



WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Monday, 27 June 2022 at 11:00

**To be held at Fire Service HQ and digitally via
Microsoft Teams**

Distribution of Councillors	
<u>Birmingham</u>	G Atwal D Barrie Z Iqbal S Spence
<u>Coventry</u>	C Miks S Walsh
<u>Dudley</u>	I Kettle P Miller
<u>Sandwell</u>	Z Hussain R Jalil
<u>Solihull</u>	P Hogarth MBE
<u>Walsall</u>	V Waters A Young
<u>Wolverhampton</u>	G Brackenridge J Dehar
<u>Police & Crime Commissioner</u>	S Foster
<u>Representative - Assistant PCC</u>	Wasim Ali
<u>Co-opted Members</u>	Professor S Brake ABCA - TBC
<u>Independent Member</u>	Mr M Ager
<u>Observers</u>	M Carter, UNISON
	R Merker, Fire Officer's Association
	S Price-Hunt, Fire Brigades Union

Please note: Meetings of the political groups will be held at 10.00 am.

Fire Authority

You are summoned to attend the meeting of Fire Authority to be held on
Monday, 27 June 2022 at 11:00

At Fire Service Headquarters, 99 Vauxhall Road, Nechells,

Birmingham B7 4HW

and digitally via Microsoft Teams

for the purpose of transacting the following business:

Agenda – Public Session

- 1 To Elect the Chair of the authority for the ensuing year
- 2 To Elect the Vice-Chair of the authority for the ensuing year
- 3 To receive apologies for absence (if any)
- 4 Declarations of interests
- 5 Chair's announcements
- 6 Chief Fire Officer's Announcements
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Agenda prepared by Kirsty Tuffin

Strategic Hub, West Midlands Fire Service

Tel: 0121 380 6906

Email: kirsty.tuffin@wmfs.net

This agenda and supporting documents are also available electronically on the [West Midlands Fire Service Committee Management Information System](#)

This meeting of the West Midlands Fire and Rescue Authority will be held at Fire Service Headquarters. However, please note that although the meeting will be open to the public, there will be limited capacity due to ongoing social distancing measures.

The meeting will also be held digitally via Microsoft Teams allowing observers to access remotely. To access the meeting, please contact a member of the Strategic Hub, West Midlands Fire Service, who will be able to provide login details (please note that Microsoft Teams is not required to join a meeting) or provide guidance if you wish to attend in person at HQ.

Clerk Name:	Karen Gowreesunker
Clerk Telephone:	0121 380 6678
Clerk Email:	Karen.Gowreesunker@wmfs.net

West Midlands Fire and Rescue Authority

14 February 2022 at 1100 hours

Conducted as a public meeting at Headquarters and digitally via
Microsoft Teams

Present: Councillor Brackenridge (Chair),
Councillor Iqbal (Vice Chair),
Councillor Barlow, Councillor Barrie, Councillor Dehar,
Councillor Locke, Councillor Padda and Councillor Spence.

Virtual: Councillor Hogarth, Councillor Ferguson, Councillor Miks,
Councillor Miller, Councillor Singh and Councillor Young
Professor S Brake, co-opted member – health
Steve Price Hunt (Fire Brigade's Union), Richard Merker
(Fire Officers Association)

63/22 Apologies for Absence

Apologies were received from Mike Ager – Independent Member
(Audit and Risk), Maurice Carter – Unison and Shirley Haines.

Please note: Councillor Barlow left the room at 11:20am and
returned 11:25am.

64/22 Declarations of Interest

The Chair declared a personal non-pecuniary interest due to being
a member of the Firefighters Pension Scheme(s).

65/22 Chairs Announcements

The Chair welcomed all attendees to the meeting of the full Fire
Authority.

The Chair wished to thank employees for all their hard work and dedication over the Christmas and New Year period, given the additional challenges faced with the omicron variant. This made a positive difference to our communities, minimised disruption, to be able to deliver critical services. Although the period had been difficult, cases within the WMFS continued to fall significantly and had been positive however, the service would have some challenges ahead.

The Chair advised that there had been a continued lobbying to Government to change the legislation surrounding decision making meetings and the ability to hold these virtually however, no changes have been made as of yet. Any changes would be communicated to Members once received. As a result of this, the FRA would continue to use a hybrid approach to meetings and committee's where this was a decision-making forum. PPF and JCP could continue take place digitally as these are not decision-making forums. This would be reviewed every 30 days. Members were advised that the Local Government Association had conducted a survey on the 'impact of in-person council meetings to contact the Democratic Services Officer for a digital copy.

As part of the Authorities budget there would be a Band D precept increase of £4.99 to households' council tax within the West Midlands. This aligned with the referendum limit that applied to the Authority and has been widely supported by the District Leaders in prior years.

The Local Government Association Conference would take place in-person in Gateshead between 14-16 March 2022. If a member wanted to attend than to advise the Chair. These types of events had been key in making connections and an update on the conference would be provided at a later date.

66/22 Chief Fire Officer's Announcements

The Chief Fire Officer (CFO) welcomed all attendees to the meeting.

The CFO advised the Authority that after 32-years' service, Steve Vincent, Strategic Enabler - Prevention, Preparedness and Response, would be retiring and thanked him on behalf of the service/Strategic Enabling Team, for his hard work, dedication and contribution to the safety of the community he served. The Chair of the Authority/Members echoed the CFOs thanks to Steve Vincent.

The service had undergone a tough period with covid, but the CFO hoped that 2022 would bring some new normality. The service would be supporting staff with this to ensure that they would be physically and mentally fit to return to work. as part of this work new collaboration work would be on-going with the Fire Service Charity and other organisations.

With 6-months till the Commonwealth Games, the thorough assurance processes the service had undergone had passed. The Fire Service's Lead (Silver Commander) for the Commonwealth Games would be Sam Burton, Strategic Enabler - Operations North and Preparedness.

67/22 **Minutes of the Fire and Rescue Authority held on 13 December 2021**

Resolved:

1. That the minutes of the Fire Authority meeting held on 13 December 2022 be confirmed as a correct record subject to the following amendment, as per item 51/21 of the previous minutes:
 - Councillor Barlow declared a personal non-pecuniary interest as he would be a future beneficiary from the West Midlands Pensions Fund.

68/22 **3 Year Rolling Strategy 2022-25 and Annual Plan**

The CFO provided an overview of the 3 year rolling Strategy 2022-25 and the Annual Plan report that outlined the progression of the Community Risk Management Plan objectives (CRMP) and how they would be enabled through the 3 year rolling strategy 2022-25. The report also outlined a review of the Authorities vision, strategic

objectives and annual priorities that provided context for the 3 year rolling strategy.

The Authority were advised that as per delegations outlined in the report to the CFO are in place in the constitution that ensures West Midlands Fire Service (WMFS) optimises its use of resources. This will increase resilience, manage risk and efficiency of the budget. There had been no change to the WMFS Vision Statement, 'Making the West Midlands Safer, Stronger and Heathier, as its continued relevance had been recognised.

The CFO and the Chair thanked Karen Gowreesunker, in her role as Strategic Enabler Strategy (Clerk of the Authority), and the team for their hard work and dedication.

Resolved:

1. That it be agreed that the ongoing progress of the evidence-based Community Risk Management Plan (CRMP) objectives, as set out in 3.3-3.8.5, be noted.
2. That it be agreed that the maintenance of Chief Fire Officer (CFO) delegations in the implementation of CRMP objectives that enabled delivery of the three-year rolling Strategy, as set out in 3.2.4 and 3.5.1, be noted.
3. That it be agreed that the Authority's Vision statement for the Authority's Three-Year rolling Strategy, as set out in 3.13.2 be re-affirmed.
4. That it be agreed that the three-year strategic objectives 2022-25 and refresh of the annual plan priorities for delivery in 2022-23, as set out in 3.14.5, be approved subject to the following amendment:
 - The paragraph numbering referenced as per recommendation 1.4 be changed from 3.14.5 to 3.13.5.

69/22 **Monitoring of Finances**

Mike Griffiths provided an overview of the Monitoring of Finances report that outlined the monitoring of the Authorities finances for the current financial year up to December 2021, for the revenue budget and the capital programme.

The Authority were advised that the revenue budgeted to the end of December 2021 and the actual figure had been compared, as per appendix A of the report. The actual spend of the Authority up to December 2021, had been £73.658m compared to the projected budget of £73.718m therefore, had created a favourable variance of £60,000. The table included in appendix B that included the full year of pension projections, was also highlighted.

Mike Griffiths advised that the Authority had approved its capital programme for 2021-22 and its expenditure to the end of December 2021 had been £2.835m. The main variance within the capital programme had been the result of delays with the Vehicle replacement programme, Windows/Door replacement and the roof replacement at Transport Engineering Workshops, as per report.

Praise was given to the finance team for all their hard work and dedication.

Resolved:

1. That it be agreed that the Monitoring of Finances report be noted.

70/22 Budget and Precept 2022-2023 and Budget Forecast 2023-2024 to 2024-2025

Mike Griffiths provided an overview of the Budget and Precept 2022-2023 and Budget Forecast 2023-2024 to 2024-2025 report that outlined the Authorities Net Revenue budget, associated precept levels, the Capital Programme for 2022-23 to 2024-25 and the Authorities Treasury Management Strategy.

The Authority were advised that in line with the general Council tax reference threshold of 2% for Fire and Rescue Authorities, Band D Council tax would be increased to £68.03, an increase of £4.99 per annum, for 2022-23. A one of service grant would be available for the Authority through the existing settlement funding assessment formula however, the amount to be received had not been confirmed.

No changes had been made to the provisional settlement from the Secretary of State for the Department for Levelling Up, Housing and Communities (DLUHC) for 2022-23, as per 3.2 of the report. This would result in a funding increase of 1.1.%. The settlement had been for 1 year (2022-23), instead of 3 years, that had resulted in difficulty in future budget planning. No announcement had been made from DLUHC regarding capital funding, therefore, reserves would predominantly fund the capital programme for 2022-23 to 2024-25. It was highlighted that the ongoing use of reserves would result in a deficit in the capital programme for 2024-25. The Chair advised that the issue had been raised nationally and urged members of the Authority to speak with their political parties on the issue.

The Authority were advised that, as per 7.2 of the report, the proposed capital programme figures highlighted had reflected against the Vehicle Management Programme based upon the current fleet and a review would be taken on the funding once the 'Blended Fleet' workstream within the CRMP objectives had been completed. Following a query, Mike Griffiths confirmed planning of the vehicle replacement programme had been based on service need and the work from the CRMP objectives would be completed in summer 2022, with the provision of funding to be reviewed following this.

Following questions on the environmental impact of the service, Mike Griffiths and the CFO confirmed that a process had been underway to assess the services carbon usage and how the service could improve its carbon footprint. Given the logistical challenges faced by the service, it would be envisaged that a hybrid approach be taken.

Following Simon Brakes query in regard to the level of resilience in funding should the situation with covid change, the CFO praised WMFS for staff going above and beyond to provide the best service and their willingness to provide voluntary contributions of work. the services resilience had been shown through the implementation of action plans from Grenfell and covid. The CFO wished to thank all members of staff across the service. Mike

Griffiths also confirmed that the Corporate Risk Register had incorporated these risks into the budget and the balance strategy had provided the service with re-assurance should anything unexpected happen.

Resolved:

1. That it be agreed that the Authorities Net Revenue Budget for 2022-2023 of £108.303million, which included a Council Tax requirement of £49.405, set out in Appendix A, together with the associated precept levels, set out in Appendix B, resulting in a Band D Precept increase of £4.99 (7.92%), be approved.
2. That it be agreed that the Authorities Capital Programme for 2022-2023 to 2024-2025, as set out in Appendix E, be approved.
3. That it be agreed that the Authorities Treasury Management Strategy which included the Minimum Revenue Provision Statement, set out in Appendix F and the Prudential Indicators in Appendix G, be approved.

71/22 Exclusion of the Press and Public

Resolved:

1. That it be agreed that the press and public be excluded from the rest of the meeting to avoid possible disclosure of exempt information under paragraph 3 of the Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

72/22 Planned Procurement Exercises for 2022-23

Mike Griffiths provided an overview of the Planned Procurement Exercises for 2022-23 report that advised on the planned tender exercises for 2022-23, subject to approval, that provided the provision of various works, goods and services to West Midlands Fire and Rescue Authority (WMFRA).

Resolved:

1. That it be agreed that the followings tender exercises for the provision of various works, goods and services to WMFRA for 2022-23 be approved:
 - 1.1 Cycle to work Scheme
 - 1.2 End of life vehicles
 - 1.3 National framework for wate rescue equipment
 - 1.4 National framework for gas monitors
 - 1.5 Hydraulic cutting equipment
 - 1.6 Frontline mobile devices
 - 1.7 Cleaning consumables
 - 1.8 Repair and maintenance of appliance bay doors
 - 1.9 Deregulated water utilities.

The meeting ended at 11:51 hours.

Kirsty Tuffin

Strategic Hub

0121 380 6906

Kirsty.tuffin@wmfs.net

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 8

27 JUNE 2022**1. MEMBERSHIP OF THE AUTHORITY 2022/2023**

Report of the Clerk.

RECOMMENDED

- 1.1 THAT the membership of the Authority 2022/2023 report be noted.

2. PURPOSE OF REPORT

- 2.1 To advise of the appointments made by the constituent district councils to the Authority for 2022/2023.

3. BACKGROUND

- 3.1 The membership of the Authority for 2022/2023 is as set out in Appendix 1.

4. EQUALITY IMPACT ASSESSMENT

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. LEGAL IMPLICATIONS

- 5.1 Fire and Rescue Authorities were first established by Section 26 of the Local Government Act, 1985, which provides that such authorities shall consist of members appointed by the metropolitan districts comprised in the relevant county. The number of members to be appointed by each district council is set out in the Fire and Rescue Authority (Membership) Order 2017, attached as Appendix 1.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no direct financial implications arising from this report.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 There are no environmental implications arising from this report.

Ref. AU/FA/2022/June/90305221

BACKGROUND PAPERS

None.

The contact name for this report is Karen Gowreesunker, telephone number 07973810338.

Karen Gowreesunker
CLERK OF THE AUTHORITY

APPENDIX 1

Item 8

**Membership of the West Midlands Fire and Rescue Authority
2022-2023**

Local Authority	Councillor(s)
Birmingham	Councillor Zafar Iqbal (Labour)* Councillor Sybil Spence (Labour) Councillor Gurdial Singh Atwal (Labour) Councillor David Barrie (Conservative)
Coventry	Councillor Seamus Walsh* (Labour) Councillor Catherine Miks** (Labour)
Dudley	Councillor Peter Miller** (Conservative) Councillor Ian Kettle* (Conservative)
Sandwell	Councillor Rizwan Jalil * (Labour) Councillor Zahir Hussain ** (Labour)
Solihull	Councillor Peter Hogarth MBE* (Conservative)
Walsall	Councillor Vera Waters * (Conservative) Councillor Ann Young** (Labour)
Wolverhampton	Councillor Greg Brackenridge* (Labour) Councillor Jas Dehar** (labour)

*Member nominated to answer questions under Section 41 of the Local Government Act 1985 (“Lead” Member).

** Substitute Member nominated to answer questions under Section 41 of the Local Government Act 1985 (“Lead” Member).

Additional Member(s)	
Independent Member of the Audit and Risk Committee	Mr Mike Ager
Independent Member of Appointments, Standards and Appeals	Mr R Tomkinson (Standards Committee only)
Co-opted Members of the Authority	Professor Simon Brake Black Country Consortium - TBC
Police and Crime Commissioner (PCC)	Simon Foster
Represented by (if applicable):	Assistant PCC Wasim Ali Richard Castello – Head of Communications

WEST MIDLANDS FIRE AND RESCUE AUTHORITY Item 9**27 JUNE 2022****1. QUESTIONS ON THE DISCHARGE OF FUNCTIONS**

Report of the Clerk.

RECOMMENDED

- 1.1 THAT the Authority nominates the members listed below to answer questions on the discharge of the functions of the Authority as required by Section 41 of the Local Government Act 1985.

2. PURPOSE

- 2.1 The purpose of this report is to nominate members to answer questions put in the course of proceedings of constituent Councils on the discharge of the Authority's functions (as required by Section 41 of the Local Government Act 1985).

3. BACKGROUND

- 3.1 Under Section 41 of the Local Government Act 1985, arrangements must be made for enabling questions on the discharge of the Authority's functions to be put in the course of the proceedings of any constituent district Council. Members of that Council can put questions to a Member who is nominated by the Authority for that purpose.
- 3.2 Although the Authority has responsibility for nominating Members, it is normal practice to seek the views of the district councils as to the person they wish to see nominated for this purpose. The nominations received are set out below:-

	<u>Lead Member</u>	<u>Substitute</u>
Birmingham	Councillor Iqbal	
Coventry	Councillor Walsh	Councillor Miks
Dudley	Councillor Kettle	Councillor Miller
Sandwell	Councillor Jalil	Councillor Hussain
Solihull	Councillor Hogarth MBE	
Walsall	Councillor Waters	Councillor Young
Wolverhampton	Councillor Brackenridge	Councillor Dehar

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 Under Section 41 of the Local Government Act 1985, arrangements have to be made for enabling questions on the discharge of the Authority's functions to be put in the course of the proceedings of any constituent district Council.

6. **FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications arising from this report.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

None.

The contact name for this report is Karen Gowreesunker, telephone number 07973810338.

Karen Gowreesunker
Clerk to the Authority

Satinder Sahota
Monitoring Officer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**27 JUNE 2022****1. POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES AND PANELS 2022/2023**

Report of the Clerk and Monitoring Officer.

RECOMMENDED

1.1 THAT the Authority approve:-

- (a) the political balance and membership of committees and panels for 2022/2023;
- (b) whether or not the current independent member of the Audit Committee should be appointed to serve on any of the committees and panels of the Authority and whether he should be treated as a voting or non-voting Member;
- (c) the appointment of co-opted members to Scrutiny Committee, Policy Planning Forum and Collaboration and Transformation Committees;
- (d) the appointment to the roles of Chairs and Vice-Chairs of Committees and Panels;
- (e) the appointment of Mr. Ray Tomkinson to the role of Independent Person appointed in pursuance of Section 28 of the Localism Act 2011, for the term of office expiring at the AGM June 2023.

2. PURPOSE OF REPORT

- 2.1 To approve the political balance and membership of committees and panels for 2022/2023 aligned to the changes approved in the Governance of the Authority 2022/23 report.

3. **BACKGROUND**

3.1 **Political Balance on Committees**

The Local Government and Housing Act 1989 provides that where a Joint Authority is divided into different political groups, it shall review the representation of those groups.

It also has a duty following such a review, to determine the allocation of committee seats to the different political groups into which the Members of the Authority are divided. Regulations provide for a political group to comprise two or more members.

Based on the information available to me, the current political balance of the Authority is:-

Conservative - 5

Labour - 10

The attached appendix sets out a template showing the political balance on committees for 2022/23.

4. **COMMITTEE STRUCTURE, CONSTITUTION AND POLITICAL BALANCE**

4.1 The Authority is required to decide the constitution of its four committees for 2022/23, as set out in the Governance report and then decide the political balance on each committee using the following formula:-

- (a) Decide the total number of seats on the ordinary committees (disregarding any co-opted members/advisors);
- (b) Decide the number of members for each minority political group;
- (c) Decide the proportion of the membership of those groups to the membership of the Authority as a whole;
- (d) Apply the proportions to the number of seats in (a).

- 4.2 For the purpose of this exercise, the Joint Consultative Panel, the Policy Planning Forum are not included as the proportionality requirements do not apply to these bodies.
- 4.3 The number of committee seats in 2022/2023 is 26. The proposed allocation of seats to political parties based on this number of seats is set out in the Appendix to this report, which is recommended for approval. The Authority is also asked to make appointments of members and co-opted members to serve on the committees and advisory bodies referred to in the Appendix. More information to assist members is provided below.

5. **JOINT CONSULTATIVE PANEL**

- 5.1 The Joint Consultative Panel (JCP) comprises employees of the Authority and is therefore not regarded as an ordinary committee for the purposes of Section 15 of the Local Government Act 1989 and the rules regarding proportionality do not apply.

6. **APPOINTMENTS, STANDARDS AND APPEALS (ASA) COMMITTEE**

- 6.1 The Localism Act 2011 brought in changes to the framework of regulation of standards of conduct for elected and co-opted members and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The relevant provisions of the legislation came into force on 1 July 2012.
- 6.2 The Authority at its annual meeting on 25 June 2012 appointed a Standards Committee; adopted a new Member Code of Conduct; and agreed arrangements to deal with allegations of breaches of the Code.
- 6.3 The Localism Act 2011 provides that an authority shall appoint one or more Independent Persons who must be consulted before any decision is taken on a complaint which has been investigated. The Authority decided that the independent person/s appointed by Sandwell Council in pursuance of Section 28 of the Localism Act 2011 would be used by this Authority in relation to alleged breaches of the Code of Conduct. In view of the Authority's low level of complaints activity, it is suggested that the appointment of one independent person will be sufficient. The appointment of the independent person/s must be approved by a positive vote of a majority of all members of the Authority [not just of those present and voting]. Mr. Ray Tomkinson has agreed a further term as an Independent Member until June 2023.

