

West Midlands Fire and Rescue Authority

Scrutiny Committee

You are summoned to attend the meeting of Scrutiny Committee to be held on
Monday, 27 March 2017 at 12:30

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

for the purpose of transacting the following business:

Agenda – Public Session

- | | | |
|---|--|----------------|
| 1 | To receive apologies for absence (if any) | |
| 2 | Declarations of interests | |
| 3 | Minutes of the Scrutiny Committee held on 20 February 2017 | 3 - 8 |
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| 6 | Consideration of the Annual Report of the Scrutiny Committee | |
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Distribution:

David Barrie - Member, Greg Brackenridge - Member, Basharat Dad - Member, Peter Hogarth - Member, David Skinner - Member, Sybil Spence - Member, Chris Tranter - Chairman, Ann Young - Member

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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

20 February 2017 at 12.30pm
at Fire Service Headquarters, Vauxhall Road, Birmingham

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

Apologies:

Councillors Barrie and Spence

Observer:

Nil

1/17 **Declarations of Interest**

There were no declarations of interest.

2/17 **Minutes**

Resolved that the minutes of the meeting held on 14 November 2016, be approved as a correct record.

3/17 **Safeside Review – Response to Members’ Questions**

Gary Taylor, Assistant Chief Fire Officer, provided an overview of the report ‘Safeside Review – Response to Members’ Questions’:

As requested by Members at the committee meeting in November 2016, a press briefing, Safeside logos for social media purposes, and the information on the number of schools attended had been provided. The Safeside prospectus had been reviewed and updated and would be circulated to Members in due course.

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

- Further information in relation to schools attending Safeside would be circulated to Members, specifically the number of schools attending compared to the total number schools within a given area.
- It was acknowledged that cost was an issue for schools wishing to attend Safeside and the Service was looking for a sustainable solution. The 12 month partnership with Transport for West Midlands was an interim solution.
- Officers are considering more sustainable methods of supporting funding for transport including partnership arrangements with Transport for West Midlands.

4/17 **Scrutiny Review of Positive Action and Firefighter Recruitment**

Sarah Warnes, Strategic Enabler People Support Services, provided an overview of the review of positive action and firefighter recruitment:

The Service was committed to ensuring that its workforce was representative of the population it served. Positive action was a tool to help make a difference to the workforce profile. The Service had begun to implement positive action, in the recent recruitment process, but wished to undertake even more pro-active work within this area in a bid to continue to push the boundaries, removing stereotypes and barriers, ensuring that the Service was open to individuals from under-represented groups.

An overview was provided of the review scoping document which had been submitted to the Committee for consideration and approval.

It was proposed that the review would include a third party to provide external scrutiny and perspective, for example West Midlands Police and / or a specialist within this field.

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

- The use of a third party would potentially incur costs.
- It was confirmed that the Scrutiny Committee budget could be used to meet such costs.
- Any costs would be communicated to Members.
- The Police had been considered as an external partner due to the progress they had made in the recruitment of females and people from Black, Minority, Ethnic backgrounds (BME). It was agreed that consideration would also be given to health services and the ambulance service.
- It was acknowledged that requirements such as fitness standards and appearance e.g. facial hair, did pose barriers for some potential recruits. Additionally, the Service's attraction rate did not reflect the makeup of the population. It was important that the Service understood why this was the case at the first point of attraction (before other potential barriers have an effect).

Resolved that the Scrutiny Committee review of positive action and firefighter recruitment was approved.

Resolved that a working group would be established to take forward the review of positive action and firefighter recruitment.

It was agreed that Cllr Spence would undertake the role of Lead Member, and Joanne Simmonds, People Support Manager, would undertake the role of Lead Officer.

5/17 **Analysis of Progress of Quarterly Performance against The Plan Quarter Three 2016/17**

Gary Taylor, Assistant Chief Fire Officer, and Sarah Warnes, Strategic Enabler People Support Services,

provided an overview of the progress of the quarterly performance against The Plan:

PI 1 ‘The risk based attendance standard’, performance continued to be very positive with a two second increase observed during the quarter for category one incident types.

PI 2 ‘The number of accidental dwelling fires’, good performance continued with figures remaining below the tolerance levels for the quarter, and the year to date.

PI 3 ‘Injuries from accidental dwelling fires (taken to hospital for treatment)’, was within the tolerance levels.

PI 4 ‘The number of deaths from accidental dwelling fires’, four fatalities had occurred during quarter three (nine year to date). So far this year, a third of all fires resulting in a fatality were due to heating equipment and a third due to smoking related materials.

PI 5 ‘The percentage of Safe and Well visits referred by our partners’, at 41.8% continued to be above the 40% target. It was noted that this was the first year where the performance indicator had been above the target.

PI 6 ‘The number of Safe and Well points achieved by the Brigade’, continued to be above the tolerance levels at 159,866 points, compared to a target of 135,000.

PI 7 ‘The number of people killed or seriously injured in road traffic collisions’, the delay in data continued. It was noted that evidence suggested that the number of road traffic collisions would continue to increase. The Service would continue to work with partners within this area.

PI 8 ‘The number of arson fires in dwellings’, PI 9 ‘The number of arson fires in non-domestic premises’, PI 10 ‘The number of arson vehicle fires’, and PI 12 ‘The number of arson fires in buildings’; all four performance indicators had experienced under performance against the tolerance levels and were rated as red.

It was noted that forecasting indicated that PI 8 would remain within target at the end of the year.

