



**WEST MIDLANDS
FIRE AND RESCUE
AUTHORITY**

Monday, 23 November 2015 at 11:00

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

Distribution of Councillors	
<u>Birmingham</u>	M Afzal G S Atwal D Barrie L Clinton N Eustace M Idrees H Quinnen R Sealey S Spence A Ward
<u>Coventry</u>	B Singh C Miks D Skinner
<u>Dudley</u>	A Aston N Barlow M Mottram (JP)
<u>Sandwell</u>	J Edwards A Shackleton C Tranter
<u>Solihull</u>	S Davis P Hogarth
<u>Walsall</u>	S Craddock B Douglas-Maul A Young
<u>Wolverhampton</u>	J Dehar T Singh P Singh

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, 23 November 2015 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 Authority Meeting held on 21 September 2015 5 - 14
- 5 Monitoring of Finances 15 - 20
- 6 Notes of Joint Consultative Panel held on 21 September 2015 21 - 28
- 7 Minutes of the Executive Committee 12 10 15 29 - 34
- 8 Notes of the Policy Planning Forum held on 12 October 2015 35 - 44
- 9 Minutes of the Scrutiny Committee held on 12 October 2015 45 - 48
- 10 Exclusion of the public and press
Chair to move:- "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."

Agenda (not open to public and press)

11 Planned Procurement Exercises

- This document contains some information which cannot be made readily available. However, to comply with the spirit of the Freedom of Information Act, should you require details of this report it may be possible to give you access to certain information. If you wish to do that, please apply to the Data Manager, details below. Freedom of Information Act request, Martina Doolan, Data Manager, West Midlands Fire Service Headquarters, 99 Vauxhall Road, Birmingham, B7 4HW.
- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

Agenda prepared by Julie Connor

Strategic Hub, West Midlands Fire Service

Tel: 0121 380 6906

Email: julie.connor@wmfs.net

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

Clerk Name: Karen Gowreesunker

Clerk Telephone: 0121 380 6678

Clerk Email: Karen.Gowreesunker@wmfs.net

**Minutes of a Meeting of the
West Midlands Fire and Rescue Authority**

21 September, 2015 at 11.00 am
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillors Afzal, Aston, Singh Atwal, Barlow, Clinton, Craddock, Davis, Dehar, Douglas-Maul, Edwards, Eustace, Hogarth, Idrees, Miks, Quinnen, Sealey, Shackleton, P Singh, T Singh, Skinner, Spence, Tranter, Ward and Young.

Apologies: Councillors Barrie, Mottram, B Singh and Skinner

Observer: Mr Ager.

65/15 **Declaration of Interests**

Councillor Edwards declared a non-pecuniary interest in Minute No. 71/15 below (Monitoring of Finances).

66/15 **Chair's Announcements**

The Chair announced that a new Appendix 2 to Item 11, Birmingham Electoral Review, had been tabled. The Chair confirmed that there would be a Guided Tour of Safeside at 1330 hours following the Authority meeting and he referred Members to a flyer indicating forthcoming Member development opportunities to the High Rise Facility on Monday 14 December 2015 at 1400 hours and a visit to the Transport Engineering Workshops on 15 February 2016 at 1400 hours.

The Chair announced that the West Midland Fire Service Band would be holding a concert on Saturday 3rd October 2015 at Sutton Coldfield Town Hall. Tickets were available from Julie.Connor@wmfs.net. A leaflet was circulated to all Members indicating the Members of SET, their references and contact details.

Following a request at the Audit Committee on the 7 September 2015, the Chair confirmed that the meetings of the Audit and Scrutiny Committee due to be held on the 12 October 2015 would now commence at 1300 hours and not 1230 hours as previously agreed.

The Chair welcomed James Cook, Emily Mayne and Lauren McHugh from Grant Thornton to the Authority meeting.

67/15 **Minutes**

An amendment to minute numbers 47/15 (a) and 48/15 was required as the reference to 2014/15 should read 2015/16 in both instances.

Resolved that the minutes of the meeting held on 21 September 2015 be confirmed as a correct record.

68/15 **Revision to Procurement Standing Order**

The Authority considered the revision of the Procurement Procedure Standing Order. The Standing Order had been reviewed in line with The Public Contract Regulations 2015 which had come into effect on 26 February 2015. The main changes included:

- Clarity on awarding a contract to another Contracting Authority
- Changes to reporting requirements
- Changes to evaluation criteria rules
- Changes in timescales for return of tenders
- Clarity on pre-market engagement
- Introduction of new competitive procedures
- Clarity on variations to contracts

Following approval to a change to the Constitution at the Authority meeting held on 29 June 2015, the tenders in excess of £250,000 would now be reported to Members requesting permission to tender and again after an award for information. The amount had previously been for tenders in excess of £100,000.

The issuing of tender opportunities and the opening procedure had changed due to the introduction of an electronic tendering system.

There were now enhanced requirements to consider Social Value in all contracts in addition to the Public Services (Social Value) Act 2012.

In answer to Members' questions and a request for a six monthly report indicating all of the contracts between £100,000 and £250,000, it was confirmed that the purpose of the change to the Constitution at the Authority meeting held on 29 June 2015 was to produce a report indicating contracts in excess of £250,000 and as a consequence the reporting process had changed. However, it was agreed that a separate appendix would be produced for the six monthly report to the April 2016 Authority meeting indicating the contracts that had been let between £100,000 and £250,000. The Members would then see how the changes were progressing.

The information could also be presented to Scrutiny Committee if this was required.

Resolved that the revised Procurement Procedures Standing Order 1/8 be approved.

69/15 **Audit Findings 2014-2015**

The Authority considered the Audit Findings Report. The Audit Findings Report set out and reported the key messages arising from the external audit work undertaken during the year. The Audit Findings Report is designed to support the Auditor's opinions and conclusions and is a requirement of the Code of Audit Practice.

The Auditor from Grant Thornton UK presented the Report and explained the findings to the Members of the Authority. The Auditor highlighted that the key message arising from their audit of the draft accounts was that the working papers were of an excellent quality.

The Committee's attention was brought to a post balance sheet event which was caused by a Pension Ombudsman decision which required changes to the pension calculations for some pensioners.

The Auditor anticipated providing a clean and unqualified opinion on the Financial Statements and based on a review of the Authority's arrangements to secure economy, efficiency and effectiveness in its use of resources, the Auditor proposed to give a clean and unqualified Value for Money conclusion.

The Auditor felt there was nothing in the accounts which would affect the Whole of Government Accounts.

Attention was drawn to two main categories where a number of control weaknesses had been identified, these were:

- IT weaknesses in relation to system access, and
- IT policies and procedures

An action plan and recommendations where appropriate had been agreed with the Strategic Enabler of Finance and Resources.

There were no areas of the Audit Findings against significant risks and other risks that needed to be brought to the attention of the Authority.

Two significant matters had been discussed with management, these were:

- Accounting for the purchase of Smoke Alarms and CO Detectors supplied to each Fire Authority in England
- Accounting for the Pension Ombudsman's decision – Government Actuary's Department commutation factors.

The Auditor explained the colour coding key to the Accounting policies, estimates and judgments. The risk of fraud, compliance with relevant laws and regulations had been discussed with the Audit Committee and positive assurances had been received from Officers and the Audit Committee. A letter of representation to the Auditor had been requested from the Authority.