- 6.4 The Appointments, Standards and Appeals Committees were amalgamated into one committee in 2018/2019 and comprise seven members. It has been the practice to invite the independent person/s to attend as observer at meetings considering matters relating to Standards issues.

7. **AUDIT AND RISK COMMITTEE**

- 7.1 The Authority established an Audit Committee in September 2007. Its remit was expanded in 2010/11 to take on performance management functions.
- 7.2 Mr Mike Ager has served as an independent Member of the Audit Committee since 2007. As a result of the pandemic, the West Midlands Fire and Rescue Authority re-appointed Mr Ager for a one-year term of office expiring with the Annual Meeting of the Authority in June 2022. He has agreed to extend his term of office for a further until June 2023.
- 7.3 The Audit and Risk Committee will now comprise of five Members and one Independent Member.

8. **SCRUTINY COMMITTEE**

- 8.1 The Scrutiny Committee will now comprise of seven Members and a co-opted member.

9. **COLLABORATION AND TRANSFORMATION COMMITTEE**

- 9.1 The Governance and Transformation Committee was renamed as the Collaboration and Transformation Committee in 2019.
- 9.2 The Collaboration and Transformation will comprise seven Members, one from each Constituent District Council, the Police and Crime Commissioner and a co-opted member.

10. **EQUALITY IMPACT ASSESSMENT**

- 10.1 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.

11. **LEGAL IMPLICATIONS**

11.1 The Local Government and Housing Act 1989 provides that where a Joint Authority is divided into different political groups, it shall review the representation of those groups. It also has a duty following such a review, to determine the allocation of committee seats to the different political groups into which the Members of the Authority are divided.

11.2 Non-compliance with the provisions of the 1989 Act would render the Authority's decisions vulnerable to judicial review.

12. **FINANCIAL IMPLICATIONS**

12.1 Provision is made in the Authority's budget for the payment of Members' allowances.

13. **ENVIRONMENTAL IMPLICATIONS**

13.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

None.

The contact name for this report is Karen Gowreesunker, telephone number 07973810338.

Karen Gowreesunker
Clerk to the Authority

Satinder Sahota
Monitoring Officer

Appendix 1

West Midlands Fire and Rescue Authority**Political Balance of Committees for 2022/2023**

Note: Proportionality applies to the Committees shown above the line.
Those below are exempt.

Committee

	Conservative	Labour	Total
Appointments, Standards and Appeals	2	5	7*
Audit and Risk	2	3	5*
Collaboration and Transformation	2	5	7**
Scrutiny	2	5	7**
Total			26
<hr/>			
Policy Planning Forum***	5	10	15
Joint Consultative Panel	2	3	5

* + one independent member

** + plus one Co-optee

*** plus two co-optees and the Police and Crime Commissioner

APPENDIX 2

Item 10

West Midlands Fire and Rescue Authority
Appointments to Committees and Panels 2022/2023

Authority 15 elected members & 3 co-opted members (Lab 10; Con 5) All Members to attend 1 Independent 3 Observers	Policy Planning Forum 15 elected members & 3 co-opted members (Lab 10; Con 5) All Members to attend. 1 Independent 3 Observers
Appointments, Standards and Appeals Committee 7 elected members plus 1 Observer (Lab 5; Con 2) At least one Member from each Authority	
Councillor	Substitute
Cllr Seamus Walsh (Chair)	Cllr Catherine Miks
Cllr Greg Brackenridge (Vice-Chair)	Cllr Jas Dehar
Cllr Zafar Iqbal	Cllr Sybil Spence
Cllr Rizwan Jalil	Cllr Zahir Hussain
Cllr Ann Young	Cllr Gurdial Singh Atwal
Cllr Ian Kettle	Cllr Peter Miller
Cllr Peter Hogarth MBE	Cllr David Barrie
Independent Person Ray Tomkinson (Observer)	Standards Items Only

Scrutiny Committee (7 elected members) (Lab 5; Con 2) Plus 1 Co-optee (Non Voting) – to be confirmed	
Councillor	Substitute
Cllr Sybil Spence (Chair)	Cllr Zafar Iqbal
Cllr Gurdial Singh Atwal (Vice-Chair)	Cllr Zafar Iqbal
Cllr Jas Dehar	Cllr Catherine Miks
Cllr Zahir Hussain	Cllr Rizwan Jalil
Cllr Ann Young	Cllr Rizwan Jalil
Cllr Vera Waters	Cllr Peter Hogarth MBE
Cllr David Barrie	Cllr Ian Kettle
ABCA - TBC	Non-Voting

Collaboration and Transformation Committee 7 elected members plus 1 Co-opted Member (Lab 5; Con 2) At least one Member from each Authority	
Councillor	Substitute
Cllr Jas Dehar (Chair)	Cllr Greg Brackenridge
Cllr Zahir Hussain (Vice-Chair)	Cllr Rizwan Jalil
Cllr Catherine Miks	Cllr Seamus Walsh
Cllr Zafar Iqbal	Cllr Sybil Spence
Cllr Gurdial Singh Atwal	Cllr Sybil Spence
Cllr Ian Kettle	Cllr Peter Miller
Cllr Peter Hogarth MBE	Cllr David Barrie
Co-opted Member	Simon Brake

Audit and Risk Committee 5 members (Lab 3; Con 2) (Plus 1 Independent	
Councillor	Substitute
Cllr Catherine Miks (Chair)	Cllr Seamus Walsh
Cllr Rizwan Jalil (Vice-Chair)	Cllr Zahir Hussain
Cllr Sybil Spence	Cllr Gurdial Singh Atwal
Cllr Peter Miller	Cllr Ian Kettle
Cllr David Barrie	Cllr Vera Waters
Independent Member: Mr Mike Ager	

Joint Consultative Panel (5 elected members + 5 employee representatives) (Lab 3; Con 2)	
Councillor	Substitute
Cllr Ann Young (Chair)	Cllr
Cllr Greg Brackenridge (Vice-Chair)	Cllr Jas Dehar
Cllr Rizwan Jalil	Cllr Zahir Hussain
Cllr Vera Waters	Cllr Ian Kettle
Cllr Peter Miller	Cllr David Barrie

*Please note: if both the original member and substitute are unavailable, then a member of the political party can attend appointed to attend by the Leader of that party.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2022

1. APPOINTMENT OF REPRESENTATIVES TO SERVE ON OTHER BODIES

Report of the Clerk.

RECOMMENDED

- 1.1 THAT the Authority nominates representatives to serve on the bodies set out in the attached Appendix 1, for the one-year term of office expiring with the Annual Meeting of the Authority in June 2023.

2. PURPOSE

- 2.1 The purpose of the report is to request the Authority to appoint representatives to serve on other bodies during 2022/2023.

3. REPORT DETAILS

- 3.1 The Authority is requested to appoint representatives to serve on other bodies as indicated in the attached schedule.

4. EQUALITY IMPACT ASSESSMENT

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. LEGAL IMPLICATIONS

- 5.1 The Local Government and Housing Act 1989 provides that the principles of proportionality apply where the Authority makes more than three appointments to bodies specified in the Act. An indication is given in Appendix 1 where proportionality applies.

6. FINANCIAL IMPLICATIONS

- 6.1 Provision has been made in the Authority's budget to meet any

costs involved relating to Members' allowances.

7. **ENVIRONMENTAL IMPLICATIONS**

7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

None.

The contact name for this report is Karen Gowreesunker, telephone 07973810338.

Karen Gowreesunker
Clerk to the Authority

APPENDIX 1**WEST MIDLANDS FIRE AND RESCUE AUTHORITY** ^{Item 11}**APPOINTMENTS TO OTHER BODIES 2022/2023**

Organisation	Representative/s 2022/2023	Notes
Local Government Association General Assembly* (4 representatives)	Chair and Vice-Chair (or their nominees) The Chair was authorised to exercise the Authority's Corporate Vote at the Local Government Association General Assembly. The Authority is entitled to 18 General Assembly votes which are allocated on the basis of proportionality of the General Assembly.	Proportionality applies. The Association encourages Authorities entitled to three or four representatives on the General Assembly to allocate one of those positions to Minority Group Leaders on their Authorities.
Local Government Association - Fire Service Commission (3 representatives)	Chair of the Authority	Proportionality applies. Formerly the Fire Services Forum.
West Midlands Road Safety Partnership	Councillor - TBC	
Association of Metropolitan Fire and Rescue Authorities	Chair and Vice-Chair of the Authority (Councillors Brackenridge and Iqbal)	
West Midlands Fire Service Business Safety Limited	(Dormant)	Application for Strike Off made to Companies House
West Midlands Combined Authority	Chair (Councillor Greg Brackenridge)	WMCA Board Observer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**27 JUNE 2022****1. MEMBER ATTENDANCE AT CONFERENCES, SEMINARS AND VISITS**

Report of the Clerk.

RECOMMENDED

- 1.1 THAT the events for 2022/2023 set out in the attached Appendix be approved for the purpose of the payment of travel and subsistence allowances and conference fees (where appropriate), subject to the necessary budgetary provision being available.

2. PURPOSE OF REPORT

- 2.1 To seek approval for attendance of members at conferences and seminars for 2022/2023.

3. BACKGROUND

- 3.1 The schedule of Approved Duties within the Members' Allowances Scheme allows for 'attendance as an appointed representative of the Authority, or of a Committee or Sub-Committee, at a conference, seminar or authorised meeting or visit at any other meeting authorised by the Authority.' A schedule of conferences, seminars and visits for the forthcoming year is submitted annually to the Authority for approval. The attached appendix provides for attendance by nominated members at relevant conferences and makes provision for the approval of attendance by members at other ad hoc events, subject to the necessary budgetary provision being available.

4. EQUALITY AND DIVERSITY IMPLICATIONS

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

5. **LEGAL AND STATUTORY IMPLICATIONS**

- 5.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 the Authority is required to make and publish a scheme setting out provisions for the payment of allowances to Members of the Authority.
- 5.2 Regulation 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003 states that such a scheme may provide for the payment of allowances in respect of travelling and subsistence undertaken in connection with or relating to such duties specified within the scheme (the scheme of approved duties).

6. **FINANCIAL IMPLICATIONS**

- 6.1 Provision is included in the Authority's budget for costs associated with attendance at conferences and seminars and for members' travel and subsistence costs.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

Members' Allowances Scheme.

The contact name for this report is Karen Gowreesunker, telephone number 07973810338..

KAREN GOWREESUNKER
CLERK

APPENDIX 1

Item 12

Events proposed for approval by the Authority for 2022/2023 for the purpose of the payment of travel and subsistence allowances and conference fees (where appropriate), subject to the necessary budgetary provision being available.

Event	Attendance By	Financial Implications
Local Government Association Annual Fire Conference	Chair and Vice-Chair (or their nominees) and the Leader of the main Opposition Group	Conference fees and travel and subsistence
Local Government Association Annual Conference	Chair and Vice-Chair (or their nominees)	Conference fees and travel and subsistence
Asian Fire Services Association Conference	Chair and Chair & Vice-Chair of the Scrutiny Committee and the Leader of the main Opposition Group (Or their nominees)	Travel and subsistence
Fire Service Briefing Meetings arranged by the Home Office	Chair and Vice-Chair (or their nominee) OR all members of the Authority (as appropriate)	Travel and subsistence
Member training events/seminars organised by the Authority or approved by the Chair and Vice-Chair	All Members	Travel and subsistence
Communications visits to fire stations (up to two per quarter)	All Members	

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2021

1. GOVERNANCE OF THE AUTHORITY 2022/2023

Report of the Clerk and Monitoring Officer.

RECOMMENDED

- 1.1 THAT the Authority approve the amendments proposed to the Constitution as set out in this report and in particular Appendix 1.
- 1.2 THAT the calendar of meetings for 2022-2023 as set out in Appendix 2 be approved.
- 1.3 THAT the Members' Allowances Scheme for 2022-2023 as set out in Appendix 3, be approved.
- 1.4 THAT the Clerk be authorised to make and publish any necessary consequential amendments to constitutional documents in the light of decisions made regarding governance arrangements for 2022-2023 in consultation with the Chair, Vice Chair and CFO.

2. PURPOSE OF REPORT

- 2.1 This report is submitted for the Authority to determine its governance arrangements for 2022/23.

3. BACKGROUND

Governance arrangements during the COVID pandemic

- 3.1 In response to the major incident which was instigated in the West Midlands on the 19 March 2020 due to the COVID pandemic, the CFO and Strategic Enabling Team formed as the Business Continuity Management Team (BCMT). This was to enable a clear focus on responding to the pandemic, ensuring the safety of staff and the most effective delivery of services to communities, whilst also ensuring their safety in the delivery of services.

- 3.2 This impacted on the Authority’s “business as usual”, with full authority meetings initially paused until October 2020, returning as digital-only meetings from that point, before moving to a hybrid digital and in-person approach from June 2021.
- 3.3 Other committees also returned to hybrid meetings from June 2021.
- 3.4 Joint Consultative Panel and Policy Planning Forum continued as fully digital meetings throughout.
- 3.5 Scrutiny Committee was paused for a longer period, returning as hybrid meetings from November 2021.
- 3.6 The BCMT arrangements came to an end in April 2022, as WMFRA moved to “Living with COVID”, although arrangements remain under review.
- 3.7 It is anticipated that there will be a full schedule of meetings in 2022/23 as outlined in points 3.7 and 3.8

Constitution review

- 3.8 Following a review of the Authority’s Constitution and CFO delegations in May 2022, further refinements are now proposed as outlined in Table 1 below. A more detailed table of changes is included in Appendix 1. Most changes are concerned with reducing repetition and making the Constitution easier to interpret and use.

Table 1 – Summary of Constitution Changes

PART 1
Preface and Summary/Introduction
<ul style="list-style-type: none"> • Preface removed and merged into Summary/Introduction • Bullets on “How decisions are made” removed as duplicated in Article 4 • Legislative Context section removed as unnecessary and better covered elsewhere
PART 2 – Articles
Article 1 – The Constitution
<ul style="list-style-type: none"> • Discharge of functions section removed as unnecessary • Article 15 and 16 merged into this section.

Article 2 – Composition of Members
<ul style="list-style-type: none"> • Diagrams inserted to better explain role of members and composition • Chair responsibility to Chair the Appointments Committee removed • All Chairs of Committees now expected to provide an annual report covering performance of the Committee to the Fire Authority • Increased emphasis on engagement by members with training
Article 4 – Decision Making
<ul style="list-style-type: none"> • Matters of Urgency process clarified and inserted here, removed from the rest of the document • Removal of paragraphs relating to CRMP and the Plan which are repeated in Article 6
Article 5 – Role and Functions of Officers
<ul style="list-style-type: none"> • SET Terms of Reference Removed • Merged - Head of Paid Service and CFO sections
Article 6 – The Authority
<ul style="list-style-type: none"> • Intro text removed • Quorum added • Explanatory notes moved to a separate explanatory notes document • Remove reference to operational independence of CFO as covered within Scheme of Delegations • Detail relating to appointment of senior officers moved to single location within ASA Terms of Reference and Standing Orders. Explanatory notes moved to separate document. • Representative Body observer status (as described within MOU) to be added
Article 10 – Audit and Risk Committee
<ul style="list-style-type: none"> • Moving Pension Board to its own Article with full Terms of Reference
Article 11 – Appointments, Standards and Appeals Committee
<ul style="list-style-type: none"> • Intro amendments for greater clarity • Clarification over investigation and decisions process via Monitoring Officer and updated Sub Committee Terms of Reference • Inserted text on minor amends to approach to ACFO and DCFO appointment process
Article 13 – Join Arrangements and Partnerships
<ul style="list-style-type: none"> • Propose removal of this section
PART 3
Scheme of Delegations
<ul style="list-style-type: none"> • Removal of Authority Reserved Matters (as repeats Article 6)

<ul style="list-style-type: none"> • Removal of various repeated delegations/topics • Explanatory notes moved to sperate document
PART 4
Standing Orders
<ul style="list-style-type: none"> • Exemption of all non-public meetings • Clarification around quoracy of meetings – adjournment and postponement • Changes to Appointment and Discipline of Staff Standing Order to account for minor changes to ACFO and DCFO appointment process, and to ensure process is described in one place within the Constitution (see above)
Member Allowance Scheme
<ul style="list-style-type: none"> • Updated text for 2022 and clarified process for increases in Allowances • Link to live Schedule of Allowances for the given year rather than requiring annual update to Constitution
Protocol for Member/Employee Relations
<ul style="list-style-type: none"> • Removed and link to live document provided instead
Service Staff Code of Conduct
<ul style="list-style-type: none"> • Removed and link to live document provided instead
Overall
<ul style="list-style-type: none"> • Corrections, formatting, improvements to style and readability of document

Programme of Meetings

3.9 As a consequence of COVID-19 arrangements Authority meetings in 2021/22 were undertaken either via a fully digital or digital/in-person hybrid approach to facilitate social distancing and reduce risk of spread. In 2022/23, it is proposed that most meetings will return to a fully in-person format, with the exception of Policy Planning Forums, JCP and Pensions Board. Exceptions will continue to be made on medical grounds.

3.10 A proposed programme of meetings for 2022/2023 is attached for approval as Appendix 2.

Members' Allowances Scheme

3.11 In accordance with Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations), the Authority is required to make and approve a scheme of the payments of members' allowances each year.

- 3.12 The current members allowance scheme does not allow for indexing beyond 1 April 2011, and it is proposed under the Constitutional amendments outlined in Table 1 above that referencing to such indexing is removed given that it is now significantly out of date. Instead, decisions on member allowances will be made by the Authority directly.
- 3.13 The member allowance scheme was last reviewed by an Independent Review Panel and a report presented to the Authority in November 2018. Despite the outcomes of the review the Authority agreed to maintain its current members' allowance scheme for 2019/20 and 2021/22. This scheme continues for 2022/23.
- 3.14 The Localism Act 2011 introduced a new local standards framework and replaces independent members of the Standards Committee with an 'independent person'. Independent persons are entitled to claim travel and subsistence allowances as appropriate.
- 3.15 The members' allowances scheme is attached for approval as Appendix 3.
- 3.16 The governance structure is unchanged.

Member Role Descriptions

- 3.17 The adoption of member role descriptions helps to define key roles and responsibilities and assists with any future reviews of remuneration. There have been no changes to role descriptions within the Constitution for 2022/23.

4. EQUALITY IMPACT ASSESSMENT

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. LEGAL IMPLICATIONS

- 5.1 This report invites the Authority to determine its decision making and governance arrangements for the coming year taking into account the relevant provisions of the Local Government Act 1972,

Local Government Act 1985 and the Local Government and Housing Act 1989.

6. **FINANCIAL IMPLICATIONS**

Provision is made in the Authority's budget to meet costs associated with the operation of the Authority's decision-making structures and the payment of Members' Allowances.

7. **ENVIRONMENTAL IMPLICATIONS**

7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

None.

The contact name for this report is Karen Gowreesunker, telephone number 0121 380 6678

Karen Gowreesunker
CLERK to the Authority

Satinder Sahota
Monitoring Officer

APPENDIX 1**DETAIL OF CONSTITUTION CHANGES**

Proposed Constitutional Changes		
Section	Proposed change(s)	Rationale (if applicable)
Contents page	Administrative changes: <ol style="list-style-type: none"> 1 title page removed. Page numbers inserted Article 13 Pension Board Terms of Reference - added Delegations to Officers changed to Scheme of delegations and broken down into sections Standings orders – broken down into sections Part 7 'Management' removed. Articles (financial regulations/Procurement Procedures) moved under part 4 procedural rules Part 8 (now 7 due to removal of Management section) – titles of documents added 	Easier to manoeuvre through the Constitution.
Preface - REMOVED	Content removed: <ol style="list-style-type: none"> 1. 'Governance of the Authority' 2. 'Legislative context' 3. 'The Authority's Constitution' Content moved: <ol style="list-style-type: none"> 1. Introduction moved to Summary and Explanation section 2. Your chance to comment – moved to Article 1 – The Constitution 	Removal of duplications.
Summary and Explanation	Content added: <ol style="list-style-type: none"> 1. Introduction from Preface Content removed: <ol style="list-style-type: none"> 1. 'What is in the constitution' section 2. 'How the Authority operates: Para 2: <i>'The Appointments, Standards and Appeals Committee trains and advises members on the Code of Conduct.'</i> 3. 'How the Authority operates: Para 3: ' All members meet together as the Fire and Rescue Authority. Meetings of the Authority are normally open to the public. Members decide the Authority's overall policies and set the budget each 	Removal of duplications.