The figures for PI 9 would be one over target if it were not for the incidents within HMP Birmingham. The Service was confident that the number of incidents would reduce following the disturbances at the prison. It was noted that the majority of incidents within the prison required no action by WMFS and were dealt with by prison officers.

It was noted that arson vehicle fires was a problem for the fire and rescue service nationally. The Service was aiming to stabilise the number of incidents next year.

Pro-active work had been carried out within the Sandwell area to reduce the number of arson fires in buildings, targeting potentially troublesome premises, resulting in positive outcomes. The approach would be rolled out to other local authority areas.

PI 11 'The number of arson rubbish fires', had observed over performance against the tolerance levels and therefore rated as blue. It was noted that the number of arson rubbish fires had continued to decline and it was not necessarily due to the weather (we had not experienced a wet summer).

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', performance remained positive for both performance indicators, with the continued decrease in the number of incidents being maintained.

PI 15 'The percentage of employees that have disclosed their disabled status', a very small increase had been observed to 89.5%. The target of 100% disclosure, which remained ambitious, would be maintained for next year.

PI 16 'The number of female uniformed staff' and PI 17 'The percentage of all staff from ethnic minority communities', both performance indicators remained on target.

It was noted that PI 16 would not change but had been maintained. Retention and progression were key. An improvement had been observed in the number of females promoted from Watch Commander to Station Commander.

With regard to PI 17, a breakdown of the figures was provided to Members as requested. It was noted that the figures were still not representative of the communities the Service represented and that there was more progress to be made. In terms of progression, 27% of staff from black, minority, ethnic backgrounds were in managerial positions.

PI 18 ‘The average number of working days/shifts lost due to sickness – uniformed staff’ and PI 19 ‘The average number of days/shifts lost due to sickness – non-uniformed and Fire Control staff’, continued to be over target and rated as red. The Service continued to closely monitor this issue, particularly due to sickness levels impacting on a lean staffing model.

PI 20 ‘The average number of days/shifts lost due to sickness – all staff’, reflected PI 18 and PI 19 and as a result, was rated as red.

PI 21 ‘The total number of injuries’, continued to show very good performance and was rated as green.

PI 22 ‘The total number of RIDDOR injuries’, demonstrated over performance against the tolerance, with a blue rating.

PI 23 ‘To reduce the Authority’s carbon emissions’, reported on annually.

PI 24 ‘To reduce gas use of Fire Authority premises’ and PI 25 ‘To reduce electricity use of Fire Authority premises’; both performance indicators demonstrated over performance against the tolerance levels and were rated blue.

6/17 **Scrutiny Committee Work Programme 2016/17**

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

(Meeting ended at 14:25 pm)

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

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

27 MARCH 2017

1. **REVIEW OF DATA SHARING - PROPOSALS**

Report of the Chair of the Scrutiny Committee.

RECOMMENDED

- 1.1 THAT the findings and subsequent proposals for change arising from the Scrutiny Committee's Review of Data Sharing be approved.
- 1.2 THAT subject to the approval required in 1.1, the report be submitted to Executive Committee for consideration.

2. **PURPOSE OF REPORT**

Scrutiny Committee are asked to consider the content of the Review of Data Sharing report and approve its findings and proposals, following which Scrutiny Committee are asked to approve the forwarding of the report to Executive Committee for consideration.

3. **BACKGROUND**

- 3.1 Members will recall that in February 2016 the Scrutiny Committee commissioned a review of all aspects of the Service's data sharing arrangements. This was a recommendation from the review of partnership arrangements. The scope of the review was agreed and is attached as Appendix 1.
- 3.2 In delivering the requirements of this review, it was agreed by Scrutiny Committee that a Member led working group be established comprising Councillors Tranter, Spence and Hogarth.

- 3.3 As is common with all reviews, a number of opportunities for improvement have been identified and feature within the proposals made. The proposals made will provide the opportunity to provide a clear picture of the level and effectiveness of data sharing between West Midlands Fire Service (WMFS) and partner agencies. In addition, to identify if there are lessons to be learned from other agencies and sectors. This will put the organisation in a better position to maintain and improve its performance around data sharing, the evaluation of data sharing and to adopt a 'best practice' approach. This will lead to the Service being able to identify and engage with the most vulnerable people within the community.
- 3.4 The scope of the review looked at how the Service shares data with other organisations and how other organisations share data with WMFS. It was recognised that the Service works with a range of partners to share data and support the delivery of 'The Plan' in making the West Midlands, Safer, Stronger and Healthier.
- 3.5 A key finding from the review was that WMFS does not have an established policy or operating principles for data sharing.
- 3.6 Historically relationships with partners to assist with data sharing have been established locally within Commands. The Community Safety team has recently been centralised and are working in a relatively new structure.
- 3.7 Due to a lack of policy or operating principles for data sharing, there is currently no central control of data sharing and subsequently no complete picture of the data being shared between WMFS and other agencies.
- 3.8 The Community Safety team and the Data Management department are key stakeholders in Data Sharing as are staff in Commands and partners. There should be stakeholder engagement in establishing the policy and operating principles for data sharing. This will assist in sharing data in the future, supporting an approach which is aligned to the needs of WMFS, its partners and the needs of local communities.
- 3.9 In conjunction with the development of a policy, there is a requirement for a full audit to be undertaken to determine what

data is currently being shared across the organisation with partners and vice versa.