There were some areas for improvement in the IT assessment which was shown as Amber.

Overall the Auditor felt that the Statement of Accounts to date showed healthy reserves and balances. The budget was rated Green (adequate arrangements) and was sound and sensible at the moment, however, the Auditor acknowledged and appreciated the financial challenges facing the Authority and this would be reviewed in the future.

The Auditor acknowledged the work of the officers in enabling the Audit to run smoothly in the Executive Summary of the report.

The Chair wished to place on record the Authority's appreciation for the work carried out by officers on the external audit and the cooperation shown to Grant Thornton in undertaking the work.

The financial management is being undertaken in difficult times, £28m had been taken out of the budget over the last five years with another estimated £14m to be found in the next three financial years. This was being achieved whilst maintaining the standard operating model and response time and was a difficult balancing act. He congratulated operational and financial officers in delivering an excellent service in difficult circumstances.

The Chair thanked the Treasurer, Deputy Treasurer and the Procurement and Financial Managements Teams for their work on the accounting, purchase and distribution of £3m worth of Smoke Alarms and CO Detectors to the majority of Authorities in the country. The work had been undertaken following a request from the government to purchase the alarms at the end of the last financial year.

The Chief Fire Officer echoed the Chair's comments on this important work and felt that the appropriate level of risk had been taken in the procurement of these "life saving" alarms. The Chief Fire Officer also acknowledged the Auditor's comments on the uncertain times ahead and thanked the Auditor.

The Leader of the Opposition Group also wished to thank the officers and auditors for their work.

In response to a Member's question in respect of the excessive number of emails being received regarding problems with IT, the Deputy Chief Fire Officer explained that some issues had been experienced. Changes were being made to systems and some systems were being maintained or upgraded. Following the contract for enterprise agreement, the Brigade were moving to new office platforms and continually improving.

The Chief Fire Office explained that the ICT staff had been very much squeezed by financial savings whilst, at the same time, were moving to open source technologies to ensure the Brigade were technologically enabled. Some bugs had been experienced but they were delivering more with less people to ensure the best service to the community.

Resolved that the contents of the Audit Findings Report (AFR) be noted.

70/15 Statement of Accounts

Member's approval was sought for the Authority's Statement of Accounts for the financial year ended 31 March 2015. The full statement can be viewed at <http://www.wmfs.net/content/statement-accounts> and is 85 pages long. A summary of the statement outlined the main issues.

The Treasurer highlighted the overall revenue budget and that the actual level of general balances had shown a small increase of £16,000, leaving £9.2m general balances at the end of the financial year.

The level of earmarked reserves increased by £5.6m. A significant amount of this (£5.2m) had been used to supplement the funding required for the redevelopment of Aston and Coventry Fire Stations as previously approved by the Authority. The opportunity had been taken during the closedown of accounts process to ear-mark this revenue funding to meet the commitment.

The total level of ear-marked reserves was £36m. The Auditor felt that the level of reserves was appropriate. No borrowing had been undertaken during 2014/15. Borrowing in earlier years meant that at the end of 2014/15, total borrowing was £41m.

The balance sheet showed the value of long term assets of land and buildings of £139m.

In answer to the Chair's question about the total Provision of Services in 2014/15 showing a deficit of £67.21m, the Treasurer explained that this was predominantly due to the accounting requirements regarding pension related issues.

Resolved that the Statement of Accounts for 2014/15 be approved and the summary be noted.

71/15 Monitoring of Finances

The Authority noted a report on the monitoring of finances to the end of August 2015, which included revenue expenditure and the capital programme.

Appendix A, Revenue Budget showed a saving of £248,000. The favourable main variances from the Devolved and Corporate Budgets were £95,000 from reduced staffing in Fire Control and £98,000 from a variety of savings in Operations. The adverse variance of £79,000 against People and Performance was in respect of the actual operational staffing numbers being higher than the budgeted establishment in the early part of the year, although this situation is anticipated to reverse during the second half of the year due to the suspension of recruitment.

Appendix B showed the latest position in respect of the Firefighters' Pension Schemes and was in line with the start of the year.

Appendix C, Capital Monitoring Statement 2015/16, showed a spend of £935,000. Savings were forecast in respect of roof replacements as these were not now proceeding or required less work than previously anticipated. The latest budget was £5.4m and the largest amount would be spent on the replacement of seven Pump Rescue Ladders later in the year.

In answer to Members' questions, the Treasurer agreed to provide further information on the window replacement item outside of the meeting. The Treasurer also explained an overspend at Haden Cross Fire Station had been caused by a request to adapt community space to provide rental opportunities to relevant organisations.

72/15 **Contract Awards Summary for Six Month Period to 30 September 2015**

The Authority noted the Appendix that summarised the contracts in excess of £250,000 for the six month period to 30 September 2016. It was also noted that contracts between £100,000 and £250,000 would be reported at the end of the financial year in April 2016.

73/15 **Update on Rebuild of Coventry and Aston Fire Stations**

The Authority noted the update on progress of the Coventry and Aston Fire Station development projects.

The DCFO explained that following a meeting with the Architects, it had been explained that Option 2 in the Authority paper of the 16 February to knock down the existing fire station, hot fire training facility and rebuild both on the existing site might provide better value than Option 1.

A further update report would be presented to the Authority on 23 November 2015 following the next formal meeting with the Architects.

In respect of Aston Fire Station, meetings and discussion had been ongoing with local Planning and Conservation Officers regarding Option 1 and the possibilities of demolishing the existing Fire Station and how the listed status could be removed.

Local Planning and Conservation Officers have now stated that there would be no opportunity to remove the listed status therefore architects were working on the design on this basis.

In answer to a Member's question, the Deputy Chief Fire Officer confirmed the timescale for redevelopment to be in the region of two years, but plans had yet to be submitted. Detailed timelines would be reported to the Authority when they became available.

74/15 **Electoral Review of Birmingham**

The Authority noted the internal consultation process that had been undertaken with key stakeholders to inform and shape the response to the Birmingham Electoral Review. It was felt that the changes would not adversely impact the Authority operationally. It was also noted that the broad response, attached as an Appendix, referred mainly to the naming of wards in order to limit the disruptive impact of any proposed name change upon the Service and delivery of services to the Birmingham Communities.

In answer to a Member's question it was confirmed that the naming of a ward as Erdington and Stockland Green was given purely as an example.

Birmingham Members felt it difficult to comment at this time as the consultation process was still ongoing.

75/15 **Notes of the Policy Planning Forum held on 7 September 2015**

The notes of the Policy Planning Forum held on 7 September 2015 were received.

Members who had not attended the Forum appreciated the fullness of the notes.

Cllr Craddock had not attended the Forum and asked for the notes to be amended to reflect his non-attendance.

76/15 **Minutes of the Audit Committee held on 7 September 2015**

The minutes of the Audit Committee held on 7 September 2015 were received.

77/15 **Minutes of the Scrutiny Committee held on 17 August 2015**

The minute of the Scrutiny Committee held on 17 August 2015 were received.

78/15 **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) and information relating to any action taken, or to be taken in connection with the prevention, investigation or prosecution or crime).

79/15 **Planned Procurement Exercise**

Approval was sought for the planned tender exercise for the provision of goods and services in accordance with the Procurement Standing Order 1/8.