	<p>year. At the annual meeting they make appointments to the various committees.</p> <p>4. 'How decisions are made' para 2: The Authority aims to ensure decision making is efficient, transparent and accountable and in accordance with the following principles:-</p> <ul style="list-style-type: none"> • the action taken is proportionate to the desired outcome; • decisions are taken on the basis of due consultation and professional advice from officers; • decisions taken by elected members will be based on information provided in a written report prepared by the responsible officer(s); • respect for human rights; • a presumption in favour of openness; • Reports will only be considered in private where they contain confidential or exempt information as defined under specific legislative provisions (see Part 4 Access to Information Rules – Rules 10 and 11) • ;The written reports submitted to elected members will contain a clear recommendation for every decision they are asked to take. <p>Content changed:</p> <p>1. The Authorities constitution para 2 – reworded to: This Constitution and all its appendices comprises the Constitution of the West Midlands Fire and Rescue Authority. The Authority will exercise its functions, powers, duties and responsibilities in accordance with this Constitution, within the law, fairly equitably, openly and transparently and, in the best interests of the community of West Midlands as a whole.</p>	
Part 2: Articles of the Constitution		
Article 1 – The Constitution	<p>Content added:</p> <ol style="list-style-type: none"> 1. Your chance to comment (from preface) 2. Article 15: Review and Revision of the Constitution added 	<p>Content removed:</p> <ol style="list-style-type: none"> 1. Unneeded 2. Legislative context is not comprehensive and better covered on live web pages as will constantly be rendered

	<p>3. Article 16: Suspension, Interpretation and Publication of the Constitution added.</p> <p>Content removed:</p> <ol style="list-style-type: none"> 1. 'Discharge of Functions' 2. Legislative context <p>Content changed:</p> <ol style="list-style-type: none"> 1. "The Constitution is available for public inspection at the offices of the Clerk to the Authority and the Monitoring Officer." Changed to: "The Constitution is available for public inspection at WMFS Headquarters, (address)." 	out of date by changing legislative environment.
Article 2 – Composition of Members	<p>Content added:</p> <ol style="list-style-type: none"> 1. Vii – more focus given on engagement with training. 2. 2.7 – Monitoring Officer included. <p>Content removed:</p> <ol style="list-style-type: none"> 1. Chairs responsibility to Chair the Appointments Committee 2. Timeframe of the AGM removed from: Role of the Chair of Committees 'To provide an annual report covering the performance of the Committee.' <p>Content changed:</p> <ol style="list-style-type: none"> 1. diagrams inserted where appropriate/wording removed (e.g. role of members/composition). 2. Paragraphs moved around within section. 3. Role of Co-opted, 2.4 - point 3 – specified the Committees/Sub-Committees they are appointed to. 	<p>Content Removed:</p> <ol style="list-style-type: none"> 1. To align with TOR of Appointment, Standards and Appeals TOR/Appointments to Committees. 2. Provides greater flexibility with the submission of annual reports.
Article 3 - Citizens	<p>Administrative changes:</p> <ol style="list-style-type: none"> 1. Specified public meetings throughout. 2. 3.1.1 – clarity on the Chair of the Committee in question added. <p>Content removed:</p> <ol style="list-style-type: none"> 1. 3.1.2 – (ii) – example removed. <p>Content changed:</p> <ol style="list-style-type: none"> 1. Legislation updated. 	

Article 4 – Decision Making	<p>Content added:</p> <ol style="list-style-type: none"> 1. More comprehensive approach to Matters of Urgency Decisions, including necessary reporting and notification. <p>Content changed:</p> <ol style="list-style-type: none"> 1. Duplications removed on the recommendations to note/approve reports and merged in this section. 	<p>Content added:</p> <ol style="list-style-type: none"> 1. In line with good practice
Article 5 – Role and Functions of Officers	<p>Content removed:</p> <ol style="list-style-type: none"> 1. SET Terms of Reference removed. 2. Job titles/specific names removed. <p>Content changed:</p> <ol style="list-style-type: none"> 1. Diagrams added/wording removed for the roles. 2. Head of Paid service paragraphs merged with Chief Fire Officer responsibilities. 	
Article 6 – The Authority	<p>Administrative changes:</p> <ol style="list-style-type: none"> 1. Quorum inserted <p>Content removed:</p> <ol style="list-style-type: none"> 1. Introduction text removed 2. Explanatory notes (added to Explanatory Note Guidance Document). <p>Content changed:</p> <ol style="list-style-type: none"> 1. Minor changes to explanatory notes on appointment process to reflect clearer role of CFO in interview and recommendation of suitable candidates (these notes also moved to Standing Orders) 2. Human resources (iii) reworded slightly to reflect minor changes to appointment process. 	<p>Content removed:</p> <ol style="list-style-type: none"> 1. Duplicated in summary. <p>Content changed:</p> <ol style="list-style-type: none"> 2. Necessary to align with other changes proposed for appointment process.
Article 7 – PPF	<p>Administrative changes:</p> <ol style="list-style-type: none"> 1. Removed – To submit its notes to the Authority. 2. Rep Bodies membership added. 	<p>Administrative changes:</p> <ol style="list-style-type: none"> 1. Internal meeting. 2. Following MOU decision.
Article 8	<p>Administrative changes:</p> <ol style="list-style-type: none"> 1. 8.3 - updated to Collaboration and Transformation Committee 2. 8.4 - updated to 'to submit its minutes to the authority, following Committee approval'. 	

Article 9 – Scrutiny Committee	Administrative changes: <ol style="list-style-type: none"> updated to ‘to submit its minutes to the authority, following Committee approval’ Quorum inserted. Content added: <ol style="list-style-type: none"> Additional wording regarding skills and ability 	Content added: <ol style="list-style-type: none"> Added to place greater emphasis on skills requirements
Article 10 – Audit and Risk Committee	Administrative changes: <ol style="list-style-type: none"> Reference to Grant Thornton removed. text updated: “To report to full Authority on a regular basis on the Committee’s performance in relation to the terms of reference, and the effectiveness of the Committee in meeting its purpose and to publish an Annual Report on the work of the Committee and submit its minutes to the Authority, following Committee approval.” Content removed: <ol style="list-style-type: none"> ‘Pension Board’ section removed. 	Content removed: <ol style="list-style-type: none"> Pension board Terms of Reference added to the Constitution.
Article 11 – Appointment, Standards and Appeals	Content added: <ol style="list-style-type: none"> Process/appointment of DCFO/ACFO (from Article 6) added/updated. Content removed: <ol style="list-style-type: none"> Reference to two different approaches 	Content added: <ol style="list-style-type: none"> Required to align with proposed changes to appointment process
Article 12 – Joint Consultative Panel	No changes.	
Article 13 – Pension Board	Pension Board Terms of Reference added.	Ensures consistency and that ToR are all within Constitution
Article 14 – Joint Arrangements and Partnerships - Removed	Content moved: <ul style="list-style-type: none"> General power of competence moved to article 1 Content removed: <ol style="list-style-type: none"> Joint arrangements Cross-Border Collaboration Partnership working 	Content removed: <p>All repeated elsewhere or not necessary.</p>
Article 15 – Finance, Contracts and Legal Matters	No changes.	
Article 16 – Review and	Merged with Article 1 – The Constitution	Brevity

Revision of the Constitution		
Article 17 – Suspension, Interpretation and Publication of the Constitution	Merged with Article 1 – The Constitution	Brevity
Part 3: Scheme of Delegations (previous reference: Delegations to Officers)		
Part 3	Content removed: <ol style="list-style-type: none"> 1. Explanatory notes removed and added to the Explanatory notes guidance document. 	
Part 4 – Procedure Rules		
Part 4	Administrative changes: <ol style="list-style-type: none"> 1. Removal of out of date and incorrect terminology. 2. Clarity given on non-public/public meetings. Content changed: <ol style="list-style-type: none"> 1. Standing orders broken down into sections 2. Quorum of the Committees/The Authority, points 2 & 3 changes to clarify the meeting would be adjourned and then postponed if the quorum is not met after 15 minutes. 3. Appointment and Discipline of Staff changed to reflect slight change to process of appointment of ACFO and DCFO to reflect CFO role in interview and recommendation to Appointments Committee. Appointment process for CFO remains unchanged. 	Content changed: <ol style="list-style-type: none"> 1. For ease of reference 2. Ensures consistent approach to inquorate meeting 3. Allows CFO to only bring forward candidates that are suitably qualified in terms of operational and technical requirements and make recommendations based on that process.
Part 5 – Codes of Conduct and Protocols		
Part 5	Linked to live documents.	
Part 6 – Members’ Allowances Scheme		
Part 6	Content removed: <ol style="list-style-type: none"> 1. Appendix 1 – table of schemes removed and link inserted to ‘Public Documents’ on CMIS 	Content removed: <ol style="list-style-type: none"> 1. To ensure access to the most up to date scheme of allowances.
Part 7 – Management		
Part 7	Content removed: <ol style="list-style-type: none"> 1. Management and Service Delivery article 2. Brigade Standing Orders article 	Unnecessary, covered elsewhere outside of the Constitution

Part 8 (Now 7 due to removal of Management) - Complaints and Procedures		
Part 8 (now 7 due to removal of management)	<p>Content changed:</p> <ol style="list-style-type: none"> 1. Code of Conduct for Members – Linked to CMIS ‘Public Documents’ 2. Whistleblowing report – linked to CMIS ‘Public Documents’ 3. Customer Care Standards - linked to CMIS ‘Public Documents’ 4. Anti-Fraud - linked to CMIS ‘Public Documents’ <p>Content removed:</p> <ol style="list-style-type: none"> 1. Terms of reference for Assessment Sub-Committee and Review Sub-Committee 	<p>Content changed:</p> <p>In all cases ensures that the documents are “live” and can be updated without requiring changes to the constitution.</p> <p>Content removed:</p> <p>No longer used.</p>

Appendix 2**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**
CALENDAR OF MEETINGS 2022-2023

MEETING	DATE	TIME	LOCATION
2022			
JULY			
Scrutiny Committee	Monday, 18 July	10:30am	Mosedale Suite, WMFS HQ
Audit and Risk Committee	Monday, 18 July	14:00pm	Mosedale Suite, WMFS HQ
SEPTEMBER			
Collaboration and Transformation	Monday, 5 September	10:30am	Mosedale Suite, WMFS HQ
Appointments, Standards and Appeals Committee	Monday, 5 September	14:00pm	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 12 September	11:00am	Virtual, Microsoft Teams
Joint Consultative Panel	Monday, 12 September	14:00pm	Virtual, Microsoft Teams
Pension Board	Tuesday, 20 September	14:00pm	TBC
Chairs Agenda Meeting	Monday, 26 September	10:30am	Virtual, Microsoft Teams
Audit and Risk Committee	Monday, 26 September	12:00am	Mosedale Suite, WMFS HQ
OCTOBER			
Fire Authority [Political Groups – 10am]	Monday, 10 October	11:00am	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 24 October	11:00am	Virtual, Microsoft Teams
NOVEMBER			
Scrutiny Committee	Monday, 7 November	10:30am	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 21 November	11:00am	Virtual, Microsoft Teams
Joint Consultative Panel	Monday, 21 November	14:00pm	Virtual, Microsoft Teams
Chairs Agenda Meeting	Monday, 28 November	10:30am	Virtual, Microsoft Teams
Audit and Risk Committee	Monday, 28 November	14:00pm	Mosedale Suite, WMFS HQ
DECEMBER			
Pension Board	Thursday, 8 December	14:00pm	TBC
Fire Authority [Political Groups – 10am]	Monday, 12 December	11:00am	Mosedale Suite, WMFS HQ
Collaboration and Transformation	Monday, 12 December	14:00pm	Mosedale Suite, WMFS HQ

2023			
JANUARY			
Scrutiny Committee	Monday, 23 January	10:30am	Mosedale Suite, WMFS HQ
Chair Agenda Meeting	Monday, 30 January	10:30am	Virtual, Microsoft Teams
Policy Planning Forum	Monday, 30 January	12:00am	Virtual, Microsoft Teams
FEBRUARY			
Joint Consultative Panel	Monday, 6 February	14:00pm	Virtual, Microsoft Teams
Fire Authority [Budget/Precept] [Political Groups – 10am]	Monday, 13 February	11:00am	Mosedale Suite, WMFS HQ
Collaboration and Transformation	Monday, 27 February	10:30am	Mosedale Suite, WMFS HQ
MARCH			
Policy Planning Forum	Monday, 6 March	11:00am	Virtual, Microsoft Teams
Pension Board	TBC in October 2022	TBC	TBC
Audit and Risk Committee	Monday, 20 March	10:30am	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 27 March	11:00am	Virtual, Microsoft Teams
APRIL			
Policy Planning Forum	Monday, 24 April	11:00am	Virtual, Microsoft Teams
Scrutiny Committee	Monday, 24 April	14:00pm	Mosedale Suite, WMFS HQ
MAY			
Collaboration and Transformation	Monday, 15 May	10:30am	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 22 May	11:00am	Virtual, Microsoft Teams
Joint Consultative Panel	Monday, 22 May	14:00pm	Virtual, Microsoft Teams
JUNE			
Chairs Agenda Meeting	Monday, 12 June	10:30am	Virtual, Microsoft Teams
Policy Planning Forum	Monday, 12 June	12:00am	Virtual, Microsoft Teams
Audit and Risk Committee	Monday, 19 June	10:30am	Mosedale Suite, WMFS HQ
Fire Authority [Annual Meeting] [Political groups at 10am]	Monday, 26 June	11:00am	Mosedale Suite, WMFS HQ
JULY			
Audit and Risk Committee	Monday, 24 July	10:30am	Mosedale Suite, WMFS HQ

*The Appointments, Standards and Appeals Committee will meet as and when required, with the exception of its annual meeting. *

*Please note: these dates may be subject to change. *

APPENDIX 3**Schedule 1****WEST MIDLANDS FIRE AND RESCUE AUTHORITY****Schedule of Special Responsibility Allowances 2022/2023**

Responsibility	SRA (£)
Chair	24,500
Vice-Chair	12,250
Leader of Principal Opposition Group	7,350
Collaboration and Transformation Chair	8,575
Collaboration and Transformation Vice Chair	6,575
Scrutiny Committee Chair	8,575
Scrutiny Committee Vice-Chair	6,575
Scrutiny Committee Member	4,900
Joint Consultative Panel Chair	8,575
Joint Consultative Panel Vice-Chair	3,975
Appeals, Standards and Appointments Chair	8,575
Appeals, Standards and Appointments Vice-Chair	3,975
Audit and Risk Committee Chair	8,575
Audit and Risk Committee Vice-Chair	3,975
Elected Member Basic Allowance	3,500
Independent's allowances	
Independent Member of the Audit Committee	350

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**27 JUNE 2022****1. GOVERNANCE STATEMENT 2021/22**

Joint report of the Chief Fire Officer, Treasurer and Monitoring Officer.

RECOMMENDED

- 1.1 THAT the Authority approves the Governance Statement for 2021/22.

2. PURPOSE OF REPORT

- 2.1 This report is submitted to Members to seek comments and consideration of the Governance Statement for 2021/22.

3. BACKGROUND

- 3.1 West Midlands Fire and Rescue Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for and used economically, efficiently and effectively. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 3.2 In discharging this overall responsibility, the Authority is also responsible for putting in place proper arrangements for the governance of its affairs, which includes arrangements for the management of risk.
- 3.3 Every Local Authority has to produce a Governance Statement (see attached Appendix) with its audited Statement of Accounts, which for 2021/22 are due to be made available by the end of November 2022.

- 3.4 The Governance Statement is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The Governance Statement is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Authority's policies, aims and objectives to evaluate the likelihood of those risks being realised and the impact should they be realised and to manage them efficiently, effectively and economically.
- 3.5 The Statement is signed by the Chair of the Authority and the Chief Fire Officer who have a responsibility to ensure that the document is supported by reliable evidence and accurately reflects the Authority's internal control environment. The Governance Statement has operated throughout the year ended 31 March 2022 and up to date of the approval of the annual report and accounts.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 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**

- 5.1 The Authority has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. As part of this it has to produce a Governance Statement.

6. **FINANCIAL IMPLICATIONS**

- 7.1 There are no direct financial implications arising from this report.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

Audit and Risk Committee – 6 June 2022 (Agenda Item 8)

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

PHIL LOACH	MIKE GRIFFITHS	SATINDER SAHOTA
CHIEF FIRE OFFICER	TREASURER	MONITORING OFFICER

ANNUAL GOVERNANCE STATEMENT**1. Scope of Responsibility**

- 1.1 West Midlands Fire and Rescue Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards, that public money is safeguarded and properly accounted for. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 1.2 In discharging this duty, the Authority is also responsible for putting in place proper arrangements for the governance of its affairs which facilitates the effective exercise of the Authority's functions and which includes arrangements for the management of risk.
- 1.3 The Authority has complied with the code of corporate governance which is consistent with the principles of the revised CIPFA/SOLACE Framework 2016 published by CIPFA in association with the International Federation of Accountants (IFAC) – Delivering Good Governance in Local Government. The Authority has also complied with the requirements of CIPFA's statement on the role of the Chief Financial Officer in Local Government. This Annual Governance Statement explains how the Authority has complied with the code and also meets the requirements of Accounts and Audit (England) Regulations 2015, regulation 6 which require the Authority to prepare an Annual Governance Statement.

2. The Purpose of the Governance Framework

- 2.1 The governance framework comprises the systems and processes, culture and values by which the Authority is directed and controlled and its activities through which it accounts to and engages with the community. It enables the Authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, value for money services.
- 2.2 The system of internal control is a significant part of the framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can, therefore, only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Authority's policies, aims and objectives, to evaluate the likelihood and potential impact of those risks being realised and the impact should they be realised and to manage them efficiently, effectively and economically.
- 2.3 The governance framework has been in place for the year ended 31st March 2022 and up to the date of the approval of the annual report and statement of accounts.

3. The Governance Framework

The key elements of the systems and processes that comprise the Authority's governance arrangements include the following (adjustments required due to the COVID-19 pandemic are reflected in paragraph 5.11).

- 3.1 The Authority has produced a Corporate Strategy setting out its objectives and there is regular performance monitoring in which achievement of the Authority's objectives is measured and monitored.
- 3.2 The Authority has established clear channels of communication with the community and stakeholders regarding the production of the Annual Report and consultation on the key priorities of the Service. This also encourages open communication.
- 3.3 The Authority facilitates policy and decision-making via regular Policy Planning Forums and Authority meetings. An Audit and Risk Committee provides independent assurance to the Authority on risk management and internal control and the effectiveness of the arrangements the Authority has for these matters. The constitution of the Committees including the terms of reference is reviewed annually and available on the Internet.
- 3.4 The Authority ensures compliance with established strategies, procedures, laws and regulations – including risk management. The Authority also maintains and reviews regularly its code of conduct and whistle blowing policy. There is a comprehensive induction programme in place and information regarding strategies and procedures are held on the intranet, which continues to be developed. The Authority has a strong Internal Audit function and established protocols for working with External Audit.
- 3.5 West Midlands Fire and Rescue Authority will continue to enhance and strengthen its internal control environment through the review of current policies and procedures.
- 3.6 The Authority has corporate risk management arrangements in place which are supported by an approved Risk Management Strategy enabling Managers and other senior officers to identify, assess and prioritise risks within their own work areas which impact on the ability of the Authority and its services to meet objectives. To consider the effectiveness of the Authority's risk management arrangements is a specific term of reference for the Audit and Risk Committee and risk management is a specific responsibility of both the Chair and Vice Chair.
- 3.7 The Authority's Corporate Risk Register identifies the principal risks to the achievement of the Authority's objectives and assesses the nature and extent of those risks (through assessment of likelihood and impact). The Register identifies risk owners whose responsibility includes the identification of controls and actions to manage them efficiently, effectively and economically.