3.10 The full range of proposals are contained within the Review of the Data Sharing report (Appendix 2) and are set out separately in the Action Plan (Appendix 3). The proposals will enable for:-

- The establishment of effective governance and evaluation arrangements to enable for assurance to be provided that data sharing is being carried out in line with WMFS policy expectations.
- A complete picture of the amount, type and purpose of the data that is being shared between WMFS and other agencies and in addition other agencies and ourselves. Assurance is required to clarify if the data is being managed as required by the Data Protection Act and the Management of Information policy.
- A requirement to simplify data sharing agreements, taking into account best practice as documented by the 'Centre of Excellence for Information Sharing'.
- As part of the data sharing audit a further assessment of the current ICT systems and arrangements to enable the appropriate sharing of data in-house and with partner organisations.

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 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**

There are no financial implications arising from this report.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

BACKGROUND PAPERS

Scrutiny Committee, Scope for review of Data Sharing 16.02.16.
Scrutiny Committee, Data Sharing Update 05.09.16.
Scrutiny Committee, Data Sharing Update 14.11.16.

Supporting Review papers – Held in the Strategic Hub

The contact officer for this report is Assistant Chief Fire Officer, Gary Taylor, Telephone, 0121 380 6006.

COUNCILLOR CHRIS TRANTER
CHAIR OF THE
SCRUTINY COMMITTEE

PHIL LOACH
CHIEF FIRE OFFICER



WEST MIDLANDS
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Item 4

Scrutiny Committee – Review Scoping Document

Review Title:	Scrutiny of Data Sharing
Date of Review:	
Purpose of the Review:	
<p>Data sharing has long been a critical success factor in identifying and engaging our most vulnerable people. It is also a significant corporate responsibility to share data and refer vulnerable people (adults and children) with our partners across the public sector.</p> <p>This Scrutiny Review is intended to provide a clear picture of the level and effectiveness of data sharing between WMFS and partner agencies, identify if there are lessons to be learned from other agencies and sectors, what improvements can be recommended and determine how Fire Authority members can support data sharing activities.</p> <p>On a national level data sharing is claimed to be done effectively but evidence would suggest that on occasions it is being done at superficial levels with the notable exception between crime focused agencies so there are examples of good practice to be considered.</p>	
Intended Outcomes:	
<p>To Identify</p> <ul style="list-style-type: none"> • The strategies, policies and procedures that guide and govern data sharing. • What data is being currently being shared between WMFS and other agencies • The barriers to effective data sharing both internally and externally to WMFS • Whether current ICT systems and arrangements positively facilitate sharing data with partner organisations. • Examples of notable practice that could be adopted by WMFS 	



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- The methods for evaluating the effectiveness of data sharing
- The effectiveness of the data sharing approaches being developed through the West Midlands Social Housing Group and the lessons to be learned from this experience
- Recommendations for improvements to the WMFS approach to data sharing

Lead Member

Lead Officer/Officer Group (including partners):

Links to Strategic Objectives

All Prevention Performance Indicators PI1-8, PI13 and PI14
“Improving Lives to Save Lives” and wider health and wellbeing objectives

Reasons for undertaking the review:

Recent Serious Case Reviews and higher level investigations have all stated that data sharing remains a consistent blockage for effective partnership working and is often a contributory factor to poor service.

In general terms data sharing is still problematic with restrictions on information from partners, being most prevalent across the health sector, a partner who we now fully recognise as being critical in WMFS ongoing journey towards excellence.

Scoping undertaken by:

Chief Officer and/or Partner/Agency Equivalent:

Existing data available for consideration:

Partnerships database
Data Sharing protocols and Service Level Agreements
Local Data sharing documentation



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Review Work Programme:			
Task	Method	Lead person(s)	Completion by:
Review Scoping Checklist		Status	

Item 4

Appendix 2

SCRUTINY REVIEW OF DATA SHARING

MARCH 2017

**Scrutiny Working Group:
Councillors Tranter, Spence and Hogarth**

Facilitated by:- Strategic Hub

Scrutiny Review of Data Sharing

1. Introduction

As part of the Scrutiny Committee Work programme for 2015/16 a review of data sharing was agreed. The scope for the review was agreed by Scrutiny Committee Members to be part of the Scrutiny Committee work programme for 2015/16 and 2016/17.

The review was identified following the review of partnership working. In addition, it was an appropriate response to concerns raised by the Director Service Delivery as Serious Case Reviews and higher level investigations have stated that data sharing remains a consistent blockage for effective partnership working and is often a contributory factor to poor service. In general terms data sharing is still problematic with restrictions on information from partners being most prevalent across the health sector, a partner who is recognised as being critical in West Midlands Fire Services (WMFS) ongoing journey towards excellence.

The purpose of the review was to:-

- Provide a clear picture of the level and effectiveness of data sharing between WMFS and partner agencies.
- Identify if there are lessons to be learned from other agencies and sectors.
- What improvements can be recommended and determine how fire authority members can support data sharing activities.

In discharging the scope of the review a Members working group was established made up of Councillors Tranter, Spence and Hogarth. However, during the review it became apparent that although data sharing was taking place, there was no formal structure in place. The proposals contained in this report address some areas that need addressing before members can assist in supporting data sharing activities.

2. Matters Arising

2.1 Governance of Data Sharing Policy

The review has highlighted that there is no Organisational policy in place to enable for the effective sharing of data in a way that ensures compliance with both legislative and Organisational requirements. Similarly, there is no policy in place outlining the Organisation's expectations as to what its data sharing priorities are and the principles of operation to enable for the high quality delivery of these expectations.

A Standing Order is in place for the Data Protection Act 1998 which refers to the treatment of personal information, however this reads as personal employee information and provides no specific mention to 'data sharing'.

Data sharing is part of the Data Protection Act 1998, however, for the purpose of this report the following definitions clarify the difference.