Resolved that the tender exercise for the provision of a Wide Area Network be approved.

80/15 **Action of the Chief Fire Officer in Consultation with the Chair and Vice-Chair of the Authority**

The Chief Fire Officer reported on action which he had taken, in consultation with the Chair and Vice-Chair, to authorise the instigation of legal proceedings for failure to comply with the Regulatory Reform (Fire Safety) Order 2005.

(The meeting ended at 1152 hours)

Contact Officer: Julie Connor Strategic Hub West Midlands Fire Service 0121 380 6906

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

23 NOVEMBER 2015

1. **MONITORING OF FINANCES**

Joint report of the Chief Fire Officer and Treasurer.

RECOMMENDED

THAT the report be noted.

2. **PURPOSE OF REPORT**

2.1 This report deals with the monitoring of the finances of the Authority in the current financial year and covers revenue expenditure and the Capital Programme.

2.2 Expenditure is compared with a profile of the Authority's budget.

3. **BACKGROUND**

3.1 **Revenue Expenditure**

Appendix A compares the revenue budgeted to the end of October 2015 with the actuals to that date. Devolved budgets are managed by the Department responsible for incurring the expenditure as opposed to corporate budgets, which are managed by the named Department on behalf of the Brigade as a whole.

The Authority's 2015/2016 Council Tax requirement is £36.211 million and the revenue budget is £98.538 million. Actual spend to October 2015, including commitments, was £56.750 million compared to a projected budget of £57.120 million, an overall favourable variance of £0.370 million. This is predominately due to staff vacancies within Fire Control and Operational Training, together with expenditure savings across Fire Stations. An adverse variance is currently shown against People and Performance, mainly due to Operation staff numbers being above the budgeted establishment in the early part of the year, although it is anticipated that savings will be made later in the year to offset the variance as a result of the recruitment freeze.

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

3.2 **Capital Expenditure**

The Authority's approved Capital Programme for 2015/2016 is £5.512 million. A scheme analysis is shown on Appendix C. Expenditure to the end of October 2015 is shown as £1.495 million.

The capital scheme with the most significant expenditure for the year relates to the Vehicle Replacement Programme (VRP). The make-up of the procurement exercise means that the majority of expenditure will be incurred in the final quarter of the financial year.

The main variance within the Capital Programme also relates to the VRP. This is due to the tender prices for the replacement of fire engines being lower than estimated combined with the replacement of the Detection, Identification & Monitoring (DIM) vehicle being deferred following notification from the Department for Communities and Local Government that a review is being undertaken which includes the current fleet of national DIM vehicles, for which national funding may be provided.

Other variances include the re-roof at Hay Mills Fire Station which is not required following the results of a full structural survey, roofing works at Sheldon Fire Station being lower than estimated and rewiring at Highgate Fire Station being deferred to 2016/17 to allow a full site survey.

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 2015
Finance Office Budget Monitoring Files

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

PHIL LOACH
CHIEF FIRE OFFICER

MIKE GRIFFITHS
TREASURER

REVENUE MONITORING SUMMARY TO OCTOBER 2015

	LATEST BUDGET 2015/2016 £'000	PROFILED BUDGET £'000	ACTUALS + COMMIT -MENTS £'000	VARIANCE TO PROFILED BUDGET £'000
DEVOLVED BUDGETS				
Corporate Management	3,119	2,293	2,308	15
Service Support				
People Support Services	2,481	1,463	1,400	-63
Operational Training	3,608	2,016	1,892	-124
Emergency Response	2,682	1,543	1,428	-115
Finance and Resources	4,491	2,214	2,111	-103
ICT	4,112	3,028	3,039	11
Service Delivery				
Operations	7,266	3,961	3,769	-192
CORPORATE BUDGETS				
Corporate Management	43	0	0	0
Service Support				
Operational Training	150	75	71	-4
Emergency Response	-57	-8	-20	-12
Finance and Resources	20,355	11,265	11,255	-10
People Support Services	2,755	1,502	1,514	12
Service Delivery				
People and Performance	47,203	27,614	27,851	237
Response and Resource Management	365	179	193	14
Operations – Other	-35	-25	-61	-36
Appropriations/Earmarked	0	0	0	0
Total	98,538	57,120	56,750	-370
Grant Funding	-62,327	-40,403	-40,403	0
GRAND TOTAL	36,211	16,717	16,347	-370

FIREFIGHTERS' PENSION SCHEMES

NON-FINANCIAL INFORMATION	2015/16 PROJECTION				ACTUAL POSITION AS AT OCTOBER 2015			
	1992 FPS	2006 FPS	2015 FPS	TOTAL	1992 FPS	2006 FPS	2015 FPS	TOTAL
Members of FPS at 1 st April 2015	593	24	879	1,496	593	24	879	1,496
New Members During Year	-	-	-	-	-	-	-	-
Transitional Members during year	-38	-1	39	0	-11	-	11	-
Transfers from Other Pension Schemes	-	-	7	7	-	-	-	-
Transfers to Other Pension Schemes	-	-2	-	-2	-	-	-	-
Retirements	-64	-	-	-64	-40	-	-	-40
Opt Out	-	-	-	-	-	-	-10	-10
Leavers	-12	-	-	-12	-8	-	-	-8
Ill-Health Retirements	-3	-	-	-3	-3	-	-	-3
Members of the Fire Pension Schemes as at 31 st October 2015					531	24	880	1,435

CAPITAL MONITORING STATEMENT 2015/16

Scheme	Year 2015/16	Latest Budget	Actuals to Oct 2015	Forecast	Variance
		£'000	£'000	£'000	£'000
<u>LAND & BUILDINGS</u>					
Haden Cross Fire Station	3 or 3	126	82	146	+20
Training at Height Facilities	10 of 10	363	0	363	-
Boiler Replacement Programme	Ongoing	229	9	185	-44
Roof Replacements	Ongoing	108	0	48	- 60
Windows/Door Replacement	Ongoing	269	142	317	+48
Rewires	Ongoing	120	0	55	-65
Dignity at Work	2 of 2	407	242	390	-17
Asbestos Removal	Ongoing	27	11	42	+15
Coventry Fire Station	1 of 3	0	4	4	+4
Aston Fire Station	1 of 3	0	5	5	+5
Fire Control Relocation	2 of 2	7	7	7	-
<u>VEHICLES</u>					
Vehicle Replacement Programme	Ongoing	3,108	697	2,649	-459
<u>ICT & EQUIPMENT</u>					
MDT Upgrades/Replacements	2 of 2	310	0	310	-
Fire Control C&C Upgrade	3 of 3	167	167	167	-
Other Equipment	2 of 2	5	5	5	-
Thermal Image Cameras	8 of 8	138	124	128	-10
Oracle Licensing	8 of 8	25	0	0	-25
Pension System Replacement	2 of 2	23	0	1	-22
PBX Upgrade	1 of 1	80	0	80	-
Grand Total		5,512	1,495	4,902	- 610
<u>Funded By</u>					
Prudential Borrowing		0		0	-
Capital Grants/Contributions		4,985		4,902	-83
Capital Receipts to be Applied		0		0	-
Direct Revenue Financing/Earmarked Reserves		527		0	- 527
TOTAL		5,512		4,902	- 610
SURPLUS(-)/DEFICIT(+)					

Notes of Joint Consultative Panel

21 September 2015
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: **Members of the Authority**
Councillor Clinton (Chair);
Councillor Dehar (Vice Chair),
Councillors Afzal, Douglas-Maul,
Shackleton and Singh

Apologies:
Alan Tranter, FOA
Andrew Scattergood, FBU

Employees Side:

Fire Brigades Union (FBU)
Steve Price-Hunt

Unison
John Routley

Officers
Sarah Warnes
Helen Sherlock
Karen Gowreesunker
Satinder Sahota

Observer: Councillor Tranter

8/15 **Notes**

The notes of the meeting held on 13 April 2015 were received.