- 3.8 The Authority ensures the economical, effective and efficient use of resources, and secures continuous improvement in the way in which its functions are exercised, by having regard to a combination of economy, efficiency and effectiveness as required by the Best Value duty. The Authority plans its spending on an established planning cycle for policy development, budget setting and performance management through the business planning process. This ensures that resources are aligned to priorities and secures best value from the resources that are available.
- 3.9 The Chief Financial Officer is a key member of the leadership team, helping to develop and implement the Authority's strategy. The Authority's financial system is an ORACLE based general ledger and management information system, which integrates the general ledger function with those of budgetary control and payments. Financial Regulations and Contract Procedure Rules are approved and regularly reviewed by the Authority. A rigorous system of monthly financial monitoring ensures that any significant budget variances are identified in a timely way, and corrective action initiated.
- 3.10 The Authority's performance management and reporting of performance management continues to be improved with a more focused Corporate Strategy, the setting of priorities and is supported by regular performance monitoring. Corporate performance is reported on a quarterly basis and this process provides officers and Members with the opportunity to share knowledge and understanding about key performance issues affecting services.
- 3.11 The Authority within its committee framework has an Appointment, Standards and Appeals Committee to promote high ethical standards amongst Members. This Committee leads on developing policies and procedures to accompany the Code of Conduct for Members and is responsible for local assessment and review of complaints about members' conduct. The Authority also has a Scrutiny Committee which undertakes performance management functions, informs policy development and holds officers and the authority to account.
- 3.12 The Fire and Rescue National Framework for England sets out a requirement for Fire and Rescue Authorities to publish 'Statements of Assurance'. Specifically, Fire and Rescue Authorities must provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their integrated risk management plan and the requirements included in this Framework. The Authority has approved the Statement of Assurance which is available on the Service's website.

4. Review of Effectiveness

- 4.1 The Authority has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the statutory officers and principal managers of the Authority who have responsibility for the development and maintenance of the governance environment, the internal audit annual report and comments made by the external auditor in their Auditor's Annual Report and other reports.
- 4.2 Section unit business plans contain a variety of performance indicators and targets that are regularly reviewed.
- 4.3 The Authority's political governance arrangements, which are appropriately reviewed by officers, set out the responsibilities of both Members and senior managers. In particular, the Authority has identified the following statutory post holders:-
- Chief Fire Officer
 - Treasurer
 - Monitoring Officer

In addition to the statutory posts, the post of Clerk to the Authority has been maintained.

- 4.4 The arrangements for the provision of internal audit are contained within the Authority's Financial Regulations. The Treasurer is responsible for ensuring that there is an adequate and effective system of internal audit of the Authority's accounting and other systems of internal control as required by the Accounts and Audit Regulations 2015. The internal audit provision operates in accordance with the CIPFA Code of Practice for Internal Audit in Local Government. The Authority's Audit Plan is prioritised by a combination of the key internal controls, assessment and review on the basis of risk and the Authority's corporate governance arrangements, including risk management. The work is further supplemented by reviews around the main financial systems, scheduled visits to Authority establishments and fraud investigations. Internal Audit leads on promoting a counter-fraud culture within the Authority.
- 4.5 The resulting Audit Plan is discussed and agreed with officers of the Strategic Enabling Team and the Audit and Risk Committee and shared with the Authority's external auditor. Meetings between the internal and external auditor ensure that duplication of effort is avoided. All Authority Audit reports include an assessment of the adequacy of internal control and prioritised action plans to address any areas needing improvement.

- 4.6 The Authority's review of the effectiveness of the system of internal control is informed by:-
- The work undertaken by Internal Audit during the year;
 - The work undertaken by the external auditor reported in their annual audit;
 - Other work undertaken by independent inspection bodies.
- 4.7 From the work undertaken by Internal Audit in 2021/2022 the Internal Audit has given a 'reasonable assurance' that the Authority has adequate and effective governance, risk management and internal control processes. This represents an unqualified opinion and the highest level of assurance available to Audit Services. In giving this opinion it is recognised that assurance can never be absolute. The most that internal audit can provide is reasonable assurance that there are no major weaknesses in the Authority's governance, risk management and control processes.
- 4.8 The Authority is able to confirm that its financial management arrangements conform to the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government.
- 4.9 Audit Services have reported and advised on the implications of the result of the review of effectiveness of the governance framework by the sources noted above and that the arrangements continue to be regarded as fit for purpose in accordance with the Authority's governance framework. The areas to be specifically addressed are outlined in 5.5.

5. Significant Governance Arrangements within the Authority

- 5.1 West Midlands Fire and Rescue Authority has a legal duty to provide an efficient, safe and effective fire and rescue service. The key priorities are:-
- Prevention – Safer and healthier communities
 - Protection – stronger business communities
 - Response – dealing effectively with emergencies
- 5.2 These formed the basis of the Authority's Annual Plan 2021-24 which set out the outcomes and priorities based on the Community Risk Management Plan and Medium-Term Financial Plan. The five-minute attendance standard lies at the heart of the Service Delivery Model. The model shows how staff provide the core prevention, protection and response services to make the West Midlands safer, stronger and healthier.
- 5.3 Grant Thornton, the Authority's External Auditors, published the Audit Findings Report for its 2020/2021 audit work which reported an unqualified opinion on the financial statements. It also issued an unqualified value for money conclusion stating that the Authority had proper arrangements in all significant respects to ensure it delivered value for money in the use of resources.

5.4 Based on audit work undertaken during the year an Annual Internal Audit Report was presented to the Audit and Risk Committee on 6 June 2022, Audit work which was completed in 2021/2022 included:-

- Data Protection
- Fire Stations – Management of Fuel
- Environmental Protection Targets
- Workforce Planning
- Fixed Asset Accounting
- Accounts Payable
- Budgetary Control
- Accounts Receivable
- Governance
- Risk Management

5.5 As a result of these audits the following was identified as the main issue.

Data Protection

A review was undertaken to provide assurance that the necessary safeguards were in place to ensure the appropriate use of personal and corporate information. Internal Audits review of five subject access requests (SARs) in order to ensure they had been processed within the designated timescales, highlighted that in three cases, there was no documentation to enable the timescales to be confirmed.

Management of Fuel

A review was undertaken to provide assurance on compliance with established controls over ordering, receipt and dispensing of fuel at a sample of five stations. The review identified issues relating to:

- Examples were found of fuel orders being placed when the storage tanks were below the specified re-order level.
- Written records relating to fuel deliveries and issues were not always maintained in accordance with the relevant standing order and therefore, not all information was recorded and there were arithmetical errors in the fuel balance figures.
- The issues identified above do increase the risk that fuel levels are not accurately monitored.

Workforce Planning

Workforce planning is integral to the operation of the Fire Authority and the delivery of its strategic plan. The purpose of the review was to assess the adequacy of the workforce planning processes and to provide assurance on how well they were embedded within the Fire Authority. In general, the processes in place effectively support the Fire Authority in delivering its strategic plan. The review did identify two issues relating to:

a system of multiple spreadsheets is used to maintain and monitor the staffing establishment. It was identified that process notes had not been established to document the system to be followed to maintain and monitor the various spreadsheets. As such, there was a risk of inconsistencies in approach, or loss of knowledge should key staff be unavailable. They would also be a useful training aid for any new staff.

The policies which formed part of the appraisal/performance management/appraisal framework had not been reviewed on a regular basis. It is acknowledged that these documents were currently under review by relevant officers, but there was no set timescale for completion.

Due to issues experienced with the reporting functionality in respect of the new Oracle Fusion system, it had not been possible to produce and publish the performance indicators which are required to support the management of absence within the Fire Authority. As such, there is a risk that absences may not be effectively managed.

- 5.6 The issues outlined above, together with any other issues highlighted in the Annual Internal Audit Report, have been raised with relevant managers and actions have been taken to achieve improvements.
- 5.7 In February 2021, the Secretary of State for the Ministry for Housing, Communities and Local Government (MHCLG), now the Department for Levelling Up, Housing and Communities (DLUHC) confirmed the Authority's funding settlement for 2021/22 at £53.002M, which was a one-year only settlement.
- 5.8 In December 2021, the Secretary of State for DLUHC announced the provisional settlement for 2022/23 at £53.590m, resulting in a funding increase of £0.588m (1.1%). In addition, it was indicated a new 'one-off' Services Grant would be distributed through the existing Settlement Funding Assessment formula amounting to approximately £2.3M for this Authority (additional national insurance contribution costs of approximately £650k are to be funded from this). The Government also proposed a general Council Tax referendum threshold of 2% for Fire and Rescue Authorities. However, for one year only (2022/23), for the Fire and Rescue Authorities in the lowest charging quartile, there would be flexibility to increase Band D precepts by £5.
- 5.9 The 2022/23 Local Government Finance Settlement was a one year only Settlement, rather than the anticipated three-year Comprehensive Spending Review period. Multi-year settlements are a more effective way of managing resources, aligned to longer term planning and this uncertainty needs to be factored into the Medium-Term Financial Strategy. Every 1% increase/reduction in core funding represents an increase/loss of circa £0.536m funding for the Authority.
- 5.10 In addition, there are ongoing budget uncertainties, particularly Firefighter pension related issues, that have significant funding implications but at this stage still remain unclear in terms of ongoing cost and whether those costs will need to be found by Fire and Rescue Authorities and/or by Government funding.

Furthermore, the Service is likely to continue to be directly impacted to some degree by the effects of COVID during 2022/23 together with the linked requirement to invest in the health, safety and wellbeing of all staff. General supply chain issues and the 'cost of living' crisis are also likely to present budget pressures. Therefore, whilst the Government funding allocation in 2022/23 is higher in cash terms compared to 2021/22, a high level of caution still needs to be applied to future financial years as the funding position remains volatile for the Fire Sector.

5.11 Covid-19 Governance Impact 2021/22

Since March 2020, the Coronavirus pandemic resulted in two nationwide lockdowns and an emergency response, which had impacts on the Authority's "business as usual" during 2020/21 and 2021/22

During both municipal years the Authority invoked Decisions under Matters of Urgency (Section 17.1 Authority Standing Orders) enabling the continuity of decision making by the Chief Fire Officer and Chair of the Authority on items of strategic importance or reverted to hybrid meetings enabling decision making with immediate effect following expiry of temporary legislation (The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020).

During the original phase of the COVID-19 pandemic commencing in March 2020, a Business Continuity Management Team (BCMT) was established which comprised the Strategic Leadership Team and was COVID-19 specific in activity. This was supported by a Business Continuity Planning Team (BCPT) which comprised a cohort of Middle Managers who project managed the response to the pandemic across the Service. This infrastructure continued throughout each response and recovery phase of the pandemic; both were stood down in April 2022 for COVID-19 purposes.

6. Certification

- 6.1 To the best of our knowledge, the governance arrangements, as outlined above have been effectively operating during the year with the exception of those areas identified as requiring improvement. We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified during the review of effectiveness and will monitor their implementation and operation as part of our annual review.

Greg Brackenridge
Chair
West Midlands Fire and Rescue Authority

Phil Loach
Chief Fire Officer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2022

1. PORTFOLIO MANAGEMENT (3PT)

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the contents of the report be noted.

2. PURPOSE OF REPORT

- 2.1 This report provides a Strategic summary of the progression of the delivery of Portfolio Management through 'Our Plan'. The updates provided are based on the continual assessment of Investment and Value release of projects being delivered through the three Programmes of Community Risk Reduction, Enabling Services and People.
- 2.2 To inform Members of the approach taken under Portfolio Management and the resulting outcomes of the workstreams within current Projects and Programmes, which support the effective leadership of the Service in continual improvement.
- 2.3 This report will lead into the subsequent Fire Authority reports that support the delivery of the Strategy in one or more of the Programmes.

3. BACKGROUND

- 3.1 Based on the Covid-19 pandemic, this is the first Portfolio Management update to Members pre Covid-19.
- 3.2 During the response phase of the pandemic a decision was made to manage the service delivery through a set of Business Continuity (BC) arrangements, with a particular focus put upon managing a set of 'Priority' projects which led the Service into the recovery phase and into business as usual. This then placed a requirement

to reintroduce the normal activity of a set of projects, designed to deliver Programme outcomes set out below.

4. DELIVERABLES

The Brigade Managers are accountable to the Chief Fire Officer (CFO), through the programme objectives to deliver the Strategy of the WMFS. The Portfolio is led by the CFO to enable the delivery of the Authority's Strategic priorities, aligned to the CRMP objectives.

The Portfolio is ultimately accountable for the Programmes and will provide assurance that the aims and objectives are being achieved. The Programmes are accountable for Projects.

The deliverables (aims and objectives) of the three Programmes are shown below, supported by recent Programme achievements.

4.1 Community Risk Reduction (CRR) - Highlights

There has been significant work conducted by Community Risk Reduction (CRR) over the last reporting period.

CRR are pleased to announce Karen Gowreesunker, formerly as the Strategic Enabler for Organisational Strategy and Organisation Intelligence, has moved into a new role, supporting one of two roles which oversee our operational response function as Strategic Enabler for Operations South and Fire Control.

CWG Commonwealth Games

As part of the Testing & Exercising (T&E) preparation for the Commonwealth Games, the CWG Team are developing a multi-agency T&E programme in conjunction with the Organising Committee (OC).

The planning team have worked closely with operations exercise leads to integrate Games T&E into the West Midlands Fire Service (WMFS) exercise schedule. These exercises are essential, allowing our organisation to work closely with our partners to provide assurance against a wide range of risks to ensure readiness and preparedness for the delivery of the Games.

Operations

Site Specific Risk Information (SSRI) has been a key focus with extensive work been conducted to ensure our risk information is up to date and regularly reviewed.

In response to the Grenfell Tower Inquiry recommendations, Fire Control, Response, and our Digital and Data team have developed an app-based solution to support a digital CS10b. A CS10b is used to record and share Fire Survival Guidance (FSG) information at Tall Building incidents between Fire Control and the Incident ground, via a dedicated support appliance. An ongoing CS10B trial has now concluded and considered successful.

Extending our collaborative working with external partner agencies there is ongoing engagement with transport for West Midlands about use of/access to road network CCTV cameras in the Control Room. This would allow Fire Control to utilise cameras to support resourcing incidents. This could provide Fire Control a live feed of incidents as they evolve which can then be communicated to responding appliances supporting the organisation's 5-minute attendance standard.

A Fire Control review is now underway, which seeks to ensure Fire Control is fit for the future. 'Operations Willowbeck' a national Control Room exercise was both organised and completed by our Control Room team.

This involved 37 Fire and Rescue Services from England, Scotland and Wales, attended by the Home Office and NFCC and was a great success.

Suicide awareness training arranged with OH (Occupational Health) is being delivered to all Fire Control personnel as a debrief outcome from recent challenging incidents.

Sutton integration of technical rescue – Sutton go-live date of 1st May leading to additional resource availability to mitigate emerging risks across the West Midlands.

Prevention

Virtual reality level 1 fire investigation training and assessment has now been implemented. This is being well received and recognised by operational crews, indicating the training is the most realistic way of enhancing knowledge and understanding outside of attending a real incident. Vulnerable road users' groups Virtual reality video has been completed and launched.

We have had 7 new entrants been successful following a recruitment and selection process. This includes 4 female and 1 BAME.

SAW (Safe and Well) visits resulting from a referral from a partner organisation continue to provide access to the more vulnerable in the community. During the pandemic, most organisations focused on their response to COVID, but many have now returned to more normal working practices.

Local crews have been re-establishing contact with partner organisations to revitalise existing referral pathways and contacting those organisations that we worked closely with during the pandemic to build longer term relationships. The newly established Integrated Care Systems provide a valuable opportunity for WMFS to be engaged in the development of strategy through the Health Partnership Boards being developed in all 3 areas across the Brigade.

Bookings of face-to-face SPARKs visits into schools have recommenced, schools are being proactive in making themselves available for visits following a break during Covid. During Covid a digital approach was adopted to be able to continue prevention activities. The remote resource used during Covid has evolved and the latest edition is now complete and will enable a blended approach for delivery of SPARKs

Protection

Our FIPs team have continued to be successful, with several successful prosecutions ranging from 12 months to 7 years imprisonment. Some of the successes can be found in the following [Link](#).

Virtual Reality Level 1 FI training is being well received, investing in our supervisory officers, all have had a development plan to support learning and over 30 sessions have already been conducted with a further 70 sessions made available.

Our protection teams are supporting protection activities further afield offering regional support, support is being given to Warwickshire FRS on a current legal case.

This is following a successful recruitment process where 11 new Fire Safety Inspecting Officers (FSIO) have been recruited.

What is on the horizon

CRMP Community workshops and events will be taking place at stations over the next few months giving our crews the opportunity to invite local communities into the station, providing insight into what our Community Risk management plan is and what it means to them.

Tymly, our online portal developed by Digital and Data, has been nominated in this year's Digital Leaders 100 Awards in the Big Data Innovation of the Year category. The category is for a digital product or service that in the last year has had a measurable impact and delivered real outcomes in the field of big data.

The Digital Leaders 100 Awards celebrate the individuals and organisations from the public, private and non-profit sectors who are demonstrating a pioneering and sustainable approach to digital transformation in the UK.

We have several station open days planned over the summer, which started with Sutton Technical Rescue station in early May. The event attracted over 2,000 people throughout the day.

Testing events for the Commonwealth Games are being conducted regularly, these are multi agency events with Fire Service representatives in all event Control Room locations. Test events feature live scenarios testing our policy, procedures and response.

Planning is in full swing for WMFS to host the UKRO Festival of Rescue later in the year which will be on the Smithfield's site in Birmingham.

The event will welcome Fire and Rescue Services from across the UK to compete in a multitude of disciplines to include Road Traffic Collision (RTC), Trauma, Water Rescue, Rope Rescue, Urban Search and Rescue (USAR) and firefighter fitness.

Engagement is taking place with our staff during the consultation period of 'The launch of the white paper'.

Our teams will be supporting Pride month. June is the month chosen to celebrate PRIDE as it was the month of the stonewall riots, the protests that changed gay rights. It is about people coming together in love and friendship to show how far gay rights have come, even though there is still work to be done. PRIDE flags will be flown on stations during the month of June. WMFS representation will again be supporting the Birmingham Pride Parade.

4.2 Enabling Service Programme (ES) - Highlights

National Operational Guidance (N.O.G.)

National Operational Guidance is the foundation for developing operational policies, procedures, and training to support firefighters to deal with incidents effectively and safely. It is 'industry good practice' for all Fire and Rescue Services to draw on. As of April 2022, WMFS have now implemented all 44 pieces of national guidance and associated training packages in relation to operational procedures.

The project to implement N.O.G. Fire Control procedures has now begun and is likely to run through to June 2023.

Organisational Assurance - Fire Standards

The Fire Standards Board was created to deliver industry standards to the UKFRS which ranges across all areas of FRS functions. WMFS have been involved in the development of a number of these standards in Operational Preparedness, Fire Investigation and Prevention. To date 10 standards have been released and an extensive gap analysis has been completed on 8 of these, with no areas of concerns raised around WMFS compliance.

The further 2 standards in Fire Investigation and Safeguarding have just been released and are going through a gap analysis to identify any areas of focus for the Service. This will likely be completed by the 1st of August 2022.

Further standards covering Leadership, Data and Digital are due to be released in 2022/2023.

Response – DICE Considerations

Various pieces of work being have been undertaken to improve inclusivity in uniformed roles, one of these being WMFS have included within the BA tender specification reference to the desire to see a BA face mask that is compatible with facial hair. The tender for this is due to go out in July.

The review will include our Uniform Policy to provide greater flexibility for the growing of facial hair in uniformed roles not requiring the wearing of BA (due to complete by 1st July).

Grenfell Outcomes

The Service continues to monitor the outcomes of the Grenfell Inquiry and conducting the necessary assurance work against any findings. One area we are currently looking at is access to legacy documents across the Service and ensuring that out of date material, i.e. policy and training, is no longer readily accessible to employees.

This work also extends to unofficial guidance or training that may have been produced locally in teams and stations which needs to undergo a form of assessment to determine if the Service will adopt, adapt, or reject the material.

The outcome of this work will ensure greater governance over material accessible to employees by reducing the likelihood of legacy material being accessed and used by employees.

Digital Transformation Project

This project seeks to deliver and maximise our investment in digital technology infrastructure and systems. Over recent months we have achieved:

- successful delivery of the Oracle Phase 1 Project and making good progress with Phase 2
- improvements in cyber security posture
- delivery of Key Projects for Commonwealth Games
- investment in Digital Technologies to improve WMFS day to day business and enable our vision.

Operations Digital Mobile Devices

This project seeks to move us to individually delivered mobile devices for our frontline teams. This will give them all a voice, allow them to spend more time in the communities they serve, as well as increase their efficiency and effectiveness. It will also look to remove many of the frustrations found during the cultural review, and previous HMICFRS inspection.

Focus and working groups of Station based operations staff have been set up to better understand user requirements. There is a strong desire from our workforce to be able to operate more efficiently and look more professional in the communities we serve.

To support the change, research has been undertaken into how other industries use mobile devices to drive efficiency and effectiveness. This has resulted in 5 "innovation" stations and front-line appliances ready to be part of an initial trial with the devices due to arrive soon.

Based on initial feedback from the focus and working groups indicates that Incident Command Transformation will lead to more effective, assertive, and safe incident management for our crews.