Data Protection

The Data Protection Act 1998 defines the way in which information about living people may be legally used and handled. The main intent is to protect individuals against misuse or abuse of information about them.

Data Sharing

Although Data Sharing is linked to The Data Protection Act, for the purpose of this review, it has been defined as:-

The disclosure of data from one organisation to a third party organisation to assist in identifying and supporting the most vulnerable people within the community.

There is evidence that data sharing is taking place across WMFS with the intention of supporting the progressive targeting of vulnerable individuals to enable the achievement of organisational priorities in delivering services to local communities. This occurs at many levels with some data sharing arrangements existing as part of a formalised approach through 'agreements' made during the establishment of relationships.

It is known that data sharing is taking place on a more informal basis across local command areas and may exist either with or without agreements in place.

To date it has not been possible to evidence the existence of a policy detailing the Organisation's intent and expectations with regard to data sharing. The normal Organisational approach to communicating key information is by Standing Orders.

The development of a policy with regard to data sharing will provide the platform against which a wider framework of guidance or procedural information to support the excellence in delivery of Organisational priorities. The main benefit of communicating policy will be that it will provide absolute clarity as to what the Organisation's expectations are in respect of the sharing of data. This is important because it appears that the approach to data sharing is inconsistent.

It is not intended that policy should be prescriptive. The Organisation is committed to encouraging personal accountability through an effective contribution. As part of this, innovation and flexibility in the pursuit of excellence, as opposed to a set of rules to be followed (as was previously the case with the production of policy through Standing Orders), is central to the delivery of effective data sharing partnerships and agreements. The policy should outline the Organisational expectations and principles of operation to be followed in meeting these operations.

The existence of a policy will protect both the Organisation and its employees through ensuring that employees clearly understand the Organisation's expectations and their part in how these will be delivered. In outlining the principles of operation (and in implementing an appropriate supporting procedural framework) to enable

individuals to develop their understanding, meet their specific accountabilities and deliver the organisation's expectations in this area, the Organisation will mitigate against any potential risk in this area. The policy should be designed to enable for legal compliance, best practice standards to be met and reduce the opportunity for employees to unintentionally get things wrong by setting out broadly who does what.

The production of a policy and supporting framework of information as well as providing clarity, will also help to build confidence in delivery through effective data sharing. This is because employees will be sure that they are using the appropriate approach to delivering their responsibilities, potentially increasing performance and improving outcomes. The existence of a policy and wider framework also provides a consistent reference and checkpoint to which the Organisation or its employees can refer.

From an assurance perspective, the existence of a policy and supporting procedures will help in measuring Organisational performance in achieving its strategic expectations. Policy, is seen as a first point of call when seeking to test or assure performance. The absence of policy setting out expectations is a weakness for the Organisation. Should this area be the focus of external audit or inspection, the failure to provide clarity through a policy as to the expectations of delivering regulatory or legal responsibilities could be seen as a significant failure leaving the Organisation's leadership team open to criticism.

Communicating the policy via Standing Orders will also ensure that any change in strategic direction or the legislative landscape governing data sharing can be considered and approved at the right strategic level. This is because of the requirement of a 'Strategic Enabler' to 'sign off' any subsequent changes to the Standing Order. This approach provides for an effective and auditable system of governance and decision making. It also enables for changing expectations to be communicated and achieved through an embedded and accepted communication approach.

There are no statutory guidelines in place for data sharing. Guidance is provided from a best practice perspective from the Home Office. There is also a Centre of Excellence for information sharing, this is a government body that provides helpful guidance in what should be included when establishing a data sharing agreement. It was not possible during this review to establish if the organisation is using any of this guidance, or others to support the approach to data sharing.

In moving forward, it has been recognised that WMFS is currently developing a 'Governance Partnerships Framework' to include Data Sharing which will be linked to a toolkit for staff to use. This will seek to address the policy gap highlighted above.

Proposal 1

A data sharing policy and supporting principles of operation are required to guide the organisation. Members of the Community Safety team and the Data Management team are key stakeholders in Data Sharing as are staff in

Commands and partners. Stakeholder engagement is paramount when establishing the policy and principles of operation.

2.2 Central Governance of Data Sharing

Due to the lack of governance, which could be enabled through a policy, it cannot be determined as to the level that data sharing is taking place across the organisation, indicating a lack of cross organisational awareness of what data is being shared externally and internally. There was not a clear picture across the organisation of the level and type of data which is being shared both internally and externally and subsequently limited evidence to demonstrate a coordinated approach to data sharing.

In determining a way forward, a strategic decision needs to be made with regard to how to effectively govern and manage the data sharing activity and partnerships. Currently, there is no central control in place to routinely identify and provide assurance of:-

- Data sharing partnerships in place
- Whether such partnerships are aligned to the delivery of Organisational priorities
- What data is being shared
- Whether such data is being shared in a secure and 'safe' manner
- Whether there is an appropriate data sharing agreement in place and
- Whether the data sharing agreements are being applied effectively

The introduction of effective governance arrangements will provide assurance to the Organisation as to the quality of data sharing arrangements through an effective system of control. It will also enable for the ongoing evaluation and improvement of data sharing partnerships. This will promote a high quality and consistent level of delivery, the sharing of good practice which should provide the opportunity for improve outcomes across the West Midlands community.

Furthermore, effective governance arrangements will protect both the Organisation and its delivery teams through providing a transparent and auditable system, ensuring that data sharing is undertaken in a way which is legally compliant. This will, for example, reduce the risk of inappropriate data sharing agreements being put in place or data being incorrectly shared. This is important because significant financial penalties have been levied against Organisation's for the inappropriate sharing of data as a consequence of ineffective governance arrangements.