[ILO: UNCLASSIFIED]

**Notes of the Joint Consultative Panel
21 September 2015**

9/15

Trade Union Request for the Re-Introduction of Elected Member Appeal Panels

The Panel were asked to consider the request of the Trade Unions to re-introduce an elected member's appeals panel for service employee appeals and to also consider the legal status of this process and the potential implications for individual elected members and the Service.

The request had been referred to the Joint Consultative Panel following a meeting of the Joint Consultative Committee on the 7 July 2015. The Trade Union proposal was attached to the report and Sarah Warnes outlined the employer's response including clarity on the potential personal risks to Elected Members of this proposal.

It was felt that the current Appeals Process was fit for purpose and should continue. To fulfil the Authority's obligations as the supervisory body, with the responsibility of ensuring a balanced budget, good governance and providing strategic and political leadership; Elected members do have responsibility to hear employee appeals for Brigade Managers as currently set out in the Constitution. However, for other employees the hearing of appeals is a day to day organisation matter dealt with by officers as per the grey book Scheme and Conditions of Employment and Standing Orders. Changing the process would increase the risks to Elected Members and they would have to make themselves available to attend Employment Tribunals and any subsequent hearings as witnesses. The full impact and role of Elected Members in the process was outlined to Members.

In September 2014, three of the Services recognised Trade Unions/Representative Bodies again requested the re-introduction of Elected Member Appeal Panels for consideration of dismissal cases only.

The requested had been considered carefully and the following area were taken into account:

1. The Legislative requirements
2. Terms and Conditions of employment

[ILO: UNCLASSIFIED]

Notes of the Joint Consultative Panel 21 September 2015

3. The impact on the Service:-
- Equality and Diversity
 - Other Fire and Rescue Service Practice
 - Previous Case History and other comparable FRSs
 - Use of Resources
 - Value for Money
 - The role of and impact on Elected Members

The Legislation and ACAS Code of Practice were outlined together with the Terms and Conditions of Employment and it was stated that the proposed Appeals Panel fell outside of ACAS Code of Practice and the National Joint Council for Local Authority Fire and Rescue services Scheme of Conditions of Service Sixth Edition 2004 (updated 2009) (Grey) Book.

The Brigade have their own framework for Appeals and these are heard by a higher manager than the line manager. People Service Services and the Trade Unions were working together to reduce the timescales involved in the appeals process.

It was stated that for Grey Book employees appeal hearings would be heard by a higher level manager and for Green Book employees disciplinary procedures should be in line with ACAS guidance and grey book conditions.

Further investigation had been carried out in the processes used at other Fire and Rescue Services, out of the 18 Services that responded to the query only 4 had elected member appeal panels for grey book employees, of those who did not have elected member appeal panel several were achieving levels in their Equality Standard Assessments.

Having listened to the trade unions, the Service had looked at discipline and appeal cases and had identified:

- That many dismissal cases do not progress to a Tribunal, or
- Employees approach the Service to settle out of court
- Most cases that have progressed to an Employment Tribunal have not related to dismissal and cases have been successfully defended.

[ILO: UNCLASSIFIED]

Notes of the Joint Consultative Panel 21 September 2015

- The Tribunals have awarded compensation for errors in the process but have agreed with the decision made.

Ongoing training is being provided for Managers and positive work is being undertaken with the FBU in supporting managers to make the right decisions and that the decisions are proportional. Issues are being tackled upstream with the support of professional advisers from People Support Services together with training on equality and diversity issues.

The Core Values are being further embedded, underpinned by the Individual Performance Development Review (IPDR) with objectives and behaviours being set by managers or further training arranged.

Managers are also being trained well and if members were to be trained to undertake the appeals process it would not provide value for money and would not be a good use of resources.

It was explained that in 2004 a decision was taken by the Authority to delegate the appointment and dismissal of employees below Deputy Chief Officer level to the Chief Fire Officer or his representative.

If the elected member appeals system were to be reintroduced it would elongate the dispute process and both the Union and Service recognise that extended timescales are not helpful to employee wellbeing, the service or the community. The current process was fair and equitable and the decisions made stood up to scrutiny.

The impact and role of Elected Members was discussed and the advantages outlined by the FBU were outweighed by the risk to the Community and Elected Members. Elected Members would not be covered under the legal principle of 'vicarious liability'.

The Service would be at risk in the event Elected Members take part in and make decisions at any appeal stage which are later regarded as discriminatory by a Tribunal. Also, any Employment Tribunal award would be made against that Elected Member personally.

[ILO: UNCLASSIFIED]

Notes of the Joint Consultative Panel 21 September 2015

Tribunal awards for discrimination are 'uncapped' with average awards for provide allegations of discrimination within a range of £6,000 - £15,000 and linked to this is the issue of 'leverage' also known as 'targeting' where Elected Members are targeted by ex-employees as has been regularly used by opposing Solicitors within Tribunal proceedings.

Allied to this Elected Members would be seen as the sole 'decision' maker and solely responsible for any appeal decision taken and would be held to account at a Tribunal.

In answer to a question from the Chair, it was confirmed that a Panel would only be able to decrease any sanction awarded as stated in Disciplinary Procedures.

In response to the Trade Unions initial concerns and on balance the proposal does not fall within the role and responsibility of the Authority and poses significant risk to the Service and Elected Members. The approach taken over the previous 12 months had seen a decrease in cases outlined in the dispute resolution process.

The Case Management Details from 2013- 2015 were highlighted. From January to June 2015 against January to June 2014 there had been a significant reduction in:

- Investigations from 21 to 4
- Hearings from 9 to 2
- Grievances 13 to 4

There had been one appeal, where the decision had been overturned by the Assistant Chief Officer and the individual had been reinstated. This was an example of the fair and balanced process being used and that Managers will overturn decisions.

Steve Price-Hunt outlined the case for re-introducing Elected Member Dismissal Appeals Panels, stating:

- that current procedure relied upon one person making a final decision,
- that there is hierarchical approach and a command and culture

[ILO: UNCLASSIFIED]

Notes of the Joint Consultative Panel 21 September 2015

which could be perceived as a risk. He questioned the safety and effectiveness of individual officers making balanced decisions.

- that the Strategic Enabling Team is made up of eight white males, one white female and two females of other ethnic origin, three white male brigades managers meaning a 70% chance that an appeal would be heard by a single white male and does not allow for a fair representation of the organisation.

Officers were confident that SET was a fair representation of the organisation with the skill base and ability to undertake Appeals and lessons had been learned from investigations in the past. The appropriate person was allocated to an investigation or appeal and this was also monitored.