Emergency Services Mobile Communication Programme (ESMCP)

This is a government led project that seeks to deliver the updated communications devices that will enable our fire service and our blue light colleagues to communicate more effectively, at a reduced cost into the future, by providing enhanced data capabilities.

Ongoing work is taking place to ensure that we are ready for delivery, with a Go Live date of 2026.

Recent changes to regional structures, has meant our staff will play a bigger role in our regional delivery supporting our regional FRS colleagues.

Sustainability

We have now completed stage 1 of 3 of developing an Environmental, Social and Governance (ESG) framework to measure and monitor our sustainability journey.

There is continual work with the NFCC sustainability working group taking place, this is to develop a toolkit to help all FRS form their individual sustainability strategy. This has led to the consultation by the HMICFRS about including sustainability in the inspection criteria.

Networking with external partners and collaboration continue to grow and extend. We currently have a seat on the climate change board with Warwick University and Coventry City Council, also the Emergency Services' Sustainability Working Group, with a potential to support the inclusive growth group which are part of the West Midlands Combined Authority, and Sustainability West Midlands. The strength of our brand is growing and recognised in the sustainability arena.

We also continue to explore new technology in relation to the use of fire blanket technology, this is to support a more timely and effective resolution of incidents involving electric vehicles. We are currently also exploring other technologies for dealing with battery incidents.

Securing funding for "green" initiatives remains problematic and it has been noted that it is nearly impossible for public organisations to attain grants from many of the funding streams available.

Communications and Engagement

A new WMFS website with improved user experience and ability to provide better analytics has been delivered. This has also helped to improve our culture through communication and engagement

channels, specifically through the Middle Managers Engagement Forum (MMEF) and All Staff Engagement Forum (ASEF) based on feedback from staff following changes linked to the Cultural Review and COVID 19 engagement.

We continue to help improve staff understanding of Service priorities through support and delivery of engagement channels, particularly ASEF and MMEFs. We also communicate through MESH, Yammer (specific families have been created) and Teams.

We have a refreshed MESH site which reflects and supports the projects being delivered through the Portfolio and 3 Programmes whilst also helping to embed our transformational journey, i.e. 'Transforming Our Service' MESH pages.

The recent communications have supported both strategically and with delivery of key Service priorities, some of these being Oracle, Commonwealth Games (CWG), United Kingdom Rescue Organisation (UKRO), Core Code of Ethics (CCoE) Values/behaviours, Our Plan, CRMP and HMICFRS.

There are multiple Reward and Recognition events being planned following the backlog due to the pandemic, with the first Long Service and Good Conduct (LSGC) awards taking place in May 2022.

Property Asset Plan

The majority of planned programme work was delivered in line with expectations during 2021/22, including the re-opening of the enhanced Coventry hot fire training facility.

HQ Transformation

Work on the pilot area at the rear of the first floor of the HQ building was complete, although until recently occupancy levels were affected by the ongoing impact of COVID. Some initial evaluation has taken place following staff feedback using the area and whilst some potential refinements have been identified, a significant number of responses have indicated a positive experience regarding the new work area.

Planned Procurement

Despite the general supply chain issues being experienced globally, all planned procurement activity was undertaken in line with targeted activity although specific issues required particular focus, most notably the smoke alarm framework contract and delays to our new workwear contract. There were some price increases on certain goods but this was mitigated in the main by reduced volumes e.g, the amount of wood utilised for hot fire training.

Vehicle Replacement Project (VRP)

Preparation work was paused on the replacement of Brigade Response Vehicles in order to wait for the outcome of the Blended Fleet CRMP objective and there was some delay in the delivery of PRLs due to the impact from COVID on vehicle deliveries, but all planned vehicle maintenance and repair was undertaken to ensure appliance availability and a range of other vehicles were procured as part of the VRP.

Funding, Budget Preparation and Monitoring

The Authority's 2020/2021 Statement of accounts received an unqualified opinion from the external auditors. The impact of COVID on staff availability during 2021/22 had a significant impact on the Authority's expenditure in order to maintain an appropriate level of appliance availability to support the Service Delivery Model but despite this, proactive budget management is anticipated to have achieved overall expenditure levels within available funding.

4.3 People Programme – Highlights

Core Code of Ethics and Core Values (CCoE)

The framework has now been translated into refreshed core values which have been designed by the Service for the Service. They are supported by the adoption of the NFCC leadership framework for recruitment and selection activities.

Managing Vacancies

There has been an implementation of a revised approach to managing vacancies which responds to staff feedback and previous Areas for Consideration (AFC) from the HMICFRS. The approach includes an online behavioural assessment and has been designed through a working group with wide representation including representative bodies.

Revised Health and Wellbeing Framework

A further investment has been provided to support staff Health and Wellbeing following the challenges of dealing with the pandemic with a greater focus being given to preventative activity and continuing to enable a positive work environment, this is to allow people to be the best version of themselves.

Emerging Risks

The Go Live of the third Technical Rescue Station at Sutton Coldfield went ahead in May 2022. This helps to enhance the Service's ability to deliver a specialist response capability, whilst retaining the ability to respond to high risk (Category 1) incidents in the area. The project has allowed increased diversity and positive action initiatives to be undertaken.

Oracle HR Helpdesk

An Online HR Helpdesk facility has been launched to support staff in getting the right advice, in the right way at the right time. This will enable PSS Business Partners (BPs) to spend their time in supporting the more complex and high impact areas of the Service.
DICE

The gender pay gap has seen a reduction in figures from 9.8% to 8.9%. The reduced figure looks at diversity ratios and does not impact on pay. We still pay the same salary for the same role.

WMFS were presented with an Employee Award at the first British Sikh awards event, specifically for charity work and ISAR involvements.

Reducing Grievance and Disciplines

Training and development have been provided across the Service, to help reduce the levels of disciplinary and grievance procedures through a proportionate involvement of management; data is shown below.

- Disciplinary Investigations (78 managers and BPs attended)
- Disciplinary Commissioning and Appeals (29 managers and BPs)
- Crucial Conversations training course (68 managers, BPs and Trade Union officials attended)
- The Manager as Mediator training courses (562 attendees this includes BPs)

5. **EQUALITY IMPACT ASSESSMENT**

- 5.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report will not lead to a policy change.
- 5.2 Areas of policy changes that are identified in Project(s) are subject to an Equality Impact Assessment

6. **LEGAL IMPLICATIONS**

- 6.1 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.

7. **FINANCIAL IMPLICATIONS**

- 7.1 There are no direct financial implications arising from this report.

8. **ENVIRONMENTAL IMPLICATIONS**

- 8.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

None.

Official

The contact name for this report is Richard Stanton, Portfolio Strategic Enabler, telephone number 07973 810054

PHIL LOACH
Chief Fire Officer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2022

1. MONITORING OF FINANCES

Report of the Treasurer.

RECOMMENDED

- 1.1 THAT the report be noted.

2. PURPOSE OF REPORT

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

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

3. BACKGROUND

3.1 Revenue Expenditure

- 3.1.1 The Authority's 2022/2023 Council Tax requirement is £49.405 million and the revenue budget is £108.303 million.

- 3.1.2 Appendix A compares the revenue budgeted to the end of May 2022 with the actuals to that date. Devolved budgets are managed by the Section responsible for incurring the expenditure as opposed to corporate budgets, which are managed by the named Section on behalf of the Brigade as a whole.

- 3.1.3 Actual spend to May 2022, including commitments, was £22.177 million compared to a projected budget of £22.007 million, an overall adverse variance of £0.170 million.

- 3.1.4 The overall adverse variance is mainly due to an overspend on Operational pay budgets and an increase in fuel costs.

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

3.2 **Capital Expenditure**

The Authority's approved capital programme for 2022/2023 is £6.430 million. A scheme analysis is shown on Appendix C. Expenditure to the end of May 2022 is shown as £0.021 million.

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 2022
Finance Office Budget Monitoring Files

The contact officer for this report is Wayne Brown, Deputy Chief Fire Officer, telephone number 0121 380 6907.

MIKE GRIFFITHS
TREASURER

REVENUE MONITORING SUMMARY TO MAY 2022

	BUDGET 2022/2023 £'000	PROFILED BUDGET £'000	ACTUALS + COMMIT -MENTS £'000	VARIANCE TO PROFILED BUDGET £'000
DEVOLVED BUDGETS				
Corporate Management	1,126	186	177	-9
Portfolio & Organisational Intelligence	1,604	267	251	-16
Ops North, Preparedness & Response	2,217	305	326	21
Ops South & Fire Control	2,668	479	440	-39
Prevention	2,217	363	343	-20
Protection	4,923	889	901	12
Resourcing	5,917	1,137	1,130	-7
Digital & Data	5,530	1,833	1,824	-9
Policy & Organisational Assurance	749	143	148	5
Communications & Engagement	846	153	165	12
People Support Services	616	103	105	2
Employee Relations	154	30	32	2
Organisational Development	58	10	10	0
Organisational Learning & People Development	4,174	733	774	41
Health, Safety & Wellbeing	2,486	411	434	23
CORPORATE BUDGETS				
Ops North, Preparedness & Response	-116	9	7	-2
Prevention	24	4	4	0
Protection	-31	-30	-36	-6
Resourcing	20,492	6,141	6,192	51
Digital & Data	132	0	0	0
People Support Services	2,315	539	533	-6
Employee Relations	130	13	12	-1
Organisational Learning & People Development	125	43	43	0
Health, Safety & Wellbeing	48,508	8,134	8,250	116
Other Income & Expenditure	1,439	112	112	0
Appropriation to Reserves	-	-	-	-

TOTAL (NET BUDGET REQUIREMENT)	108,303	22,007	22,177	170
Core Funding	-58,898	-14,468	-14,468	0
TOTAL (COUNCIL TAX REQUIREMENT)	49,405	7,539	7,709	170

FIREFIGHTERS' PENSION SCHEMES

NON-FINANCIAL INFORMATION	2022/23 PROJECTION				ACTUAL POSITION AS AT MAY 2022			
	1992 FPS	2006 FPS	2015 FPS	TOTAL	1992 FPS	2006 FPS	2015 FPS	TOTAL
Members of FPS at 1 st April 2022	-	-	1,243	1,243	-	-	1,243	1,243
New Members	-	-	70	70	-	-	-	-
Opt-In (including net auto-enrolment)	-	-	12	12	-	-	-	-
Transitional Members during year	-	-	-	-	-	-	-	-
Transfers from Other Pension Schemes	-	-	5	5	-	-	-	-
Transfers to Other Pension Schemes	-	-	-2	-2	-	-	-	-
Retirements	-	-	-55	-55	-	-	-13	-13
Opt-Out	-	-	-12	-12	-	-	-	-
Leavers	-	-	-12	-12	-	-	-1	-1
Ill-Health Retirements	-	-	-3	-3	-	-	-1	-1
Members of the Fire Pension Schemes as at 31 May 2022	-	-			-	-	1,228	1,228

CAPITAL MONITORING STATEMENT 2022/23

Scheme	Year 2022/23	Latest Budget £'000	Actuals May 2022 £'000	Forecast £'000	Variance £'000
<u>LAND & BUILDINGS</u>					
Boiler Replacement Programme	Ongoing	15	-	15	-
Roof Replacements	Ongoing	1,091	-	1,091	-
Windows/Door Replacement	Ongoing	683	-	683	-
Rewires	Ongoing	175	-	175	-
Drill Tower and Burn Facility	5 of 5	635	3	635	-
Other Building Modifications	3 of 3	15	10	15	-
Security Works	4 of 4	47	-	47	-
OHW Works	4 of 4	12	-	12	-
Aston Fire Station	8 of 8	131	8	131	-
<u>VEHICLES</u>					
Vehicle Replacement Programme	Ongoing	3,477	-	3,477	-
<u>ICT & EQUIPMENT</u>					
C&C Upgrade-Vision 4/ESMCP	5 of 5	149	-	149	-
Grand Total		6,430	21	6,430	-
<u>Funded By</u>					
Prudential Borrowing		0		0	-
Capital Grants/Contributions		74		74	-
Capital Receipts to be Applied		0		0	-
Revenue Financing/Earmarked Reserves		6,356		6,356	-
TOTAL		6,430		6,430	-
SURPLUS(-)/DEFICIT(+)					

AUTHORITY MEETING

27 JUNE 2022

1. PAY POLICY STATEMENT 2022/2023

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the Authority approves the Pay Policy Statement for the financial year 2022/2023.

2. PURPOSE OF REPORT

- To inform the Authority of the new local government employee pay rates (appendix 1D)
- To inform the Authority that WMFS award for Grey Book Staff was applied from 1st July 2021
- To inform the Authority that WMFS Green Book pay award was applied from 1st March 2022 which was backdated to 1st April 2021

THAT the Authority is made aware of:

- Grey Book award was published in June 2021, whilst the Green Book award was not published until March 2022
- Real Living Wage 2021 was announced on the 15th November 2021 and was applied by WMFS to eligible staff from this date.

This report is submitted for the Authority to approve the Pay Policy Statement for the financial year 2022/2023.

3. BACKGROUND

- 3.1 Section 38 (1) of The Localism Act 2011 requires Fire and Rescue Authorities to produce a Pay Policy Statement for each financial year. The proposed Pay Policy Statement 2022/2023 is set out at Appendix 1 of this report.

Ref. AU/2022/Jun/10706221

3.2 A Pay Policy Statement is expected to comply with the following elements:-

3.2.1 A relevant Authority must prepare a Pay Policy Statement for each financial year.

3.2.2 A Pay Policy Statement for a financial year must set out the Authority's policies for the financial year relating to the remuneration of its Chief Officers.

3.2.3 The statement must include the Authority's policies relating to:-

- (a) decisions on any pay, remuneration or severance packages of Chief Officer roles and/or packages of £100,000 or more being submitted to the Fire Authority;
- (b) remuneration of Chief Officers on recruitment;
- (c) increases and additions to remuneration for each Chief Officer;
- (d) the use of performance related pay for Chief Officers;
- (e) the use of bonuses for Chief Officers;
- (f) the approach to the payment of Chief Officers on their ceasing to hold office under or to be employed by the Authority and
- (g) the publication of and access to information relating to the remuneration of Chief Officers.

3.2.4 in addition it must detail:

- (a) the remuneration of its Chief Officers;
- (b) the remuneration of its lowest-paid employees and
- (c) the relationship between the remuneration of its Chief Officers and all other employees (Appendix 1D).

3.2.5 a Pay Policy Statement for a financial year may also set out the Authority's policies for the financial year relating to the other terms and conditions applying to the Authority's Chief Officers.

3.3 The term Chief Officer refers to those defined within the Localism Act. For West Midlands Fire and Rescue Authority this covers the posts of Chief Fire Officer, Deputy Chief Fire Officer and two Assistant Chief Fire Officer roles (Service Delivery & People).

- 3.4 The term 'lowest paid employees' is defined as a full time employee on the bottom scale column point of the Green Book pay scale and the lowest paid role for Grey Book employees. These are the lowest paid employees other than apprenticeships which are paid less to reflect the nature of the training and development role.
- 3.5 There are supplementary provisions relating to statements as follows:-
- 3.5.1 a relevant Authority's Pay Policy Statement must be approved by a resolution of the Authority before it comes into force.
- 3.5.2 the statement must be prepared and approved before the end of 31st March 2023.
- 3.5.3 each subsequent statement must be prepared and approved before the end of 31st March immediately preceding the financial year to which it relates.
- 3.5.4 a relevant Authority may by resolution amend its Pay Policy Statement, including after the beginning of the financial year to which it relates.
- 3.5.5 as soon as is reasonably practicable after approving or amending a Pay Policy Statement, the Authority must publish the statement or the amended statement in such manner as it thinks fit, which must include publication on the Authority's website.
- 3.6 There is a two-track approach for determining levels of pay for Chief Officer roles. At national level, the National Joint Council (NJC) shall review annually the level of pay increase applicable to all those covered by this agreement. In doing so, the NJC will consider affordability, other relevant pay deals and the rate of inflation at the appropriate date. Any increase agreed by the NJC will be communicated to Fire Authorities by circular.
- 3.7 Other decisions about the level of pay and remuneration to be awarded to individual Chief Officer roles will be taken by the local Fire Authority. (Advice on the implementation of a local salary structure is contained within the Pay Policy Statement.)

- 3.8 Authorities are also required to produce information on the salaries of their Chief Officers and the names. This is included in the Statement of Accounts and also on the internet site www.wmfs.net.
- 3.9 If readers are to understand the information being presented to them, they need to have an appreciation of the wider context affecting the organisation. To this end the guidance requires the West Midlands Fire Service to include some contextual information such as a description of what it does, total spend, budget responsibility, job descriptions and person specifications.
- 3.10 The information referred to above, including the expenses paid to Chief Officers, is also available on the West Midlands Fire Service website at www.wmfs.net.
- 3.11 As part of this report the Authority are also publishing their approach to the use of discretionary arrangements in relation to the Local Government Pension Scheme. During the current year evolving case law may see changes to these policies which will be published.

4. **GENDER PAY GAP COMPARISON**

- 4.1 This data is to provide detail of the Gender Pay Gap for WMFS, the data is to be released and published on the Gov.uk Gender Pay site, and for the data and narrative to be published on wmfs.net
- 4.2 When considering all employees, the mean gender pay gap as of March 2022:

This is the difference between the mean (average) hourly rate of pay for male and female relevant employees.

Employee Group	As at 31.03.21		As at 31.03.20		As at 31.03.19		As at 31.03.18		As at 31.03.17	
	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %
All employees	1.46	8.9	1.55	9.8	1.76	11.3	1.57	10.4	2.18	14.2
Operational employees (inc. Fire Control)	1.10	6.9	1.11	7.1	1.17	7.6	0.71	4.7	0.42	2.8
Support staff employees	3.61	19.6	3.33	19.0	3.18	19.2	3.00	18.6	5.56	34.9

The mean gender pay gap has decreased to 8.9% in 2021 when compared to the 9.8% gap reported in 2020.

In 2020, when considering the top 50 salaries, there were 18 females in this group. This has decreased to 17 in 2021.

In 2020, when considering the top 100 salaries, there were 32 females in this group. This has increased to 37 in 2021.

The median gender pay gap in hourly pay is the difference between the midpoints in the ranges of men's and women's hourly pay.

The median gender pay gap as at 31 March 2021 is 4.0%.

This has decreased from the 8.0% reported in March 2020 and is the lowest percentage reported since we began calculating in 2017.

5. EQUALITY IMPACT ASSESSMENT

- 5.1 In preparing this report an initial Equality Impact Assessment is not required as there is no direct impact on individuals in setting out the Authority's pay policy statements. Equality Impact Assessments will be carried out on individual processes and decisions taken in the application of the pay policy statement.

6. LEGAL IMPLICATIONS

- 6.1 The recommendations provided enable West Midlands Fire and Rescue Authority to continue to comply with the relevant sections of the Localism Act and demonstrate its support for the Government's Public Sector Pay Policy.
- 6.2 To comply with the Localism Act 2011, the West Midlands Fire and Rescue Authority must approve the Authority's Pay Policy Statement before 31st March 2023. The Service will then complete a review of the Pay Policy Statement each year which must be approved by the Authority before 31st March each year.

7. TRADE UNION CONSULTATION

- 7.1 This is not a matter for consultation with the trade unions. The Pay Policy Statement will be shared with the Trade Unions

for information following approval at the Authority meeting on 27th June 2022.

8. **FINANCIAL IMPLICATIONS**

8.1 There are no direct financial implications arising from this report.

BACKGROUND PAPERS

Localism Act 2011

The contact name for this report is Wayne Brown, Deputy Chief Fire Officer, 0121 380 6907.

PHIL LOACH
CHIEF FIRE OFFICER

WEST MIDLANDS FIRE SERVICE

FIRE AUTHORITY REPORT

PAY POLICY STATEMENT 2022/2023

27 June 2022
People Support Services

PAY POLICY STATEMENT 2022/2023

CONTENTS OF APPENDICES

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Pay Policy Statement 2022/2023

The level and elements of remuneration for each Chief Officer

The basic pay details of all Chief Officers is available on the West Midlands Fire Service website www.wmfs.net . The levels of pay will be determined by both national and local review following the guidance set out in the 'Gold Book' Terms of Conditions. All other payments will be contained within the Authority's statement of accounts which is also published on the West Midlands Fire Service website.

- WMFS award for Grey Book Staff was applied from 1st July 2021.
- WMFS Green Book pay award was applied from 1st March 2022 which was backdated to 1st April 2021.

Grey Book award was published in June 2021, whilst the Green Book award was not published until March 2022.

Real Living Wage 2021 was announced on the 15th November 2021 and was applied by WMFS to eligible staff from this date.

Remuneration of Chief Officers on recruitment

On recruitment the Executive Committee is authorised to consider and make recommendations to the Fire Authority on the conditions of employment and salary of the Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer. Considerations will be given to the guidance contained within the Pay Policy Statement for determining the level of salary for each Principal Officer.