Proposal 2

A strategic decision should be made as to the structure and system requirements to enable for the effective governance of data sharing. Following this a complete audit throughout the organisation needs to be undertaken to determine the amount, type and purpose of the data that is being shared internally and externally. The audit would in addition need to determine the data sharing agreements that are currently in place.

2.3 Data Sharing Agreements

There are some data sharing agreements in place with external partners which ought to be shared with the Data Management function for review. Currently, it is the Organisational expectation that the Data Management department will approve data sharing agreements. This does not appear to be taking place as the norm. Anecdotal evidence exists that on occasion data sharing agreements have been signed off without the full involvement of Data Management.

Data Management hold a limited number of agreements, all of which are different in format and approach. Organisation's such as the '*Centre of Excellence for Information Sharing*' can provide a checklist of items to include in an agreement to simplify them. From discussions with stakeholders, it can take a considerable amount of time for Data Management to review these agreements as they are often lengthy. This is cited as a reason as to why this review and assurance function is not regularly used.

The Data Management function provides support in the formulation and/or review of agreements prior to the organisation signing up. This is a critical role given the potential impacts of data protection and management of information policies which are in place. Through not involving Data Management, there is a critical loss of internal expertise in developing or considering suitable data sharing agreements. Without a policy in place to guide data sharing the under use of the Data Management function even from an advisory perspective presents a risk to the organisation, as there is no control or consistency to the approach.

Proposal 3

A review of the template for the WMFS Data Sharing agreement needs to take place with a view to it being simplified.

2.4 Data being shared between WMFS and other agencies

Data sharing exists with a wide range of partner organisations, examples discussed with stakeholders are listed below:-

- Seven Local Authorities on social care
- Mental Health Trusts
- Hospitals – acute care
- GPs, District Nurses – primary care
- Third sector such as Age UK, Diabetes UK, Alzheimer's Society

The above examples demonstrate a wide range of organisations engaged in data sharing and potentially a wide range of data and information being shared. However, the ability to understand the full breadth of organisations engaged in data sharing and the types of agreements entered into and types of data being shared, is not facilitated through a policy or systematic approach to recording this information. It was acknowledged during the review that data sharing will exist at a local level which may not be part of a formal agreement or agreements entered into, without

clear steer regarding organisational expectations. Without a policy in place guiding staff in this activity, this presents an unclear picture of what information and data is currently being shared internally and externally. This presents a risk to the organisation and its partners. If WMFS are not aware of the full breadth of data being shared and the partners involved, it may not be able to put in place the measures to manage these effectively (management of information), It could also be entering agreements which do not align to organisational strategy and could present issues in the security of data.

Evidence suggests that data sharing takes place across other functions outside of Service Delivery, this is being managed at a local level without any coordination around the purpose of the sharing and how it is managed.

There is also anecdotal evidence to suggest that information around vulnerable individuals is shared verbally through meeting forums across partner agencies. This indicates a lack of awareness around guidelines for data sharing, data protection and the management of information for individuals. It could also be perceived to be a potential breach of data security. This is to be expected as a consequence of having no policy in place.

From the evidence set out in section *'2.1 Governance of data sharing'*, highlighting the lack of an established policy and the unclear picture presented around the data being shared with other organisations, it can be assumed that data sharing is taking place in other areas outside of the above, of which WMFS are not centrally aware of, or coordinating using a policy.

Proposal 4

WMFS should identify a suitable approach for effectively managing and controlling data that is shared with partners. As part of this the role and responsibilities in respect of managing shared data should be determined.

2.5 Barriers to effective data sharing, internally and externally

At this point in time, the key barriers that have been identified relate to the requirement of an Organisational policy and operating principles. As part of this, the way partnerships are managed and identified through the effective provision of a suitable system needs to be established. This would be aligned to organisational expectations and be legally compliant.

More detailed barriers will become apparent when the policy and operating principles are developed and fully operational.

At this stage of the review it is not possible to determine what the external barriers are until a full picture is established on the level of data that is currently being shared.

3.6 ICT Systems supporting data sharing

There is no central ICT system in place aligned to a policy which supports the organisation and its staff in the management of data sharing approaches and agreements. From discussions which took place as part of this review it was established that there are currently different approaches to the management of data sharing across the organisation. Information is received and most likely sent out in different ways. For example, data shared by email, this is not always secured through password protection or has clear labelling or handling instructions. Clearly the communication of an effective policy and principles of operation would be helpful in identifying the critical factors in data sharing. The approach is too variable to provide a consistent and secure approach.

It became apparent that information is stored locally on spreadsheets, again it cannot be established if these are always password protected.

Due to the sporadic approach to storing data and the lack of a central approach there is a lack of appropriate access for individuals to enable them to carry out their roles effectively. An example of this is where the Commands each use different 'drives' to store data locally.

This also provides risks as to the security of the data of vulnerable individuals as it is not currently known who has access to this data. It may be the case that individuals are printing off information and carrying it around in paper format.

The ICT Systems supporting data sharing link into 'Proposal 4' as stated above.

3.7 Notable Good Practice Examples

During the review it became apparent that other Fire and Rescue Services have carried out immense work on the sharing of data.