It was explained that individual could request another person to hear their appeal if there was good reason, but a balanced approach would be taken.

Steve Price-Hunt outlined the opportunities that were available under the Revised Arrangements:

- that Elected Members were independent,
- responsibility of finally dismissing an employee should remain at the highest level within the employer structure
- there is a potential for a decision to be made by a group of people drawn from a wider variety of backgrounds, ethnicity and gender
- there is an opportunity, due to the community role of the elected member, for a better understanding of the impact of the decision on the wider community and in the public interest.

The high number of investigations and grievances shown in the Dispute Resolution Report had raised serious concerns and he thanked the Elected Members and the management for working constructively to improve the figures.

[ILO: UNCLASSIFIED]

Notes of the Joint Consultative Panel 21 September 2015

He also stated that all three representative bodies believed that the Panel should re-introduce Elected Members Appeals Procedure for the most severe cases, which were occasional.

Other Brigades had been asked about their procedures and of the 15 Brigades contacted, 9 still had Elected Members using the system previously used and saw no reason to change and were opposed to the current system used by the Authority. It was felt that a Panel would come to a fairer and more balanced decision than one person.

He urged Members to consider the re-introduction of the Elected Members Appeals Procedure.

John Routledge the UNISON representative stated that they were in support of the FBU position and recognised that the position should be re-considered.

Karen Gowreesunker, Clerk to the Authority, stated that the Authority's Constitution did not provide for Elected Members to hear dismissal appeals and from an organisational point of view this was now the role of Officers.

Councillor Shackleton felt that improvements had been made and felt that more time should be taken to see how the changes would impact and also wondered how impartial members would be as they would receive briefings from officers.

The Chair stated that the legal aspects of a possible change would need to be considered as Members could be seen to be guided in making a decision.

Any tribunal would look at consistency and if they law had been followed. And she didn't think it would be appropriate to receive advice from the Authority's legal team.

Satinder Sahota confirmed that there was potential to create confusion in terms of taking advice from outside the Brigade.

In response to a question from Councillor Douglas-Maul, the Clerk confirmed that comparisons had been made with other Authorities.

[ILO: UNCLASSIFIED]

**Notes of the Joint Consultative Panel
21 September 2015**

Some Authorities did have Elected Members on their Appeals Committee whilst other didn't, but the Panel were being asked to consider what was best for the Fire Authority, taking the Constitution in to account together with the ACAS and Grey Book legislation.

The Chair stated that in Birmingham City Council, Members were not held personally responsible, but this was within the Constitution of the Council and they were regarded as representatives of the Council.

Currently West Midlands Fire and Rescue Authority Members would be held personally responsible and the Clerk reiterated to obtain the services of legal representatives and provide additional training to members would not provide value for money if the recommendation was not approved.

The meeting adjourned for 30 minutes.

The Chair welcomed everyone back to the meeting and stated that a full and frank discussion had taken place and the issues raised and the concerns of the Representative Bodies had been recognised. However, it was not felt appropriate this time to change the current process and a line should be drawn under this matter. The Legal Officer, Satinder Sahota, was asked to produce a decision document, which would be circulated with the minutes.

The Chair thanked everyone for attending.

The meeting closed at 1400 hours.

Contact Officer: Julie Connor Strategic Hub West Midlands Fire Service 0121 380 6906

[ILO: UNCLASSIFIED]

Minutes of the Executive Committee

**12 October 2015 at 1000 hours
Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Councillor Edwards (Chair)
Councillor Idrees (Vice Chair)
Councillors Afzal, Atwal Singh, Aston,
Douglas-Maul, Edwards, Quinnen,
Sealey and Shackleton

Apology: None

Observers: Councillors Barrie, Clinton, Dehar, Spence,
Skinner, P Singh, T Singh, Ward, Mr Ager

11/15 **Minutes**

Resolved that the minutes of the meeting held on
23 March 2015, be approved as a correct record.

12/15 **Enabling Closer Working Between the Emergency
Services – Authority Consultation Response**

The Committee received a report on the consultation paper 'Enabling Closer Working between the Emergency Services'. The document outlined proposals for greater collaboration for the three emergency services of Fire and Rescue, Police and Ambulance and shared governance for police and fire under Police and Crime Commissioners (PCCs). The consultation posed 16 questions designed to gather feedback, however, the Authority response would be broader and structured around the topic areas covered in the proposals.

It was noted that the closing date for responses to the consultation is 23 October 2015.

The topic areas were:

- Greater Collaboration
- Accountability and Governance
- Performance and Scrutiny
- Civil Contingencies
- Other Considerations

Greater Collaboration

In response to Question 1, the draft response outlines the anticipation of the West Midlands Combined Authority and that potential devolved powers would provide wider opportunities for the Fire Service to collaborate across not only emergency services, but other agencies and sectors in the event the West Midlands Fire Service (WMFS) falls within this devolved structure.

West Midlands Fire and Rescue Authority (WMFRA) and its partners already benefits from positive collaborative relationships with a range of emergency and public sector services. The need for wider collaboration was also recognised.

Members felt important to draw out that prevention is a critical operation for the Fire Service and less so for the police. It was also noted that the public reaction to firefighters is often very different to the reaction received by the Police.

There were advantages of collaborating further with the Police and examples would be added to the report.

It was noted that the collaboration between Police and Fire had been discussed at a recent LGA Fire Commission. An informal poll on PCCs taking over management of FRSs was not supported and this should be taken into account.

Accountability and Governance

In respect to Questions 2,3,4,5 and 10

The Clerk highlighted the potential issues around the proposed transfer of governance to a single accountable person, rather than a representative Authority which provides a more risk averse and balanced approach.

The Authority provides critical services to the community and is directly accountable to the public through Section 41 Fire Authority Members.

A potential outcome of this approach could be negative impact on the prevention work.

Concern was expressed about the level of responsibility an elected Mayor would have in any West Midlands devolution arrangements, being responsible for Police, WMFS and the Integrated Transport Authority plus a large range of devolved matters.

It was also felt that there should be equal standing between the Chief Fire Officer and Chief Constable.

Performance and Scrutiny

Questions 6, 7, 8 and 9 refer to Independent Assessment of operational performance, scrutiny of decision making, the membership of the Police and Crime Panel and if complaints and conduct matters should be treated in the same way for employees of Fire and Police.

It was noted that the LGA peer assessment process provides a consistent and transparent approach to independent assessment the FRS.

Independent Scrutiny is provided through our External Audit regime and our continued good 'unqualified' financial and value for money conclusions.

The Authority also benefits from a member led Scrutiny Committee which is independent of the Executive. Non-

mandatory scrutiny is also invited through various means, the outcomes of which are accessible externally.

One Member stated that the PCC should not take responsibility for the Fire and Rescue Service and should not have its remit extended to scrutinise decision making in relation to fire services.

If the PCC were to take responsibility for the Fire and Rescue Service, one Member stated that the PCC should be refreshed to include fire experts on a Police and Fire Panel.

Members were satisfied with the objective nature of the Authority and any change to this, through a PCC, would not be the best way forward particularly with the changes involved with the Combined Authority in the future.