Increases and additions to remuneration for each Chief Officer

There is a two-track approach for determining levels of pay for Principal Officer roles. At national level, the NJC shall review annually the level of pay increase applicable to all those covered by this agreement. In doing so, the NJC will consider affordability, other relevant pay deals and the rate of inflation at the appropriate date. Any increase agreed by the NJC will be communicated to Fire Authorities by Circular.

Other decisions about the level of pay and remuneration to be awarded to individual Principal Officer roles will be taken by the local Fire Authority. This will be considered at the time of the Pay Policy Statement Review. (Advice on the implementation of a local salary structure is contained within the Pay Policy Statement).

Remuneration of all other employees of the West Midlands Fire Service

Real Living Wage

The Fire Authority is an accredited Real Living Wage employer and is committed to ensuring that all employees are paid, as a minimum, the real Living Wage. This is reviewed on a year-on-year basis and amendments are made to ensure that are aligned to the Real Living Wage.

Green Book Employees

Salaries of 'Green Book' employees in the Service are set using locally determined pay scales and utilising an Integrated Personal Development System which is based around the nationally agreed Job Evaluation Scheme.

Please see Appendix 1D for the salaries of Green Book Employees including our lowest paid employees and the relationship between these employees and our Chief Officers. For this purpose, the relationship has been made to the Chief Fire Officer's salary.

Grey Book Employees

Salaries of 'Grey Book' employees in the Service are set using nationally agreed pay levels.

National Pay Awards are also made to pay scales on an annual basis and these pay awards are applied to all employees. This annual award is applicable in April for Green Book Employees and July for Grey Book Employees.

Please see Appendix 1D for the salaries of Grey and Green Book Employees including our lowest paid employees and the relationship between these employees and our Chief Officers. For this purpose the relationship has been made to the Chief Fire Officer's salary.

The use of performance related pay for Chief Officers

The West Midlands Fire Service does not use performance related pay for its Chief Officers.

The use of bonuses for Chief Officers

The West Midlands Fire Service does not award bonuses to Chief Officers.

The approach to the payment of Chief Officers on their ceasing to hold office or to be employed by the Authority

The payment to Chief Officers on the ceasing of their employment will be in line with the benefits accrued through meeting the qualifying requirements of the relevant Pension Scheme.

In the case of any redundancy payments to be made to Chief Officers these payments will be set using the existing regulations for 'Gold Book' employees and their appropriate pension scheme.

Redundancy payments for Chief Officers eligible to join the Firefighters' Pension Schemes will be calculated based on the statutory maximum weekly pay. Gold book employees eligible to join the Local Government Pension Scheme will receive a redundancy payment in line with authority agreement under Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. See Appendix 1A.

Any settlement of £100,000 or more or any other payments will be subject to the approval of the Authority on a case by case basis.

The approach to the payment of all other Employees on their ceasing to hold office or to be employed by the Authority

- Green Book Employees

The payment of Green Book Employees on the ceasing of their employment will be in line with the benefits accrued through meeting the qualifying requirements of the relevant Pension Scheme.

In the case of redundancy the guidance contained within the pension policy statement will apply under the existing conditions of the Local Government Pension Scheme.

- Grey Book Employees

The payment of Grey Book Employees on the ceasing of their employment will be in line with the benefits accrued through meeting the qualifying requirements of the relevant pension scheme.

In the case of any redundancy payments to be made to Grey Book Employees eligible to join the firefighter's pension scheme, these payments will be set using the existing regulations for Grey Book employees. Redundancy payments will be calculated based on the statutory maximum weekly pay.

- Employees in Fire Control

In the case of redundancy the guidance contained within the pension policy statement will apply under the existing conditions of the Local Government Pension Scheme.

The publication of and access to information relating to the remuneration of Chief Officers

Details of the Chief Officer's salary and remuneration including any expenses will be made available on the West Midlands Fire Service website. This information is contained within the Annual Report and Statement of Accounts.

Discretions available to the Authority under the Local Government and Firefighters Pension Schemes

In line with the regulations of the Local Government and Firefighters Pension Schemes West Midlands Fire Service must formulate, keep under review and publish their policies on certain discretions contained within the Regulations. These regulations are included as appendices to this policy.

Definitions used within the Pay Policy Statement

The term Chief Officer refers to those defined within the Localism Act. In simple terms the policy covers the Chief Fire Officer and those posts which report directly to him/her and also the next management tier below (excluding any secretarial or clerical roles).

The term 'lowest paid employees' is defined as a full time employee on the lowest paid role/rank for Grey Book employees and the bottom scale column point of the Green book pay scale or employee subject to the living wage if higher. These are the lowest paid employees other than apprenticeships which are paid less to reflect the nature of the training and development role.

IMPLEMENTATION OF A LOCAL SALARY STRUCTURE GUIDANCE

Introduction

1. Both the Employers and Brigade Managers recognise the importance of applying the appropriate skills and developing the competencies necessary to support and embed the cultural change inherent within these new terms and conditions.

Local Salary Structures

2. When determining the appropriate level of salaries for all Brigade managers, the Fire and Rescue Authority should refer to the relevant minimum salary of the Chief Fire Officer and the most relevant benchmark data.
3. Normally the fire and rescue authority will wish to begin by determining appropriate salary for their most senior manager.
4. When deciding how these posts should be remunerated the following factors are to be considered:
 - a. the Chief Fire Officer's salary and that of any senior staff not covered by the Scheme of Conditions of Service (Gold Book);
 - b. the relationship of current salary to the appropriate illustrative national benchmark;
 - c. any special market considerations;
 - d. any substantial local factors not common to fire and rescue authorities of similar type and size e.g. London weighting; complex local, regional or national responsibilities which bring added value;
 - e. comparative information to be supplied on request by the Joint Secretaries on salaries in other similar authorities;
 - f. top management structures and size of management team compared to those of other fire and rescue authorities of similar type and size;
 - g. the relative job size of each post, as objectively assessed through an appropriate job evaluation process or otherwise; and

- h. incident command responsibility and the requirement to provide operational cover within the employing authority and beyond

The process for setting salary levels should include consideration of the following criteria:

- minimum salary levels for Chief Officers in relevant sized local authorities;
- market rates of pay for senior managers in a range of private and public sector organisations; and
- evidence of recruitment and/or retention difficulties with existing minimum rates.

There are a range of schemes and approaches available for authorities to use in assessing job size. To assist authorities, advice can be obtained from the Employers' Side Secretary of the NJC.

STATEMENT OF POLICY

Under Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, operative from 29 November 2006, each employer must formulate, keep under review and publish their policies on certain discretions contained within the Regulations.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the Local Government Pension Scheme (LGPS).

Regulation 5 - Power to increase statutory Redundancy payments

Explanation

Employers have the discretion to resolve to use the employee's actual pay instead of the statutory maximum pay permitted under the Employments Rights Act 1996, in the calculation of redundancy payments.

Policy

The Fire Authority will always use the employees' actual pay when calculating redundancy payments.

Regulation 6 –Discretionary Compensation

Explanation

The Authority has the discretion to resolve to increase the lump sum compensation payable under the Employments Rights Act 1996 to an employee who loses their employment with the Authority, up to a maximum of 104 weeks' pay.

Policy

The Fire Authority will not exercise this discretion and therefore will not increase the maximum payable beyond the statutory limit of 30 weeks' pay.

STATEMENT OF POLICY

Under Regulation 60 (1) of the Local Government Pension Scheme (LGPS) Regulations 2013, each employer must formulate, keep under review and publish their policies on certain discretions contained within the LGPS Regulations.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the LGPS.

1. Regulation 30 (8) – Waiving of actuarial reduction

Explanation

From age 55, members who have left local government employment receive early payment of their retirement benefits and do not need their employer's consent. The pension benefits must be reduced in accordance with guidance provided by the Government actuary. Employers may determine on compassionate grounds that the benefits are not reduced.

For a member who joined the scheme prior to 1 October 2006 where the member's age and membership (in whole years) satisfies the "rule of 85" then the benefits would be reduced, unless the employer chooses to exercise the discretion within the regulations. For a member who joined the Scheme on or after 1 October 2006, then reduced benefits would be payable if taken before age 65.

Policy

Each specific case will be judged equally and fairly on its own merits and would need to be funded by a lump sum contribution into the Pensions Fund by the Fire Authority. This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a 3-year period.

This discretion will be exercised by the Deputy Chief Fire Officer as delegated by Chief Fire Officer in conjunction with the Treasurer and Chairman to approve existing severance packages and members will be notified where discretion is exercised.

2. **Regulation 31 - Power of the Employing Authority to award Additional Pension**

Explanation

An employer may resolve to award a member additional pension of not more than £6,500 a year, payable from the same date as their pension is payable under any other provision of these regulations. An additional pension may be paid in addition to any increase to total membership resolved under Regulation 16 so long as the overall total does not breach the limits laid down within these regulations.

Policy

Each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs.

3. **Regulation 30 (6) - Flexible Retirement**

Explanation

A member who is aged 55 or over and with their employer's consent reduces their hours or grade can then, but only with the agreement of the employer, make an election to the administering authority for payment of their accrued benefits without having retired from that employment.

Policy

Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs. This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a 3-year period.

4. **Regulations 16(2)(e) and 16(4)(d) - Funding of Additional Pension**

Explanation

Where an active member opts to make Additional Pension Contributions (APC) under Rule 16(2)(e) these may be funded in whole or in part by the Employer. Under Rule 16(4)(d) the employee may opt to pay APC as a Lump Sum and this may also be funded in full or part by the employer.

Policy

The Fire Authority will fund in whole or in part any APC operated by themselves under a salary sacrifice arrangement.

The Fire Authority will, however, not fund in whole or in part any other APC purchased either by periodical payments or Lump Sum direct from a members Net Pay.

The Fire Authority is not obliged by the Regulations to publish a statement on the following discretions contained within the LGPS 2013 Regulations but has chosen to do so.

5. **Regulation 22(8)(b) - Re-employed and Rejoining Deferred Members**

Explanation

Where a deferred member becomes an active member again before becoming entitled to the immediate payment of retirement benefits in respect of their former membership, their former membership will be aggregated with their current active membership unless within 12 months from the date of the active member's pension account being opened they make an election in writing to the member's appropriate administering authority. The period of 12 months may be extended at the discretion of the employing authority.

Policy

The Fire Authority will extend the period of 12 months beginning with the date that the active member's pension account is opened again to allow a member to choose not to aggregate his/her former membership in exceptional circumstances or where it was beyond the member's control.

6. **Regulation 100 (6) – Inward Transfer of Pension Rights**

Explanation

A person who becomes an active member who has relevant pension rights may request his fund authority to accept a transfer value for some, or all, of his former rights. An election must be made in writing before the expiry of the period of 12 months beginning with the date that he became an active member or any such longer period as his employer may allow.

Policy

The Fire Authority will extend the period of 12 months beginning with the date that he/she became an active member – thereby, allowing a member to transfer some or all of his/her rights from the relevant transferor in exceptional circumstances or in circumstances beyond the member's control.

7. Choice of early payment of Deferred Pension

Explanation

Where a member became a deferred member between 31 March 2008 and 1 April 2014, they can apply for early release of benefits, and the Fire Authority can fund the costs of the release.

Policy

Each specific case will be judged equally and fairly on its own merits and would need to be funded by a lump sum contribution into the Pensions Fund by the Fire Authority. This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a 3-year period.

This discretion will be exercised by the Deputy Chief Fire Officer as delegated by Chief Fire Officer in conjunction with the Treasurer and Chairman to approve existing severance packages and members will be notified where discretion is exercised.

From 1 June 2004, an amended Internal disputes resolution procedure applies to active members of the LGPS and to others such as deferred and pensioner members, whose position may be affected by decisions taken by their former employer or LGPS administering authority.

8. The Internal Dispute Resolution Procedure

Explanation

Responsibility for determinations under the first stage of the procedure now rests with a 'specified person' appointed by your (former) employer. The Fire Authority must specify the job title and address of the person to whom applications should be directed.

Policy

The specified person for the West Midlands Fire and Rescue Authority is:-

Wayne Brown
Deputy Chief Fire Officer
West Midlands Fire Service HQ
99 Vauxhall Road
Birmingham
B7 4HW

The discretions within this Policy Statement will be reviewed at the point of regulation change but no less than yearly in line with the Authority's Pay Policy Statement.

STATEMENT OF POLICY

Under Rule B7 of the 1992 Firefighters' Pension Scheme Paragraph 5(A) a fire and rescue authority may, having regard to —

- (a) the economical, effective and efficient management of their functions, and
- (b) the costs likely to be incurred in the particular case

pay a lump sum in excess of two and a quarter times the full amount of the pension.

West Midlands Fire Service will formulate, keep under review and publish their policy on the discretion contained within this rule.

Due to the rate of the commutation factors laid down within the 1992 Firefighters' Pension Scheme it is possible for an unauthorised payment to occur if a member commutes the maximum allowable portion of their gross pension. In cases where this happens the Fire Authority will become liable to a further charge. When using this discretion the amount to which the lump sum will be increased will be limited to the maximum authorised payment allowed by HMRC regulations.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the 1992 Firefighters' Pension Scheme.

Policy

Each specific case will be judged equally and fairly on its own merits and would need to be funded by a lump sum contribution into the Pensions Fund by the Fire Authority. It is the Line Manager's responsibility to ensure that the recommendation is made and submitted to their SET managers for consideration. The value of the Lump Sum payment into the Pension account will be provided by the Pensions section on request and the remaining cost figures should be obtained from the Finance Liaison Officer.

This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a 3-year period.

This discretion will be exercised by the Strategic Enabler of People Support Services and Strategic Enabler of Finance & Resources.

STATEMENT OF POLICY

Under Rule K4 of the 1992 Firefighters' Pension Scheme:

A fire and rescue authority may, in their discretion, withdraw the whole or any part of the pension, except a pension under Part C (awards on death—spouses and civil partners), for any period during which the person entitled to it is employed by any fire and rescue authority in whatever capacity.

Part LA Section 9 of the scheme rules states that:

Where an authority exercises its discretion not to withdraw the payment in whole or in part of any pension under rule K4 (withdrawal of pension whilst employed by a fire and rescue authority), the authority shall in the financial year in which payment is not withdrawn, transfer into the Firefighters Pension Fund an amount equal to the amount of pension paid during that financial year to that person which could have been abated or withdrawn. West Midlands Fire Service will formulate, keep under review and publish their policy on the discretion contained within this rule.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the 1992 Firefighters Pension Scheme.

Policy

West Midlands Fire Service will withdraw the whole or part of the pension, except a pension under Part C (awards on death—spouses and civil partners), for any period during which the person entitled to it is employed by any fire and rescue authority in whatever capacity.

The amount of Pension withdrawn will be calculated by reference to the Aggregate Annual Pensionable Pay received in the twelve months prior to retirement increased on the same basis as the pension in payment. This figure will be known as the reference pay and will be increased annually in line with the annual pension increase order.

The pension will be reduced by an amount equal to the amount required so that the total income from the pension plus re-employment does not

exceed the reference pay calculated above.

Pay in re-employment is the pay receivable under the contract of employment for the hours worked and excludes any payments made for non-contractual overtime. Where the pay in re-employment changes the amount of pension to be withdrawn will be recalculated.

STATEMENT OF POLICY

The Firefighters' Pension Scheme (England) Regulations 2014 contain various regulations where the opportunity for alternative courses of action arises. In these circumstances West Midlands Fire Service will exercise discretion in line with this statement of policy.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the Firefighters Pension Scheme 2015.

Power to Delegate

1. Delegation (Regulation 5)

The scheme manager must ensure that delegated powers are appropriate and current. [Regulation 5(2)]

Statement of Policy

The Fire Authority have recently confirmed that the Audit Committee will function as the Scheme Manager.

Opting Out

2. Opting into this scheme (Regulation 12)

An optant-in will become an active member of the scheme with effect from the beginning of the first pay period following the date on which the option is exercised. There is an option for the scheme manager to vary the date on which the person becomes an active member, to such other time as the scheme manager considers appropriate. [Regulation 12(5)]

Statement of Policy

The Organisation will not vary the date on which a member becomes an active member.

3. **Opting out after the first three months (Regulation 16)**

An optant-out ceases to be in pensionable service with effect from the first day of the first pay period following the date on which the option is exercised. If the scheme manager considers that day to be inappropriate, it may vary the date to the first day of any later pay period as the scheme manager does consider appropriate. [Regulation 16(2)(b)]

Statement of Policy

The Scheme Manager will not vary the date on which an optant out ceases to be a member.

Pensionable Pay

4. **Pensionable Pay (Regulation 17)**

The Scheme Manager has discretion if continual professional development payments are to be treated as pensionable pay. [Regulation 17(1)(d)]

Statement of Policy

Continual Professional development payments will be pensionable.

Retirement Benefits

5. **Active Membership (Regulation 19)**

A person who is on unpaid authorised absence can count the period as active membership if the Scheme Manager permits them to be treated as an active member during that period. (Presumably this would be linked to Regulation 111(4) and subject to the member paying the appropriate contributions.) [Regulation 19(d)]

Statement of Policy

The Scheme Manager will permit a member on unpaid absence to count the period as active membership subject to contributions being paid.

Pensions Accounts

6. Establishment of pension accounts: general (Regulation 28)

The Scheme Manager must establish and maintain pension accounts for scheme members, but they may be kept in such form as the scheme manager considers appropriate.

Statement of Policy

The Scheme Manager will maintain pension accounts within an electronic Pension Administration System. The security and operation of these accounts will be reviewed regularly by the Local Pension Board.

7. Closure and re-establishment of active member's account (Regulation 37)

If a member has more than two active members account and ceases pensionable service with less than three months' qualifying service in respect of one account, that account must be closed and benefits aggregated with one of the others; the member may select which one.

Statement of Policy

The Scheme Manager will use their discretion on a case by case basis in the best interests of the member.

Retirement Benefits

8. Closure of deferred member's account after gap in pensionable service not exceeding five year. (Regulation 49)

If a deferred member re-enters pensionable employment after a gap of five years or less, the Scheme Manager must close the deferred member's account and re-establish the active member's account, transferring entries from the deferred account. If the person had more than one relevant deferred member's account, they must selection – within three months of re-entering scheme employment – which one should close. If they fail to make a

selection, the Scheme Manager must make the choice for them. [Regulation 49(3) and (4)]

Statement of Policy

The Scheme Manager will use their discretion on a case by case basis in the best interests of the member.

9. Employer initiated retirement (Regulation 62)

An employer can determine that an active member aged 55 or over but under age 60 who on the grounds of business efficiency is dismissed or has their employment terminated by mutual consent, can receive immediate payment of retirement pension without the early payment reduction. An employer may only use this discretion if the employer determines that a retirement pension awarded on this basis would assist the economical, effective and efficient management of its function having taken account of the costs likely to be incurred in the particular case. [Regulation 62(1) and (2)]

Statement of Policy

The employer will use their discretion on a case by case basis with the overriding control that any costs incurred in using this discretion will be recoverable within a three year period.

10. Exercise of partial retirement option (Regulation 63)

An active member aged at least 55 who would be entitled to immediate payment of pension if they leave pensionable service and who claims payment of the pension, may opt to claim the whole of their accrued pension but continue in pensionable service. The person concerned must give appropriate notice to the scheme manager and the partial retirement option is taken to be exercised on a date agreed between the member and the Scheme Manager. [Regulation 63(5)]

Statement of Policy

Where a member wishes to make an application for partial retirement under Regulation 63 they must provide written notice to the Scheme Manager. On a case by case basis the Scheme

Manager will agree a date with the member on which the option shall be exercised.

III-Health Benefits

11. Review of ill-health awarded or early payment of retirement pension (Regulation 68)

The Scheme Manager must have a policy for reviewing, at such intervals as it considers appropriate, the award of ill-health pensions where the recipient is under deferred pension age and has been receiving the award for less than 10 years, and for reviewing the early payment of deferred pensions on ill-health grounds for so long as the recipient is below deferred pension age. [Regulation 68(1) and (2)]

Statement of Policy

The Scheme Manager will review the award of ill-health pensions, where the recipient is under deferred pension age and has been receiving the awarded for less than 10 years, and deferred pensions in payment early on ill-health grounds and where the recipient is below deferred pension age on a three yearly basis.

12. Consequences of review (Regulation 69)

If, following the review of a lower tier ill-health pension under Regulation 68, the Scheme Manager determines that the recipient is capable of performing the duties appropriate to the role from which the person retired on grounds of ill-health, the employer must consider whether or not to make an offer of re-employment. [Regulation 69(3)]

Statement of Policy

The Scheme Manager will consider whether or not to make an offer on a case by case basis.

