consideration of the Annual Report of the Scrutiny Committee	Chair of Scrutiny Committee	

05 June 2019	<p>Analysis of Progress of Corporate Performance against The Plan for Quarter 4 2018/2019</p> <p>Diversity, Inclusion, Cohesion & Equality Update</p> <p>Annual Report of the Scrutiny Committee</p>	<p>Director of Service Delivery</p> <p>Strategic Enabler People Support Services</p> <p>Chair of Scrutiny Committee</p>	
--------------	--	---	--

To report as appropriate:

- Review of positive action and firefighter recruitment
- Review of safeguarding

Note: separate meetings of any review working group are to be scheduled if and when required