Civil Contingencies

The questions, 13 & 14, under this Section were in respect of the implications for local resilience (preparedness, response and recovery) and the implications for resilience responsibilities in areas where an elected mayor is also the PCC and responsible for the Fire and Rescue Service

The Clerk stated there would be no perceived negative impact with possibly greater accountability through an Elected Mayor.

In response one Member stated that West Midlands Fire Service works well on its own and does not feel the other services would want to carry out all the duties carried out by the Fire Services.

Other Considerations

The final questions asked for any other views or comments that the Authority wished to add in relation to emergency services collaboration that were not covered by the other questions in the consultation, and also if the proposals would have any effect on equality issues.

It was felt that the alignment to a West Midlands Combined Authority model incorporating public health agencies and access to health and wellbeing prevention commissioning, provides the potential for improved outcomes for the community and better value for money.

Members were asked for their general views on the consultation, which were as follows:

It was felt important not to lose expertise in any future amalgamation with the Police. Sharing of sites was thought to be useful and provides value for money, but the different services had their own expertise and specialisms that didn't marry together well and the Authority didn't want to lose its effectiveness and efficiency.

The Members felt that the Fire and Rescue Service had a sound evidence based reputation for efficiency and excellence. The Chair stated that in his view the Home Secretary, had been concerned for some time about the lack of democratic credibility of PCCs and the resistance of the public to engage with the role. That of itself provided insufficient grounds to legislate for potentially hostile bids for managing fire and rescue services in order to 'grow' the role of PCCs.

The Local Government Association's view was there were no demonstrable economic or operational benefits from merging PCCs and FRs, but that the consultation document revealed this as the governments preferred option in non-devolved areas. There are many examples of blue-light services working in partnership to deliver better outcomes and forced, time-consuming management mergers could well impact negatively on this.

The Chair's view was that further economies could be made through broader and deeper collaboration and shared services between WMFRA and the PCC. He would continue to develop the relationship and discussions with the PCC.

The Chief Fire Officer thanked members for their comments and stated that there was a good relationship with WMFRA.

The CFO was working more closely with the seven district councils to expand our health and wellbeing prevention offer.

As an example, a local Telecare falls response pilot in Coventry was running until the end of March 2016. Firefighters were trusted to enter properties to assist members of the public who had fallen. Another trial was being looked into for Wolverhampton City Council.

The CFO stated that the West Midlands Fire Service is unique in the five minute response time to emergency incidents. The weight and speed of attack is a hotly debated topic in respect of survivability but the evidence is unequivocal and the challenge will be to maintain this in the current economic environment.

It was felt that the Fire Service is more responsive to the prevention agenda and is governed by a broad spectrum of Members from the West Midlands that brings a broader accountability.

The Clerk agreed to take the changes into account and would reword and strengthen the response and submit these by the deadline of the 23 October 2015.

(The meeting closed at 1010 hours)

Contact Officer: Julie Connor Strategic Hub West Midlands Fire Service 0121 380 6906

Notes of the Policy Planning Forum

**12 October 2015 at 10.30 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

- Present:** **Members of the Authority**
Councillor Edwards (Chair);
Councillor Idrees (Vice-Chair);
Councillors Afzal, Aston, Atwal Singh, Barlow,
Barrie, Clinton, Davis, Dehar, Douglas-Maul,
Eustace, Quinnen, Sealey, Shackleton, B Singh, P
Singh, T Singh, Skinner, Spence, Tranter, Ward and
Young.
Mr Ager.
- Officers:** **West Midlands Fire Service**
Chief Fire Officer (P Loach)
Deputy Chief Fire Officer (P Hales);
Assistant Chief Fire Officer (G Taylor);
P Burnham, D Bromley, M Griffiths, M Hamilton-Russell,
M Price, P Wilson, S Timmington, S Vincent and S Warnes.
- Clerk and Monitoring Officer**
K Gowreesunker (Clerk)
M Dudley (Monitoring Officer)
S Sahota (Deputy Monitoring Officer)
- Apologies:** Councillors Hogarth, Miks, and Mottram
Mr Bell.
- Observers:** Nil

16/15 Chair's Announcements

The Chair welcomed all attendees to the Policy Planning Forum.

The Chair informed members of the West Midlands Fire Service (WMFS) Christmas Carol Service which is scheduled for 16:30 hrs, 6th December at the church of St Martin in the Bull Ring, Birmingham.

[ILO: UNCLASSIFIED]

**Policy Planning Forum
12 October 2015**

17/15 Update on Staffing

The Chief Fire Officer provided an update on staffing.

The proposal for the staffing model includes the use of additional shifts payable at plain rate, plus a disturbance allowance of 25% (originally an allowance of 10% but increased following Trade Union consultation).

The optimum crewing level enables the Service to maintain the service delivery model, with staffing allowing pump rescue ladders (PRL's) to be crewed with 5, Brigade Response Vehicles (BRV's) crewed with 3, and a dual staffing approach taken for all other special appliances. However, recruitment was suspended following the outcome of the general election and this has resulted in a reduction in staff numbers to below the established strength of the 1322 level. Therefore, to maintain the service delivery model as above, the Service is planning on the proposals for the utilisation of additional shifts to cover any unplanned absences.

The proposal for the staffing model was significantly consulted upon with staff and Trade Unions locally then taken to the National Joint Council but no agreement was reached. It was decided that a local agreement would need to be reached.

Agreement on the proposal of plain rate plus a 25% disturbance allowance has been reached with the Fire Officers' Association (FOA) but there remains no agreement with the Fire Brigades Union (FBU).

The FBU have encouraged the Service to offer a greater disturbance rate but it remains unaffordable to pay more than flat rate for the additional shifts. The disturbance allowance is designed to take into account potential costs that volunteers may face when providing additional shifts, something which is currently unknown at this time. The disturbance allowance is not another name for overtime.

A significant number of staff have volunteered to undertake the additional shifts. The Service is going ahead with the voluntary additional shifts despite the stance of the FBU. The Service is not seeking to impose the additional shifts on any member of staff and these will remain absolutely voluntary.

[ILO: UNCLASSIFIED]

Policy Planning Forum 12 October 2015

In response to Members' questions, the following answers were provided:

- No counter proposals or substantive alternatives to the voluntary additional shifts have been put forward by the representative bodies. The Service has asked for alternative options to be put forward and the opportunity remains open. The alternative to the additional shifts is a reduction in the service delivery model.
- The grey book states that overtime is payable at time and a half. However, the proposal being put forward is not for overtime but for additional shifts and is only sustainable at a payment rate at flat rate. There is no flexibility on payment / salary, but there remains much flexibility on the other elements.
- Financially there is a difference between overtime and the disturbance allowance. Implementation of the additional shifts can deliver savings up to £6 million. Savings per post equal £14,000 for flat rate, £1000 for overtime paid at time and a half.
- The FBU agrees and accepts the findings regarding the financial statement and savings achievable.
- The FBU are aware of the questionnaire that was sent to all staff and subsequently, union branch meetings have been held. Representative bodies including the FBU have been made aware of the request for volunteers and the approach adopted by WMFS. Indeed, Andy Dark, Assistant General Secretary of the FBU, has publicly acknowledged that WMFS is the only Fire Service to have undertaken studies on the speed and attack of response to fires.
- Many Fire Services / Authorities are making cuts. The FBU accept the findings of WMFS but consider the proposal a removal of the terms and conditions of service. However, the proposal is not to do this, it is to support WMFS' service delivery model over the next 3 years.
- Other Fire Service's uses additional shifts. Other Services do plain time and time and a half for overtime, for example unplanned events.