13. Commencement of pensions (Regulation 70)

If a deferred member requests, and is entitled to, the early payment of retirement pension on grounds of ill-health, the scheme manager must determine the date of payment as being

the date on which the person became incapable of undertaking regular employment because of infirmity of mind or body or, if that date cannot be ascertained, the date of the member's request for early payment. [Regulation 70(7)]

If a deferred member requests deferral of payment of a deferred pension beyond deferred pension age, or requests early payment with an early payment reduction before deferred pension age, the Scheme Manager will decide the payment date after the claim for payment has been made.

Statement of Policy

The Scheme Manager will determine the date from which a deferred pension will become payable in the situations described in Regulation 70(7) and (8) on a case by case basis using information provided by the claimant, any appropriate medical professional, and with guidance from the Payroll and Pensions Manager.

Allocation

14. Allocation election (Regulation 72)

The Scheme Manager must give consent for the allocation of a portion of pension to a dependant, who is not the spouse, civil partner or cohabiting partner of an active or deferred member. (Consent can be withheld if the Scheme Manager is not satisfied that the person nominated is not substantially dependent of the active member.) [Regulation 72(3)(b) and (4)]

Statement of Policy

The Scheme Manager will give consent for the allocation of a portion of pension to a dependent where acceptable evidence of dependency is provided by the Scheme Member. At the time of application the Scheme Manager will confirm to the member what evidence is to be provided.

15. Adjustment of allocated benefit (Regulation 75)

If a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not

qualify as a dependant's scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the amount may be adjusted in a manner determined by the Scheme Manager. [Regulation 75(1) and (2)]

Statement of Policy

The Scheme Manager will make any adjustments allowed under Regulation 75(1) and (2) on a case by case basis.

Death Benefits

16. Meaning of "surviving partner" Regulation 76)

A cohabiting partner may be considered a "surviving partner" and potentially qualify for a pension provided by meeting certain conditions, one of which is that they must have been in a "long-term relationship" – a continuous period of at least two years – at the date at which entitlement needs to be considered. The Scheme Manager has discretion to allow the person to qualify where the period is less than two years. [Regulation 76(1)(b)(v) and (2)]

Statement of Policy

The Scheme Manager will not use their discretion to allow a person to qualify as a "Surviving Partner" where the relationship has been in place for a period of at least two years.

17. Person to whom lump sum death benefit payable (Regulation 95)

The Scheme Manager has absolute discretion as to the recipient of any lump sum death benefit payable. [Regulation 95]

Statement of Policy

The lump sum death benefit will be paid to whosoever the Scheme Manager decides it should be. The discretion will be operated by the Payroll and Pensions Manager in consultation with the Strategic Enabler for People Support Services.

18. Payment of pensions under Part 6 "Death Benefits" (Regulation 100)

If a child's pension is due in respect of an eligible child under age 18, the Scheme Manager will determine to whom it should be paid and will give directions to that person as to how the payment should be applied for the eligible child's benefit. [Regulation 100(2)]

Statement of Policy

The child's pension in respect of an eligible child over the age of 7 will be paid to that child. A child's pension for a child over the age of 7 will be paid to that child's surviving parent with instruction that it should be applied for that eligible child's benefit.

19. Surviving partner's pensions and eligible child's pensions: suspension and recovery (Regulation 101)

A Scheme Manager has the right to cease paying a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears to the Scheme Manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the award. (This does affect the Scheme Manager's right to recover a payment or overpayment under any other provision where the Scheme Manager considers it appropriate to do so.) [Regulation 101(2) and (3)]

Statement of Policy

The Scheme Manager will cease paying a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears to the scheme manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the awarded except in cases where the Strategic Enabler for Finance and Resources deems it to be financially counter productive to do so.

20. Provisional awards of eligible child's pensions: later adjustments (Regulation 102)

If children's pensions have been made to certain persons on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child, the scheme manager has discretion to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively. (This does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so.) [Regulation 102(2) and (3)]

Statement of Policy

If children's pensions have been made to certain persons on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child the scheme manager will adjust the amount of pensions as required in view of the facts as they subsequently appear. These adjustments will be made retrospectively where required.

21. Adjustment of benefits to comply with fA2004 where members die over 75 (Regulation 104)

If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules), the scheme manager has discretion to adjust the benefit payable to the person so that it would qualify under that section of the Act. [Regulation 104(1)(a) and (2)]

Statement of Policy

If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules), the scheme manager will adjust the benefit payable to the person so that it would qualify under that section of the Act.

Contributions

22. Member contributions (Regulation 110)

Where there is a change in scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, the scheme manager must determine that this rate should be applied and inform the member of the new contribution rate and the date from which it is to be applied. [Regulation 110(5)]

When identifying the appropriate contribution rate, a reduction in pay in certain circumstances as listed in Regulation 110 are to be disregarded. In addition, the Scheme Manager can specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded. [Regulation 110(7) (h)]

Statement of Policy

Where there is a change in scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, this rate will be applied from the first day of the pay period following the date on which the material change took effect. The member will be informed of the new contribution rate and the date from which it is to be applied within three months of the date when the new rate is first applied to their pay.

23. Contributions during absence from work due to illness, injury, trade dispute or authorised absence (Regulation 111)

Where an active member is absent from scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions; if they do, the scheme employer may require that they should also pay employer contributions. [Regulation 111(2), (3) and (4)]

Statement of Policy

Where an active member is absent from scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they will be allowed to pay contributions. The contribution payable will be the total of both the member and employer contribution.

24. Deduction and payment of contributions (Regulation 114)

Member contributions due under Regulation 110 may be deducted by the scheme employer from each instalment of pensionable pay as it becomes due, unless another method of payment has been agreed between the scheme manager and the member. [Regulation 114(1)]

Contributions due in respect of absence from work on reserve forces service leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. [Regulations 114(2)]

Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and the scheme manager. [Regulation 114(3)]

Statement of Policy

Member contributions due under Regulation 110 will be deducted from each instalment of pensionable pay as it becomes due.

Contributions due in respect of absence from work on reserve forces service leave will be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.

Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and Payroll and Pensions Manager on behalf of the scheme manager.

Transfers

25. Statement of entitlement (Regulation 135)

The scheme manager must specify in a statement of entitlement the "guarantee date" date by reference to which the cash equivalent or club transfer value is calculated; this date must fall within the three months beginning with the date of the member's application for the statement of entitlement and within ten days ending with the date on which the member is provided with the statement. The scheme manager has discretion, if it believes reasonable, to extend this date to within six months of the date of the member's application if, for reasons beyond the scheme manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three-month period. [Regulation 135(4)]

Statement of Policy

The Scheme Manager will extend the "guarantee date" to within 6 months of the date of the member's application if, for reasons beyond the scheme manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three-month period.

26. Request for acceptance of a transfer payment (Regulation 141)

There is a time limit of one year from becoming an active member in which a person can request a transfer payment from a non-occupational pension scheme. The scheme manager has the discretion to extend this period. [Regulation 141(3)]

Statement of Policy

The Scheme Manager will not extend the time limit in which a person can request a transfer payment from a non-occupational pension scheme.

27. Transfer statement (Regulation 142)

The Scheme Manager can require an active member to ask the scheme manager of a previous non-club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement.
[Regulation 142(2)]

Statement of Policy

The Scheme Manager will require an active member to ask the scheme manager of a previous non-club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count where the transfer date falls within two months of the date of the statement

28. Club transfer value statement (Regulation 144)

The Scheme Manager can require an active member to ask the scheme manager of a previous club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 144(2)]

Statement of Policy

The scheme manager will require an active member to ask the scheme manager of a previous club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count where the transfer date falls within two months of the date of the statement

Appeals and Determinations

29. Appeal concerning entries on the certificate (Regulation 148)

If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146, they can require the Scheme Manager to deal with their disagreement under arrangements implemented by the Scheme Manager in accordance with the requirements of section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. The Scheme Manager must have these arrangements in place. [Regulation 148(1)]

Statement of Policy

If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146, the scheme manager will deal with their disagreement under arrangements implemented by the scheme manager in accordance with the requirements of Section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008.

The process for dealing with such disagreements will be published via the Intranet.

30. Determination by the Scheme Manager (Regulation 151)

It is the Scheme Manager that must determine whether a person is entitled to an award or to retain an award.
[Regulation 151]

Statement of Policy

On a case by case basis the scheme manager will determine whether a person is entitled to an award or to retain an award. This determination will be made by the Payroll and Pensions Manager in conjunction with the Strategic Enabler for People Support Services.

31. Role of IQMP in determinations by the Scheme Manager (Regulation 152)

The Scheme Manager must select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion. [Regulation 152(1)]

If a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the Scheme Manager can make the determination based on such medical evidence as the Scheme Manager thinks fit, or without medical evidence. [Regulation 152(7)]

Statement of Policy

The Scheme Manager will select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion.

Where a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the scheme manager will make the determination based on such medical evidence as the scheme manager thinks fit, or without medical evidence. This discretion will be exercised by the Strategic Enabler for People Support Services.

32. Review of medical opinion (Regulation 153)

Where a member requests a review of an IQMP's opinion in the light of new evidence received by the scheme manager within 28 days of the member having received the opinion, the Scheme Manager may agree to giving the IQMP the opportunity of reviewing the opinion. [Regulation 153(1)]

Upon receiving the IQMP's response the Scheme Manager must confirm or revise its original determination and advise the member accordingly. [Regulation 153(4) and (5)]

Statement of Policy

On a case by case basis, where a member requests a review of an IQMP's opinion in the light of new evidence received by the scheme manager within 28 days of the member having received the opinion, the scheme manager may agree to giving the IQMP the opportunity of reviewing the opinion.

Upon receiving the IQMP's response the Scheme Manager will confirm or revise its original determination and advise the member accordingly. The discretion will be exercised by the Strategic Enabler for People Support Services.

33. Notice of appeal (Regulation 155)

If a member wishes to appeal against a determination made by the scheme manager and their grievance lies in the medical opinion upon which the determination was based, they can appeal to a board of medical referees. The appeal must be made within 28 days of the date on which the member receives the relevant documents under Regulation 154(4). If the appeal is not made within this time limit and the scheme manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the scheme manager has a discretion to extend the time limit for such period as the scheme manager considers appropriate, not exceeding six months from the date the Regulation 154(4) documents were supplied.
[Regulation 155(2)]

Statement of Policy

On a case by case basis the scheme manager will consider extending the time limit during which a member can appeal to a board of medical referees to a maximum of six months from the date the Regulation 154(4) documents were supplied.

34. Reference of appeal to the board (Regulation 156 – See also Regulation 161)

Where a member has given notice of appeal to a board of medical referees, before the board arranges a time and place for the interview and medical examination a member of the board will review the documents supplied to the board in accordance with

Regulation 156.

If the board member is of the opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded the board member will notify the Secretary of State accordingly. This will be copied to the scheme manager who must, in turn, send a copy of it to the scheme member advising that if their appeal is unsuccessful, the member may be required to pay the scheme manager's costs and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or withdraw, the appeal. [Regulation 156(8) to (12)]

Statement of Policy

If a member of a board of medical referees, who has reviewed appeal documents provided by the member, is of the opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded the board member will notify the Secretary of State accordingly. The Scheme Manager will send a copy of this notification to the scheme member advising that if their appeal is unsuccessful, they will be required to pay the Scheme Manager's costs and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or withdraw, the appeal.

35. Procedure where appeal to be pursued (Regulation 157)

The Scheme Manager must decide which persons will attend the interview as its representatives. The Scheme Manager must also decide whether or not to submit written evidence or a written statement (and must decide a response to any written evidence or written statement from the appellant). [Regulation 157(6) to (9)]

Statement of Policy

On a case by case basis where an appeal is pursued the scheme manager will decide;

1. Which persons will attend the interview as its representatives.
2. Whether or not to submit written evidence or a written statement.
3. How to respond to any written evidence or written statement from the appellant.

This decision will be made by the Strategic Enabler for People Support Services.

36. Expenses of each party (Regulation 161)

If the medical appeal board determines in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, the scheme manager can require the appellant to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. [Regulation 161(2)]

If the appellant withdraws the appeal requesting cancellation, postponement or adjournment of the date appointed for interview and/or medical examination less than 22 working days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. [Regulation 161(3)(a)]

If the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed or interview and/or medical examination less than 22 days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. [Regulation 161(3)(b)]

Statement of Policy

If the medical appeal board determines in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, the scheme manager will require the appellant to pay it a sum equal to the total amount of the fees and allowances payable to the board under Regulation 160(1).

37. Appeals on other issues (Regulation 163)

If a member disagrees with a scheme manager's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the member can require the scheme manager to deal with the disagreement under requirements which the scheme manager must have in place in accordance with section 50 of the Pensions Act 1995 (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. [Regulation 163]

Statement of Policy

If a member disagrees with a scheme manager's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the scheme manager will deal with their disagreement under arrangements implemented by the scheme manager in accordance with the requirements of section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008.

The process for dealing with such disagreements will be published via the Intranet.

Payment of Pensions

38. Commutation of small pensions (Regulation 167)

If the pension entitlement of a member of the scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the scheme manager may pay the entitlement as a lump sum. This would, however, be subject to the consent of the recipient and must comply with the commutation provisions that apply in the circumstances. [Regulation 167(3)]

Statement of Policy

If the pension entitlement of a member of the scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the scheme manager will pay the entitlement as a lump sum, subject to the consent of the recipient and will comply with the commutation provisions that apply in the circumstances.

39. Payments for persons incapable of managing their affairs (Regulation 168)

If it appears to the scheme manager that a person other than an eligible child who is entitled to benefits under the scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the scheme manager may pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the scheme manager may determine, to be applied for the benefit of the person entitled. If the scheme manager does not pay the benefits in this way, the scheme manager may apply them in such manner as it may determine for the benefit of the person entitled, or any beneficiaries of that person. [Regulation 168]

Statement of Policy

Where it appears to the scheme manager that a person other than an eligible child who is entitled to benefits under the scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the scheme manager will pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the scheme manager may determine, to be applied for the benefit of the person entitled.

40. Payments due in respect of deceased persons (Regulation 169)

If, when a person dies, the total amount due to that person's personal representatives under the scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the scheme manager can pay the whole or part of the amount due to the personal representatives or any person or persons appearing to the scheme manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration. [Regulation 169]

Statement of Policy

If, when a person dies, the total amount due to that person's personal representatives under the scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the scheme manager will pay the whole or part of the amount due to the personal representatives or any person or persons appearing to the scheme manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration.

Forfeiture

41. Forfeiture: offences committed by members, surviving partners or eligible children (Regulation 171)

If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager can withhold pensions payable under the scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate. "Relevant offence" is defined in this Regulation.

The definition includes offences injurious to the State (including treason) or likely to lead to a serious loss of confidence in the public service. There are certain conditions set out in the Regulation, e.g. it is only the part of the pension that exceeds any guaranteed minimum pension that can be withheld. [Regulation 171(1), (2), (3) and (5).]

Where a pension is withheld, the scheme manager can at any time, and to such extent and for such duration as the manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member. [Regulation 171(4)]

Statement of Policy

If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager will withhold pensions payable under the scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate, subject to a maximum of the amount by which the pension exceeds any guaranteed minimum pension.

On a case by case basis where a pension is withheld, the scheme manager will consider at three monthly intervals, to any extent and for such duration as the manager thinks fit, applying the pension for the benefit of any dependant of the member or restoring it to the member.

42. Forfeiture of pensions: offences committed by other persons (Regulation 172)

If a surviving partner or eligible child is convicted of the murder of a scheme member from whose benefits their pension would be derived the scheme manager must withhold all of the survivor's or child's pension otherwise payable. However, if a surviving partner or eligible child is convicted of the manslaughter of the member or any other offence, apart from murder, of which the unlawful killing of the member is an element, the scheme manager has discretion as to whether or not to withhold the pension to which they would otherwise be entitled. The amount withheld must only be that part of the pension which exceeds any guaranteed minimum pension. If the conviction is subsequently quashed, the pension must be restored with effect from the day after the date on which the member died. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 172(1) to (5)]

Statement of Policy

The discretion to withhold part of a pension under Regulation 172 (1) to (5) will be exercised on a case by case basis by the Strategic Enabler for People Support Services.

43. Forfeiture of lump sum death benefit: offences committed by other persons (Regulation 173)

If a person is convicted of a relevant offence, i.e. the murder or manslaughter of the member, or any other offence of which the unlawful killing of the member is an element, the scheme manager must withhold all of any lump sum death benefit payable to that person.

If, however, the conviction is subsequently quashed on appeal, the scheme manager may, to such extent and for such duration as it thinks fit, restore to the person the amount of benefit withheld. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 173]

Statement of Policy

The discretion to restore part of a pension withheld under Regulation 173 will be exercised on a case by case basis by the Strategic Enabler for People Support Services.

44. Forfeiture: relevant monetary obligations and relevant monetary losses (Regulation 174)

If a member has a relevant monetary obligation or has caused a relevant monetary loss, the scheme manager may, to such extent and for such duration as it considers appropriate, withhold benefits payable to that person under the scheme. "Relevant monetary obligation" and "relevant monetary loss" are defined in the Regulation. There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension and the scheme manager may only withhold it if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator.

The monetary obligation must have been incurred to the employer after the person became an active member and arising out of or connected with the scheme employment in respect of which the person became a member of the scheme, and arising out of the person's criminal, negligent or fraudulent act or omission. The procedure is set out in Regulation 176.
[Regulation 174]

Statement of Policy

The discretion to withhold part of a pension under Regulation 174 will be exercised on a case by case basis by the Strategic Enabler for People Support Services.

45. Set-off (Regulation 175)

A scheme manager has a discretion to set off a "relevant monetary obligation" against a member's entitlement to benefits under the scheme, subject to certain conditions which are similar to those contained in Regulation 174 (Forfeiture). The procedure is set out in Regulation 176.] [Regulation 175]

Statement of Policy

The scheme manager will set off any "relevant monetary obligation" against a member's entitlement to benefits.

Payment and Deduction of Tax

46. Payment on behalf of members of lifetime allowance charge (Regulation 178)

At a scheme member's request, the scheme manager may pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The scheme manager may only comply with the request if the member pays it the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs.
[Regulation 178]

Statement of Policy

At a scheme member's request, the scheme manager will pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The scheme manager will only comply with the request if the member pays it the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs.

47. Evidence of Entitlement (Regulation 184)

The scheme manager can require any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the scheme to provide such supporting evidence as the scheme manager may reasonably require so as to establish the person's identity and their continuing or future entitlement to the payment of any amount under the scheme. [Regulation 184(1) and (2)]

If a person fails to comply with the scheme manager's requirements in this respect, the scheme manager can withhold the whole or part of any amount that it otherwise considers to be payable under the scheme. [Regulation 184(3)]

Statement of Policy

The scheme manager will require any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the scheme to provide appropriate evidence to establish the person's identity and their continuing or future entitlement to the payment of any amount under the scheme.

If a person fails to comply with the scheme manager's requirements in this respect, the scheme manager will withhold the whole or part of any amount that it otherwise considers to be payable under the scheme.

48. Amount of accrued added pension may not exceed overall limit of extra pension (Schedule 1, Part 1, Paragraph 4)

The total amount of accrued added pension must not exceed a certain limit. If it appears to the scheme manager that a member who has elected to make periodical contributions will exceed the limit the scheme manager may cancel the election (by written notice to the member). [Schedule 1 Part 1, Paragraph 4]

Statement of Policy

If it appears to the scheme manager that a member who has elected to make periodical contributions will exceed the limit prescribed in the regulations the scheme manager will, having provided written notice to the member, cancel the election.

49. Member's Election to make periodical contributions for added pension (Schedule 1, Part 1, Paragraph 7)

If a scheme member wishes to make periodical payments for added pension, the scheme manager can set a minimum amount which must be paid. [Schedule 1, Part 1, Paragraph 7(3)]

Statement of Policy

The scheme manager will not allow a member to make periodic payments for added pension of less than £10 per month.

50. Periodical payments (Schedule 1, Part 2, Paragraph 8)

If a scheme member wants to make periodical payments for added pension, but does not want them to be deducted from pensionable pay, the scheme manager may agree another method of payment. [Schedule 1 Part 2, Paragraph 8 (3)]

Statement of Policy

The scheme manager will not allow a member to make periodical payments for added pension except by deduction from pensionable pay.

51. Periodical payments during periods of assumed pensionable pay (Schedule 1, Part 2, Paragraph 10)

After a period of assumed pensionable pay or a period of reduced pay, the member may give written notice to the scheme manager authorising the employer to deduct the aggregate of payments – which would have been made but for the leave – from the member's pay during the period of six months from the end of the period of reduced pay. The scheme manager can extend this period of six months. [Schedule 1 Part 2, Paragraph 10(4)]

Statement of Policy

Where a member gives written notice authorising the deduction of aggregate payments from their pay the scheme manager will extend the period of repayment to a maximum of two years. This discretion will be exercised by the Payroll and Pensions Manager.