- Avon Fire & Rescue Service
- Cheshire Fire & Rescue Service
- Dorset Fire & Rescue Service
- Merseyside Fire & Rescue Service
- Nottinghamshire Fire & Rescue Service
- South Yorkshire Fire & Rescue Service

Whilst there are no statutory guidelines around data sharing, there are several guiding documents issued through the Home Office and other government associations. These would support a simple approach to data sharing. There are also several good examples of data sharing across the public sector which would support WMFS in creating a governance structure for data sharing aligned to policies around data protection and management of information. For example, South Yorkshire Fire and Rescue have a detailed section on their website on how data will be shared. It also includes information on how to be removed from data that is held.

With the implementation of a policy and operating principles, the evaluation of Data Sharing could take place after the governance arrangements has been established.

Proposal 5

In developing the approach to data sharing, consideration to best practice should be considered and adopted if it is regarded to be appropriate to WMFS.

3.8 Impact on Corporate Risk

With the lack of a policy or operating principles there could be an impact on WMFS corporate risk, the brand and image of the organisation. The failure not to share data in accordance with organisational expectations and legislation could potentially expose the organisation to risk, specifically these are:-

Corporate Risk 3, Delivery of Services, Prevention

Risk 3.2

The Fire Authority is unable to establish effective partnership arrangements and deliver community outcomes, resulting in a significant impact upon the organisation's financial standing, reputation and ability to deliver key objectives.

Corporate Risk 7, Information, Communication and Technology

Risk 7.2

The Fire Authority is unable to provide effective management and security of organisational information and documentation including the receipt, storage, sharing and transfer of information and data, resulting in reputational damage, litigation, substantial fines and external scrutiny.

However, through addressing the proposals raised in this report, the organisation will be able to evidence that it has strengthened its control around these particular risks.

Subject to the approval of the Scrutiny Committee, the responsible officer, the Director for Service Delivery, will facilitate the production of a suitable timeline for the proposals set out in Appendix 3. An update on the accomplishment of the proposals will be periodically provided to the Scrutiny Committee.

Summary of Proposals arising from the Scrutiny Review of Data Sharing

Area of Interest	Proposal	Officer Responsible
Governance of Data Sharing	A data sharing policy and supporting principles of operation are required to guide the organisation. Members of the Community Safety team and the Data Management team are key stakeholders in Data Sharing as are staff in Commands and partners. Stakeholder engagement is paramount when establishing the policy and principles of operation.	Director, Service Delivery
Central Governance of Data Sharing	A strategic decision should be made as to the structure and system requirements to enable for the effective governance of data sharing. Following this a complete audit throughout the organisation needs to be undertaken to determine the amount, type and purpose of the data that is being shared internally and externally. The audit would in addition need to determine the data sharing agreements that are currently in place.	Director, Service Delivery
Data Sharing Agreements	A review of the template for the WMFS Data Sharing agreement needs to take place with a view to it being simplified.	Director, Service Delivery
Data being shared between WMFS and other agencies	WMFS should identify a suitable approach for effectively managing and controlling data that is shared with partners. As part of this the role and responsibilities in respect of managing shared data should be determined.	Director, Service Delivery
Notable Good Practice	In developing the approach to data sharing, consideration to best practice should be considered and adopted if it is regarded to be appropriate to WMFS.	Director, Service Delivery

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

27 MARCH 2017

1. **DISPUTE RESOLUTION REPORT**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the contents of the dispute resolution report for the period 1st July 2016 to 31st December 2016 are noted.
- 1.2 THAT the dispute resolution report is submitted to the Joint Consultative Panel

1st January 2015 to 30th June 2015 are noted.

2. **PURPOSE OF REPORT**

To inform the Scrutiny Committee 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 1st July 2016 to 31st December 2016.

3. **BACKGROUND**

- 3.1 This report provides a summary of the number, type and outcome of disciplinary, grievance, debriefs, collective grievances and any reported failure to agree or consult.
- 3.2 The report also provides a summary of lessons learned, raised issues by Trade Unions/Representative Bodies, Line Managers and People Support Services Business Partners, specifically issues raised during the discussions at the Joint Consultative Committee and People Support Joint Working Party.

4. **SUMMARY OF CASES**

4.1 **Grievance Cases**

- 4.1.1 Appendix 1 Section A provides details of grievance cases during 1st July 2016 to 31st December 2016.
- 4.1.2 A total of 4 grievances were lodged during the reporting period, 3 by Grey Book employees and 1 by Green Book employees.
- 4.1.3 None of the above grievances led to a complaint being filed with the Employment Tribunal Service as at 31st December 2016.
- 4.1.4 The total number of formal grievances has decreased by 7 compared to 11 in the last reporting period 1st January 2016 to 30th July 2016.
- 4.1.5 There were no collective grievances lodged during this reporting period.

4.2 **Investigations and Disciplinary Hearings**

- 4.2.1 Appendix 1 Section B provides details of investigations into conduct and gross misconduct, Section C provides details of disciplinary hearings for the period 1st July 2016 to 31st December 2016.
- 4.2.2 There have been 9 cases under discipline.
- 8 cases were investigated under Gross Misconduct
 - 1 case was investigated under Misconduct
 - Out of the 8 Gross Misconduct investigations 7 went to a formal hearing and 1 investigation resulted in no formal action, so therefore did not go to hearing.
 - The 1 case that was investigated under Misconduct did go to a hearing however the outcome was no formal action.

- All investigation hearings from July 2016–December 2016 have fully concluded.