[ILO: UNCLASSIFIED]

Policy Planning Forum 12 October 2015

- The use of overtime is relatively rare, although there are some anomalies such as in Fire Control.
- WMFS will only be able to maintain the service delivery model by 2019 by implementing the proposal of additional shifts payable at flat rate.
- WMFS will continue to work closely in liaison with representative bodies.

M Dudley, Monitoring Officer, informed the Members that this was an extremely delicate issue. The Members were advised that individual approaches from firefighters, officers and representative bodies are not allowed, this must be done officer to officer. Any approaches will need to be referred to a principal officer. This stipulation does not reduce the ability of Members to discuss strategic direction.

The Chief Fire Officer informed Members that they would continue to be updated on progress of the staffing proposals and they would receive information confirming the process if any approaches are made.

Presentations to the Forum

Two presentations were given to the Policy Planning Forum:

- Fire and Health, the Journey so far... part 2
- Business Support Vehicles

18/15 Fire and Health, the Journey so far... part 2

S Vincent, Strategic Enabler Community Risk Management, introduced the second part of the presentation (the first part having been presented at the previous Policy Planning Forum).

S Vincent informed Members that West Midlands Fire Service (WMFS) had been awarded Marmot Partnership Status in September, with the award having been accepted by ACFO Gary Taylor at Merseyside Fire and Rescue Service. The award acknowledged the work that the Service had carried out to prevent ill health and to reduce health inequalities.

[ILO: UNCLASSIFIED]

Policy Planning Forum 12 October 2015

Additionally, WMFS was due to receive an award from the Royal Society for Public Health later in October 2015 at its Health and Wellbeing Awards. The award was in recognition of the work that WMFS has carried out as part of its Improving Lives to Save Lives program. WMFS is the only emergency service to receive such an award.

P Wilson, Head of Community Safety, delivered the presentation to the Policy Planning Forum. Approximately 27,000 home safety checks a year having been conducted by WMFS, which in addition to fitting smoke alarms, include the provision of, amongst others, advice on electrical safety, kitchen safety, smoking materials and escape plans. To support wider issues, an 'every contact counts' approach had been adopted. The approach had previously been informal, but now with the launch of the Safe and Well Visit in November, a formal process would now be in place.

Safe and Well Visits take approximately one hour to be carried out, and issues covered include mental health, lifestyle habits, slips, trips and falls, and additional areas such as employment advice.

The Safe and Well Visits form part of the commissioning offer but will continue to be normal business for WMFS and will be provided as an addition to commissioning work.

As an example of commissioning work, P Wilson provided a brief overview on the Telecare pilot in Coventry. The pilot commenced on 14th September and WMFS had attended 25 incidents up to 12th October. Prior to the pilot, once the list of Telecare cover was exhausted, calls would be transferred to the Ambulance Service. WMFS has been commissioned to attend non-emergency calls (before the Ambulance Service). There are positive outcomes for all parties involved; the NHS benefits from a reduction in hospital admissions, service users and communities benefit because many people prefer to stay at home and not be admitted to hospital, and WMFS benefits from making contact with vulnerable persons / groups.

P Wilson stated that there are significant opportunities for commissioning including social and healthcare, youth provision, road safety, and the utilisation of community rooms on fire stations.

P Wilson acknowledged that the health sector is very complicated, for

[ILO: UNCLASSIFIED]

Policy Planning Forum 12 October 2015

example Health and Wellbeing Boards, and that a number of bodies are already commissioning activities. The Members were asked to inform WMFS if there were any opportunities they were aware of.

S Vincent provided an additional presentation on more detailed update on the WMFS responder service, including the Telecare pilot in Coventry:

- Average attendance time is approximately 15 minutes.
- 24 hour response is provided.
- A Safe and Well Visit is provided.
- Service personnel are able to attend at times when the scheme / GP's struggle to provide availability, particularly overnight between 18:00 hrs and 09:00 hrs.
- The Ambulance Service will generally automatically escalate a call to a hospital admission. Firefighters have more time to work with the end user, escalating the call if required.
- The scheme does not impact upon the WMFS response standards, including the 5 minute attendance time for category 1 incidents.
- Many of the schemes involve vulnerable people with whom WMFS would aim to make contact with and to work with; supporting the ethos of the work the Fire Authority has backed WMFS to deliver.

Outcomes of the scheme include a reduction in the number of hospital admissions, a reduction in the number of hospital re-admissions, and an increase in faster patient discharges from hospitals. For example, firefighters are able to carry out an assessment of an individual's home, when a social worker may not be available and no specialisms are required, such as checking that an individual has access to food, water, lighting and heating.

Discussions are due to commence with the providers of similar Telecare schemes in Birmingham, Sandwell and Wolverhampton with regard to WMFS providing a first responder service.

In response to Members' questions, the following answers were provided:

[ILO: UNCLASSIFIED]

Policy Planning Forum 12 October 2015

- Access can be made via keys that are stored within secure boxes at all properties (obtained via an access code). The user agreement between a patient and Telecare includes the right to gain access to a property by the care provider, be it a carer, or firefighter. As part of this agreement, firefighters have the right to force entry where required, although such a situation would be rare.
- Commissioning does not represent an aggressive takeover of services. WMFS is not a competitor. Funds are being diverted away from NHS acute services to social / community services. It is believed that the Service can become involved and support this work.
- The Telecare pilot and education work has been agreed by the National Joint Council. Discussions with representative bodies are ongoing. Nationally, the health and fire sectors are working closer together.
- Commissioning will not impact adversely on attendance times.
- WMFS is communicating this work, both internally and externally. The Safe and Well Visit is a national model. Information has been published nationally via the Chief Fire Officers' Association and discussions continue to be held both locally and nationally.
- There are no particular issues apparent regarding those areas not involved in discussion regarding potential Telecare schemes. It was possibly due to when contracts in certain areas were coming to a close.
- The main points of contact for commissioning are S Vincent, and Preith Shergill, Strategic Enabler DICE.

19/15 **Business Support Vehicles**

M Price, Watch Commander - Fire Safety provided a presentation on the Business Support Vehicles.

M Price provided a brief background to the implementation of the Business Support Vehicles. Protection, as a key part of the service delivery model, oversees legal support and business safety, including automatic fire alarms.

[ILO: UNCLASSIFIED]

Policy Planning Forum 12 October 2015

False alarms can have a detrimental impact upon the service delivery model and the critical 5 minute response time (for Category 1 incidents). False alarms not only affect West Midlands Fire Service (WMFS) but also businesses, in terms of the disruption caused and potential to breed contempt / complacency.

23% of total available hours are spent attending false alarms and analysis was undertaken to identify if a PRL (traditional fire engine) was the correct appliance to be mobilised to such an incident type. As a result of the findings, three Business Support Vehicles (BSV) were based at Coventry, Ladywood and West Bromwich fire stations, with the aim of releasing PRL's once the BSV arrived at the incident, mobilizing a Fire Safety Officer rather than a fire engine.

The BSV's have attended over 800 calls since their inception in March 2015. Property types attended:

- Medical / hospital - 52%
- Sheltered accommodation / flats – 27%
- Commercial / shops – 10%
- Education / schools – 6%
- Other – 5%

Action taken at the incidents attended:

- Approximately 600 calls resolved by informal means
- Approximately 100 calls required further action or were referred onto the Fire Safety teams
- 50 incidents were resolved via formal advice and follow up visits
- 50 incidents saw further action taken which led to formal advice or an Fire Safety Officer letter

There were 9 instances where the BSV has been involved in a prohibition. However, there have been 8 prohibitions avoided due to the work of the BSV.

Since March 2015, there has been a decrease of 31% in the total

[ILO: UNCLASSIFIED]

Policy Planning Forum 12 October 2015

number of calls attended by the BSV's. As a direct result, the figures for the corporate performance indicator, 'PI 14 - the number of false alarm calls due to fire alarm equipment', is decreasing for the first time in three years.

95% of calls at hospital premises are false alarms (accounting 52% of all false alarms). As a result, communications have been established with the persons responsible at such sites, including the publishing of a brochure for all hospital representatives, and the staging of a number of open days / events engaging with hospital staff.

As of 12th October, BSV's will be attending alone to calls at hospital alarm activations, not confirmed fires. Dynamic mobilising will be utilised if there are any doubts to the nature of an incident, and a PRL will be mobilised.

In response to Members' questions, the following answers were provided:

- BSV's will only attend alone to calls at hospitals.
- The Fire Safety Officer can provide advice on safety. The management and resetting of any system(s) is undertaken by the owner / person responsible.
- A PRL will attend the emergency phase. A BSV will attend the management phase.
- There are different varieties of fire alarms including smoke detectors and heat detectors. The alarms should be marked as to what type of detector it is because the different types are not always easily identifiable. Heat detectors are often installed in kitchens.
- WMFS continues to receive malicious calls; however it is a relatively low number. There are procedures in place to deal with calls that are false alarm malicious which Fire Control follows. WMFS may prosecute an individual where necessary.
- Following an enquiry raised regarding planning applications and sprinkler systems in premises such as nursing homes, it was confirmed that WMFS is involved in planning applications as part of the consultation process during the building regulations stage and

[ILO: UNCLASSIFIED]

**Policy Planning Forum
12 October 2015**

the installation of sprinkler systems would always be recommended (however, if a sprinkler system was not purely for life saving / risk purposes, it would not be mandatory for such a system to be installed).

(Meeting ended at 12:20 am)

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

[ILO: UNCLASSIFIED]

Minutes of the Scrutiny Committee

12 October 2015 at 12.30pm
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Tranter (Chair);
Councillor Spence (Vice Chair);
Councillors Barrie, B Singh, P Singh (substitute for Hogarth), Skinner and Young

Apology: Councillor Barrie, Clinton (substitute for Ward), Hogarth, Ward

Observer: Not applicable

19/15 **Minutes**

Resolved that the minutes of the meeting held on 17 August 2015, be approved as a correct record.

The Chair informed the members of the Committee that the report on the partnership review was not ready for the October meeting and would be completed in time for the Committee to consider at the November 2015 meeting. The Chair asked if there were any objections and all members of the Committee agreed that the report was to be presented at the November meeting.

With reference to the enquiry regarding the Arson Task Force raised by a member at the previous meeting held in August, the ACFO Gary Taylor confirmed that the Arson Task Force had been disbanded but the framework and work undertaken has continued and has been embedded in the mainstream work of the Fire Service and engagement continues.

A member advised the Committee that the collaborative model being piloted in the Coventry area was being finalised and

approved. Once published, the member would send this to the appropriate person within WMFS. The Committee agreed that the document is to be sent to Karen Gowreesunker, Clerk to the Authority, for consideration and further distribution as required.

20/15

Dispute Resolution

The Committee noted the Dispute Resolution report for the period 1 January 2015 to 30 June 2015.

Sarah Warnes, Strategic Enabler People Support Services, informed the Committee that following discussions at the Joint Consultative Panel, work had been undertaken by People Support Services to reduce the number of disputes. There had been a positive impact upon the number of grievances, reducing the number of cases that reach that far.

The period January to June 2015, when compared to the same period in 2014, witnessed a reduction of:

- 17 investigations (from 21 to 4)
- 7 hearings (from 9 to 2)
- 10 grievances (from 13 to 3)

Wendy Browning Sampson, People Support Manager, provided an overview of the report. The members were informed that the information within the report relates to internal disputes and does not include information related to disputes regarding the Firefighters' Pension Scheme because these are dealt with at a national level.

The Chair asked if the information relating to the Firefighters' Pension Scheme would be made available and was informed that there was some uncertainty due to the information being collated by the Department of Communities and Local Government and could depend on the outcome.

A member asked for clarification on who heard appeals; was it councillors, independent persons, and/or senior managers of WMFS. The member was informed that senior managers of WMFS heard appeals, not councillors or independent persons. The practice of councillors and independent persons hearing appeals had been discontinued in 2004, and the use of senior managers of WMFS

was in line with the ACAS code of practice and the terms and conditions as laid out within the Grey Book and Green Book.

It was acknowledged that the next stage following an appeal would be industrial tribunal.

It was confirmed that any individual would receive HR advice from People Support Services throughout the process and the involvement of any representative body would be the decision of the individual. WMFS would not inform the representative body directly but would inform the individual of their right to ask for representation.

The Committee were informed that as part of lessons learnt, processes have been reviewed and streamlined with the aim to ensure assertive, safe and effective management. Changes had included the introduction of a formal debrief process, and greater collaborative working with managers, departments, and representative bodies. One outcome of the review had been to reduce the timescales involved, from the start of the process through to any eventual outcome, thus reducing the length of time any individual would be in such a position.

The 'Effective Manager Series' had been launched to increase the behaviours of managers, with a condensed training course being delivered to members of the Strategic Enabling Team (SET). Members requested if the training could be provided to them and it was confirmed that the condensed version, as delivered to SET, can be delivered by the legal training provider to members of the Scrutiny Committee and the Joint Consultative Panel.

It was confirmed that there was some interchange in terms of management of members of staff on the grey book and green book, although it was mainly green book staff report to grey book staff. In those cases where this is not the case, the operational element of a grey book member of staff's role would be managed by a uniformed member of staff, via the command groups.

21/15

Scrutiny Committee Work Programme 2015/16

The Committee noted the work programme for 2015/16.

Members of the committee agreed that:

- The report 'Progress on the Partnerships Review' would be presented at the meeting in November.
- The subject of the scoping document for consideration would be data sharing, as this interlinks with partnerships.
- The following reports would be consolidated into one report;
 - Progress on Implementation of the Equality Objectives 2012-2015
 - Public Sector Equality Duty and the Equality Act (2010)
 - Diversity, Inclusion, Cohesion and Equality Quarterly Update – Quarters 1 & 2 2015/16

Members of the committee agreed that the work programme would be amended to reflect the above changes.

A member enquired about the estates and property portfolio held by WMFS and its rationalisation. ACFO Gary Taylor confirmed that the WMFS property portfolio had been reviewed when the efficiencies programme commenced at the end of 2014 and the outcomes of the review were reported to the Fire Authority as part of the 2015-2016 Property Asset Management Plan. The committee requested an update on the report.

(Meeting ended at 13:10 pm)

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