4.2.3 Of the 9 discipline investigations, all 9 concerned Grey Book employees and all 9 were male.

4.2.4 Analysis of the data by protected characteristics can be found in Appendix 2 of the report.

4.2.5 A summary of previous reports can be found at Appendix 3.

4.3 **Employment Tribunal Activity**

At the close of the reporting period 31st December 2016 there are two outstanding claims against WMFS lodged with the Employment Tribunals Service, these are ongoing from the previous reporting which was 1st January 2016–30th June 2016, these have been discussed in the previous JCP report January 2016 – June 2016.

4.4 **Lessons Learned**

4.4.1 Debriefs are taking place after every case

4.4.2 The Disciplinary Procedure and Grievance Procedure is now embedded within the Service. The Business Partner Team are spending more of their time on stations and within departments, to ensure managers fully understand their roles in managing cases at the earliest opportunity. The Business Partners are providing support and guidance to Managers to enable them to make assertive, safe and effective decisions in managing and supporting their staff.

4.4.3 The People Support Services Team are working on a revised toolkit for managers including template letters. This toolkit will be shared with the Trade Unions/ Representative Bodies. The Trade Unions/Representative Bodies have welcomed this approach to ensure consistency within the process.

4.4.4 Collaborative working between Managers, People Support Services and Trade Unions/Representative Bodies, including meeting regularly at the Joint Working Party to consider any issues that are raised, continues to be ongoing

leading to further improvement in practice.

- 4.4.5 In preparing this report, the views of the Trade Unions/ Representative Bodies were sought to offer observations on general issues arising. These observations from the Trade Unions/Representative Bodies were collected on a routine basis at Joint Working Party and Joint Consultative Committee meetings throughout the reporting period. These issues are reported below.
- 4.4.6 We can confirm that Trade Unions/Representative Bodies are invited to attend all debriefs for which we use a debrief framework. The Service welcomes Trade Union/ Representative bodies' feedback at all debrief sessions. This approach has provided valuable learning opportunities for the Service. This approach has been developed by People Support Services and forms part of the structured debrief to ensure all relevant learning outcomes can be shared.
- 4.4.7 Given previous concerns from the Trade Unions/ Representative Bodies, there has been recognition by all of the Trade Unions/Representative Bodies that there has been a reduction in formal discipline cases.
- 4.4.8 The People Support Services Team regularly meet with the Trade Unions/Representative Bodies and will continue to discuss any concerns at the Joint Working Party which will ensure that regular updates are available for members of the Joint Consultative Panel. As the number of grievances and disciplinaries has increased in this period, a review of this will be undertaken for this period to ensure we capture all of the learning to manage any future grievances and disciplinaries appropriately.
- 4.4.9 There have been no other/new areas raised by the Trade Unions/Representative Bodies.

4.5 **Grievance and Discipline Training Updates**

- 4.5.1 People Support Services are currently reviewing both Grievance and Discipline standing orders, regular conversations are taking place with the Trade Unions.

We will continue to support and share best practice with People Managers in assisting with Investigations, Hearings Appeals through to Employment Tribunals. Debriefs will take place after every case, constructive feedback will be given and this is a good opportunity to discuss any lessons learnt.

4.5.2 Grievance and discipline data is shared at every Joint Working Party

4.6 **Dispute Resolution**

There has been one failure to consult submitted during this reporting period. The relevant Trade Union Representative body are in dialogue with the organisation to reach a satisfactory resolution.

4.7 **Collective Grievances**

There were no collective grievances submitted in this reporting period.

4.8 **Failure to Consult/Agree**

There has been one failure to consult complaint lodged within this reporting period.

5. **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. The matters contained in this report will not lead to a policy change. Equality data is analysed as part of this report and details can be found in Appendix 2.

6. **LEGAL IMPLICATIONS**

There are no direct legal implications arising from this report.

7. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

8. **TRADE UNION CONSULTATION**

- 8.1 In preparing this report, Trade Union Representatives' views on general issues concerning grievance handling and disciplinary procedure handling were sought in addition to monthly case updates.
- 8.2 A standing item features on the Joint Working Party and Joint Consultative Committee 'Discipline and Grievance' and comments received from the Trade Union and Representative Bodies on these occasions are included within this report.
- 8.3 Further exchanges of comments and observations took place before the submission of the final report for the Joint Consultative Panel.

BACKGROUND PAPERS

Disciplinary Standing Order 2/1, Grievance Standing Order 2/2
Previous JCP reports

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

PHIL LOACH
CHIEF FIRE OFFICER

Report No.

Reporting Period 1st July 2016 to 31st December 2016

Section A: WMFS Formal Grievance & Appeal Cases

Grievance Description	Total no. Grievances	No. Grievances Upheld	No. Grievances Not Upheld	No. Grievances Appealed	No. Appealed Grievances Upheld	No. Appealed Grievances Not upheld	No. Grievances leading to ET claim
No. of Grievances raised by Grey Book employees	3 raised	2	1	1	0	1	0
No. of Grievances raised by Green Book employees	1 raised	0	1	1	0	1	0

Further details (including E&D information)

The subject nature of the 4 grievances included:

Organisational Change x 1
Bullying and Harassment x 3
Working Practices/Processes x 0
At Resignation x 0

Reporting Period 1st July 2016 to 31st December 2016

Section B: Investigation Activity

Description	Total no. Investigations	Investigation result was no formal action	Outcome not yet confirmed	Formal disciplinary hearing	Resigned during and after investigation
No. of Investigations into Grey Book employees	9	2	0	7	0
No. of Investigations into Green Book employees	0	0	0	0	0
No. of investigations into allegations of bullying/harassment	1	1	0	0	0
Total	9	2	0	7	0

Further details

- There have been 9 disciplinary investigations which have commenced during this reporting period.
- All investigations were Grey Book employees
- All investigations were resolved within this reporting period
- 1 investigation was related to bullying & harassment
- 2 investigations resulted in no formal action

Ref. AU/SCR/2017/11303175

Reporting Period 1st July 2016 to 31st December 2016

Section C: Discipline Hearings & Appeal Cases

Discipline Description	No. of Hearings	Outcome: <i>no formal action</i>	Outcome: <i>1st WW</i>	Outcome: <i>Final WW</i>	Outcome: <i>Dismissal</i>	No. outcomes appealed	No. overturned at appeal	Employment Tribunal Cases
No. of misconduct cases	1	1	0	0	0	0	0	0
No. of gross misconduct cases	7	0	1	2	4	3	0	0
Totals	8	1	1	2	4	3	0	0

APPENDIX 2

Table 1 summarises the data into 3 protected characteristics: Sex; Disability and Race. A key to the abbreviations is at table 1.1.

Table 1

	SEX			DISABILITY					RACE					
	M	F	TG		YES	NO	PNTS	NS	WB	BBC	WIr	BBr	Wh-BL Car	PNTS
Grievance X 4	4	0	0		0	4	0	0	2	2	0	0	0	0
Discipline X 9	9	0	0		1	5	0	3	9	0	0	0	0	0

Table 1.1 Key for table 1

Sex

F – Female

M – Male

TG – Transgender

Disability

PNTS – Preferred not to say

NS – Not stated

Race

WB – White British

BBC – Black/British Caribbean

WIr – White Irish

BBr- Black British

Wh-BL Car – White and Black Caribbean

Table 2

	RELIGION AND BELIEF					SEXUAL ORIENTATION			AGE				
	NS	CHRN	MUSLIM	NO REL	OTHER	GAY/ LESBIAN	HETERO SEXUAL	PNTS	20-29	30-39	40- 49	50- 59	60+
Grievance X 4	2	1	0	1	0	0	2	2	0	0	3	0	1
Discipline X 9	5	2	0	2	0	0	5	4	1	1	7	0	0

Table 2.1 Key for table 2
Religion and Belief:

NS – Not stated
 CHRN – Christian
 NO REL – No religion
 SIKH – Sikh
 MUSLIM – Muslim
 OTHER – Other religion

Table 3

	MARRIED/ CIVIL PARTNERSHIP					PREGNANCY/ MATERNITY	GENDER RE- ASSIGNMENT
	MARRIED	SINGLE	DIVORCED	LIVING Together	PREFER NOT TO SAY	NONE	NONE
Grievance X 4	3	1	0	0	0	NONE	NONE
Discipline X 9	4	3	0	2	0	NONE	NONE

APPENDIX 3

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
1	Mar-11	4	na	na	na	na	na	na	na		12	3	3	4	2
2	Oct-11	14	6	3	5	na	11	6	5	0	10	2	4	3	1
3	Mar-12	6	na	1	na	5	14	8	6	0	5	1	3	0	1
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

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY
SCRUTINY COMMITTEE WORK PROGRAMME 2016/17**

Date of Meeting	Item	Responsible Officer	Completed
2016			
05 September 2016	Analysis of Progress of Corporate Performance against The Plan for Quarter 1 2016/2017	Director of Service Delivery	05 September 2016
	Update on the progress of the Data Sharing Review	Chair Of Scrutiny Committee	05 September 2016
	Update on the reviews of Partnerships and Safeside	Director of Service Delivery	05 September 2016
	Consideration of Work Programme	Chair of Scrutiny Committee	05 September 2016
10 October 2016	Dispute Resolution Monitoring (presented 5/9/16)	Strategic Enabler People Support Services	10 October 2016
	Update on the reviews of Partnerships and Safeside	Director of Service Delivery	10 October 2016
	Update on the progress of the Data Sharing	Chair Of Scrutiny	10 October 2016

Item 7

	Review Update on water rescues and water safety	Committee Director of Service Delivery	10 October 2016
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Date of Meeting	Item	Responsible Officer	Completed
14 November 2016	Consideration of Scoping Document for Review of XXXXX	Director of Service Delivery	14 November 2016
	Analysis of Progress of Corporate Performance against The Plan for Quarter 2 2016/2017	Director of Service Delivery	14 November 2016
	Diversity, Inclusion, Cohesion & Equality Quarterly Update – Quarters 1 & 2 2016/17	Strategic Enabler People Support Services	14 November 2016
	Update on progress of the Data Sharing Review	Chair of Scrutiny Committee	14 November 2016

[ILO: UNCLASSIFIED]
March 2017

2017			
Date of Meeting	Item	Responsible Officer	Completed
20 February 2017	Analysis of Progress of Corporate Performance against The Plan for Quarter 3 2016/2017	Director of Service Delivery	
	Safeside Review – Response to Members Questions	Director of Service Delivery	
	Consideration of Scrutiny Review of Positive Action and Firefighter Recruitment	Director of Service Delivery	
27 March 2017	Dispute Resolution Monitoring Report	Strategic Enabler People Support Services	
	Consideration of the Annual Report of the Scrutiny Committee	Chair of Scrutiny Committee	
	Report on the Data Sharing Review	Chair Of Scrutiny Committee	
05 June 2017	Analysis of Progress of Corporate Performance against The Plan for Quarter 4 2016/2017	Director of Service Delivery	

Item 7

	Diversity, Inclusion, Cohesion & Equality Quarterly Update – Quarters 3 & 4 2016/17	Strategic Enabler People Support Services	
	Annual Report of the Scrutiny Committee	Chair of Scrutiny Committee	

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