52. Meaning of "tapered protection closing date" (Schedule 2, Part 1, Paragraph 3)

The tapered protection closing dates for tapered protection members are given in the 1992 scheme tables in Schedule 2 Part 4. In most cases the appropriate closing date can be ascertained by reference to the band of dates in which the firefighter's birthday falls. The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) is determined by the scheme manager. [Schedule 2 Part 1,

Paragraph 3(3); Schedule 2 Part 2, Paragraph 9(5); and Schedule 2 Part 3, Paragraph 21]

Statement of Policy

The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) is determined by the scheme manager. This determination will be exercised by the Payroll and Pensions Manager.

Job	Remuneration (including allowances)	Base Salary Range (excluding allowances)		Pay Relationship to CFO
		Min	Max	

BRIGADE MANAGERS

Chief Fire Officer **	£180,449	N/A	N/A	Set by Appointments Committee
Deputy Chief Fire Officer **	£144,580	N/A	N/A	Set by Appointments Committee
Assistant Chief Fire Officer x2 (Service Delivery) **	£135,613	N/A	N/A	Set by Appointments Committee

Lowest Paid Employees (Grey Book)

Firefighter (Control)	£30,179	£23,585	£30,179	0.17
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Lowest Paid Employees (Green Book)

Cleaner	£19,099*	£19,099*	£19,099*	0.10
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GREY BOOK EMPLOYEES (Operational)

Firefighter	N/A	£24,826	£31,767	0.14-0.18
Crew Manager	N/A	£33,763	£35,219	0.19-0.20
Watch Manager	N/A	£36,980	£39,383	0.20-0.22
Station Manager ***	£54,220	£42,194	£45,183	0.23-0.25
Group Manager ***	£62,762	£48,594	£52,301	0.27-0.29
Area Manager ***	£72,908	£57,049	£60,756	0.31-0.34

GREY BOOK EMPLOYEES (Fire Control)

Firefighter (Control)	N/A	£23,585	£30,179	0.13-0.17
Crew Manager (Control)	N/A	£32,075	£33,458	0.18-0.19
Watch Manager (Control)	N/A	£35,131	£37,414	0.19-0.21
Station Manager (Control)***	£51,509	£40,084	£42,924	0.22-0.24
Group Manager (Control)***	£59,624	£46,164	£49,686	0.25-0.28

GREEN BOOK EMPLOYEES

Pay Point 102	N/A	£109,338	N/A	0.60
Pay Point 101	N/A	£84,049	N/A	0.46
Pay Point 100	N/A	£76,313	N/A	0.34
Pay Point 99	N/A	£81,401	£67,834	0.34
Pay Band Manager 1 – SCP 51-59	N/A	£49,765	£59,777	0.27-0.33
Pay Band Manager 2 and Professional 1 - SCP 36-50	N/A	£40,578	£48,577	0.22-0.27
Pay Band Manager 3, Professional 2 and Technical 1 - SCP 27-35	N/A	£31,895	£39,571	0.18-0.22
Pay Band Professional 3, Technical 2 and Administrative 1 - SCP 15-26	N/A	£23,953	£30,984	0.13-0.17
Pay Band Technical 3 and Administrative 2 - SCP 5-14	N/A	£19,650	£23,484	0.11-0.13
Pay Band Administrative 3 and Operative 1 - SCP 2-5	N/A	£18,516	£19,650	0.10-0.11
Pay Band Administrative 4 and Operative 2 - SCP 1	N/A	£18,333	£18,333	0.10-0.10

NOTES:

*WMFS is committed to ensuring all employees are paid no less than the Real Living Wage which on 15 November 2021 increased to £9.90 per hour, equivalent to £19,099 per annum. Lowest paid employees salary was increased in November to the Living Wage and they will continue to benefit from this increase but will not be entitled to any increase applied to NJC rates unless this results in their existing spine point exceeding the National Living Wage. All these figures are subject to change if/when pay awards are determined.

***Salaries incorporates on-call/continuous cover*

**** Salaries inclusive of 20% Flexi Duty Allowance*

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**27 JUNE 2022****1. WHISTLEBLOWING POLICY**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the Authority approves the Whistleblowing Policy which has been amended and taken through formal consultation.

2. PURPOSE OF REPORT

- To inform the Authority of the amended Whistleblowing Policy that has been reviewed by PSS Business Partners
- To inform the Authority that the Whistleblowing Policy is in line with current legislation
- To inform the Authority that this reviewed policy has gone through formal consultation on the 2 February 2022 via Joint Consultative Committee (JCC) over a four-week period.
- To seek Authority approval for the update Whistleblowing policy

THAT the Authority is made aware of the changes:

- Changes made to the role of a whistleblower, in line with government guidance: <https://www.gov.uk/whistleblowing>
- Added who is protected by law, in line with government guidance: <https://www.gov.uk/whistleblowing>
- Added who to inform and what to expect when whistleblowing, in line with government guidance: <https://www.gov.uk/whistleblowing>

- Added further information around confidentiality

3. **BACKGROUND**

- 3.1 West Midlands Fire Service recognises that policies and procedures are an essential part of our organisation. Our Whistleblowing Policy has been reviewed and amended to ensure compliance with laws and regulations.

Whistleblowing Policy is reviewed every THREE years with the engagement from Trade Unions, Line Managers and HR professionals and formal consultation.

- 3.2 The Whistleblowing Policy is expected to comply with the following elements:-

- 3.2.1 a relevant Authority must ensure that the policy is in line with the law.

- 3.2.2 a relevant Authority ensures that The Public Interest Disclosure Act 1998 makes sure that employees, contractors providing services, most agency workers, home workers and trainees on vocational and work experience schemes are legally protected in raising concerns responsibly.

- 3.2.3 in addition it must detail:

- (a) how the grievance policy is explored if the complaint does not count as whistle blowing.
- (b) the different roles and responsibilities of the relevant Authority members.
- (c) the different types of allegations within the Whistleblowing policy.

- 3.3 The information referred to above, is available within the policy, as well as within the relevant internal Teams channel accessible to staff and published Joint Consultative Committee minutes.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report an initial Equality Impact

Assessment is not required as there is no direct impact on individuals in setting out the Authority's Whistleblowing policy.

5. **LEGAL IMPLICATIONS**

- 5.1 The recommendations provided enable West Midlands Fire and Rescue Authority to continue to comply with the relevant legislation for Whistleblowing.

6. **TRADE UNION CONSULTATION**

- 6.1 This policy has been through formal consultation with the trade unions in line with our Joint Consultative Committee.

7. **FINANCIAL IMPLICATIONS**

- 7.1 There are no direct financial implications arising from this report.

BACKGROUND PAPERS

<https://www.gov.uk/whistleblowing>

The contact name for this report is Wayne Brown, Deputy Chief Fire Officer, 0121 380 6907.

PHIL LOACH
CHIEF FIRE OFFICER

APPENDIX 1

WHISTLE BLOWING POLICY

1. STRATEGY

Following the Public Interest Disclosure Act (PIDA), which came into force in July 1999 (updated on 1st May 2013 GOV.UK), legal protection is now provided to employees who raise concerns about suspected dangerous or illegal activity that they are aware of through their work. The common term for voicing such concerns is 'whistle blowing'. West Midlands Fire Service (WMFS) wishes to create an open and honest culture with its statutory obligations, detailed in the Act, and ethical standards, detailed in its Core Values. Details on our core values can be found in the Equality & Diversity Policy.

The Public Interest Disclosure Act - GOV.UK

Equality & Diversity Policy

2. PURPOSE

The Public Interest Disclosure Act 1998 makes sure that employees, contractors providing services, most agency workers, home workers and trainees on vocational and work experience schemes are legally protected in raising concerns responsibly.

External contractors may encounter wrongdoing that affects WMFS. Therefore, this whistle blowing policy is also open to employees of our contractors.

Whistleblowing is when an employee reports suspected wrongdoing at work. Officially this is called 'making a disclosure in the public interest'.

The public interest disclosure Act Gov.Uk
<https://www.gov.uk/government/publications/the-public-interest-disclosure-act/the-public-interest-disclosure-act>

3. RESPONSIBILITY

You're a whistle blower if you're a worker and you report certain types of wrongdoing. This will usually be something you have seen at work – though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public.

As a whistle blower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Employees are often the first to realise that there may be something seriously wrong with the organisation that employs them. They may be able to alert the organisation early on to things like fraud, negligence, bribery and health and safety risks. However, they may not express their concerns, because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimisation. In these circumstances they may feel it easier to ignore the concern rather than report what may be no more than a suspicion of malpractice.

The procedures in this order give ways for individuals to raise concerns and receive feedback on any action taken. It makes sure that individuals receive a response and know how to pursue concerns if they are not happy with the response. It gives reassurance that individuals will be protected from possible reprisals or victimisation if they believe they have made a disclosure.

Who is protected by law

You're protected if you're a worker, for example you're:

- an employee, such as a police officer, NHS employee, office worker, factory worker
- a trainee, such as a student nurse
- an agency worker
- a member of a [Limited Liability Partnership](#) (LLP)

Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, eg fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, eg doesn't have the right insurance
- you believe someone is covering up wrongdoing

Complaints that don't count as whistle blowing

- Personal grievances (i.e., bullying, harassment, discrimination) aren't covered by whistleblowing law, unless your particular case is in the public interest. Report these under our Grievance Policy.

[Policy | Grievance Procedure](#)

Who to tell and what to expect

You can tell your line manager or Service, this policy will tell you what to expect if you report your concern to them.

There are other options if you do not want to report your concern to the Service, for example you can [get legal advice](#) from a lawyer, or tell a [prescribed person or body](#).

If you tell a prescribed person or body, it must be one that deals with the issue you're raising, for example a disclosure about wrongdoing in a care home can be made to the Care Quality Commission.

Management responsibilities:

The action taken by the Service will depend on the nature of the concern. The matters raised may be investigated internally by an appropriately experienced officer knowledgeable in the area concerned, for example, audit, Line Manager or HR Practitioner.

Alternatively, through the disciplinary process, the matter may be referred to the police, the external auditor or may be the subject of an independent enquiry.

In order to protect individuals and the Service, and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures, for example, unfair discrimination issues, will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. Members of the SET can seek guidance from the Strategic Enabler - People at any stage in the investigation.

Within 10 working days of a concern being raised, the individual with whom the concern was raised will write to the complainant:

- acknowledging that the concern has been received;
- indicating how the matter is to be dealt with;
- giving an estimate of how long it will take to provide a final response;
- telling the complainant whether any initial enquiries have been made;
- supplying the complainant with information on staff support mechanisms; and
- telling the complainant whether further investigations will take place and if not why not.
- The amount of contact between the officer(s) considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the complainant in a discreet manner.

When any meeting is arranged, the complainant will have the right to be accompanied by a representative body or a work colleague. The meeting can be held off site if requested.

West Midlands Fire Service will take steps to minimise any difficulties, which may be experienced as a result of raising a concern and provide any appropriate support. For instance, if required to give evidence in disciplinary or criminal proceedings, the Service will advise the complainant of the procedure and give reasonable support. Subject to legal constraints, complainant will receive information about the outcomes of investigations.

Upon completion of the investigation, all documents will be forwarded to the Strategic Enabler People.

Responsible Officer:

The Strategic Enabler - People has overall responsibility for the maintenance and operation of this policy. This officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger the complainant's confidentiality) and will report as necessary to the Service and Fire Authority.

4. PROCEDURES

4.1 How to raise a concern

If the matter relates to any fraudulent or corrupt activity, concerns should be raised in accordance with procedures detailed in the Anti-Fraud Corruption and Bribery Policy.

If the complainant wishes to raise or discuss any issues which might fall into the above category then the complainant should contact a member of Strategic Enabling Team (SET), the Treasurer or the Clerk to the Fire Authority, who will be required by WMFS to treat the matter in confidence.

Where possible, the complainant should raise their complaint in writing setting out the background and history of the concern giving names, dates and places where possible and the reason why the complainant is particularly concerned about the situation. If the complainant does not feel able to put the concern in writing, then the complainant can discuss the concerns verbally with a member of the SET, or the Treasurer/ 151 Officer or the Clerk to the Fire Authority.

The earlier that the complainant can express the concern and the more detail that can be provided, the easier it will be for the Service to take appropriate and necessary action. Remember:

- the complainant must disclose the information
- the complainant must believe it to be substantially true
- the complainant must not act maliciously or make false allegations
- the complainant must not seek any personal gain

At this stage the complainant will not be expected to prove the allegation, but will need to demonstrate to the person contacted that there are sufficient grounds for reasonable suspicion or concern.

The complainant may invite a member of the trade union representative body or a work colleague to be present during any meetings or interviews in connection with the concerns raised.

Where a concern relates to a Brigade Manager or SET Manager, then either the Strategic Enabler People (as Responsible Officer), or Deputy Chief Fire Officer or Chief Fire Officer, as appropriate, should be contacted in the first instance. Satinder Sahota as the Monitoring Officer role for the Fire Authority. The Monitoring Officer Satinder Sahota may be contacted via email.

Policy, Anti-Fraud, corruption and bribery
<https://wmfs.sharepoint.com/sites/Policy/SitePages/AntiFraudCorruptionandBribery.aspx>

Satinder Sahota
Contingent Worker

The Treasurer to the Fire Authority may be contacted on 0121 380 6919. The Clerk to the Fire Authority may be contacted on 0121 380 6678. Address for the Treasurer and the Clerk to the Fire Authority is: West Midlands Fire Service, 99 Vauxhall Road, Birmingham, B7 4HW.

4.2 **Confidentiality**

You can tell the Service or a prescribed person anonymously but they may not be able to take the claim further if you have not provided all the information they need. You can give your name but request confidentiality - the person or body you tell should make every effort to protect your identity. If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the complainant. However, it is likely that further investigation will be necessary and the complainant maybe required to attend a disciplinary or investigative hearing as a witness at the appropriate time. An employee raises a concern confidentially if they give their name only on condition that it is not revealed without their consent. A concern is raised anonymously if the employee does not give their name.

4.3 **Harassment or Victimisation**

West Midlands Fire Service recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. The Service will not tolerate harassment or victimisation and will take action to protect the complainant when a concern is raised.

4.4 **Untrue Allegations**

If the complainant makes an allegation, but it is not confirmed by the investigation, no action will be taken against the complainant. If however the complainant makes an allegation which, upon full investigation, is found to have been malicious or vexatious, disciplinary action will be considered and the protection of the PIDA will be lost.

4.5 **Anonymous Allegations**

This policy encourages the complainant to put their name to the concerns. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Strategic Enabler - People.

In exercising this discretion, the factors to be taken into account would include the:

- seriousness of the issues raised;
- credibility of the concern; and
- likelihood of confirming the allegation from attributable sources and information provided.

4.6 **How the matter can be taken further**

This policy is intended to provide the complainant with an avenue to raise concerns within the Service. We hope the complainant will be satisfied with the response. If not, the complainant must indicate this to the Strategic Enabler - People or the Treasurer or Clerk or Monitoring Officer to the Fire Authority.

Legal advice may be sought on any concerns about malpractice. If the employee feels it is right to take the matter outside the Service, the following are possible contacts:

- The complainant's recognised trade union
- Citizens' Advice Bureau
- A solicitor
- The Police
- Relevant professional bodies or regulatory organisations, such as Ombudsmen.
- Public Concern at Work (www.pcaw.co.uk) is a charity that offers free advice to people concerned about danger or malpractice in the workplace, but who are unsure whether, or how, to raise the matter.

[Protect - Speak up stop harm | The Whistleblowing Charity](#)

5. **APPENDICES**

None

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7. **DOCUMENT CONTROL AND AUDIT**

<u>Audit</u>	
Responsible SET Member Accountable	Human Resources
Authorised by	Shirley Haines
Direct enquiries to	Policyofficers@wmfs.net
EIA (Date Completed & Name)	Complete TBC
PIA (Date Completed & Name)	Complete TBC

<u>Review History</u>		
Version #	Date	Reviewed By
1.0	1/7/2018	Business Partner, PSS
2.0	1/2/2022	Kamla Devi-Ahir, Business Partner, PSS

<u>Amendment History</u>					
Version #	Date	Amended By	Section Amended	Amendment	Reason for change
2.0	1/2/2022	Kamla Devi-Ahir, Business Partner, PSS	Whole Policy	<ul style="list-style-type: none"> •Made a slight change to the role of a Whistle blower which is in line with www.Gov.Uk •Added, who is protected by law, in line with www.gov.uk •Added, who to tell and what to expect, in line with www.gov.uk •Added, further information around confidentiality in line with www.gov.uk •The policy reflects current legislation 	In line with the policy review cycle

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2022

1. **AN ANALYSIS OF PROGRESS OF QUARTERLY PERFORMANCE AGAINST 'OUR PLAN' – QUARTER FOUR 2021/22**

Report of the Chief Fire Officer.

RECOMMENDED

- 1.1 THAT the Authority notes the status of the Service's key performance indicators in the fourth quarter of 2021/22 (Appendix 1).
- 1.2 THAT the Committee note the progress made in delivering the three strategic priorities contained in 'Our Plan' 2021-2024 (Appendix 1).

2. **PURPOSE OF REPORT**

- 2.1 This report is submitted to provide Members with an analysis of the organisation's performance against 'Our Plan' for 2021-2024.

3. **BACKGROUND**

- 3.1 The setting of targets against the operational and other performance indicators enables the Service to define in key areas the improvements which contribute to making the West Midlands safer, stronger and healthier, and to manage the resources allocated to this work. The Service continues to improve and meet targets across a range of indicators.
- 3.2 The performance information contained within this report was submitted to and considered by the Strategic Enabling Team in early June 2022. It is submitted to Members to support the joined-up method of managing performance and providing assurance around the on-going performance of 'Our Plan'.
- 3.3 It should be noted that 2021/22 saw the Service continue to adapt its approaches to the delivery of prevention and protection services due to the ongoing effects of the COVID pandemic.

4. **PERFORMANCE INDICATORS**

4.1 Appendix 1 details the performance against our:

- Performance Indicators covering:
 - Response, Prevention and Protection
 - People
 - Health, Safety and Wellbeing
 - Finance and Resources
- Strategic Objectives as outlined in 'Our Plan'.

Note: an issue with the Vision system has resulted in a number of incidents being duplicated. Digital and Data are currently working to remove these duplicates and as a result the figures reported in Appendix 1 may alter slightly.

4.2 **Service Delivery Performance Indicators**

4.2.1 **Response**

- PI 1 – the risk-based attendance standard; performance continues to be positive, with the targets having been met for all four categories of incident type. The performance is rated as over performance against the tolerance levels (blue).
- The average attendance time for Category 1 incidents (the most critical and important of the four categories) was 4 minutes 43 seconds in quarter four.
- Average attendance times for Category 2, 3 and 4 Incident Types remain well within their respective targets:
 - Category 2 Incident Type: 5 minutes 26 seconds (target of 7 minutes)
 - Category 3 Incident Type: 4 minutes 59 seconds (target of 10 minutes)
 - Category 4 Incident Type: 7 minutes 8 seconds (target of 20 minutes)

4.2.2 **Prevention**

- The performance indicators for the following areas demonstrate over

performance against the tolerance levels (blue):

- PI 2 The number of accidental dwelling fires.
- PI 10 The number of deliberate vehicle fires.
- PI 11 The number of deliberate rubbish fires.
- The performance indicators for the following areas demonstrate performance is within the tolerance levels (green):
 - PI 3 Injuries from accidental fires in dwellings, taken to hospital for treatment.
 - PI 8 The number of deliberate fires in dwellings.
 - PI 9 The number of deliberate fires in non-domestic premises.
- The performance indicators for the following areas demonstrate under performance against the tolerance levels (red):
 - PI 5 The percentage of Safe and Well visits referred by our partners.
 - PI 6 The number of Safe and Well points achieved by the Brigade.
 - PI 12 The number of deliberate fires in derelict buildings.
- The following two performance indicators do not have a performance rating assigned:
 - PI 4 The number of deaths from accidental fires in dwellings.
 - PI 7 The number of people killed or seriously injured in Road Traffic Collisions.

4.2.3 Protection

- The performance indicator for the following area demonstrates performance is within the tolerance levels (green):
 - PI 13 The number of accidental fires in non-domestic premises.
- The performance indicator for the following area demonstrates under performance against the tolerance levels (red):
 - PI 14 – The number of false alarm calls due to fire alarm equipment

in dwellings and non-domestic premises.

4.3 People Performance Indicators

4.3.1 The performance indicators for the following areas demonstrates performance is within the tolerance levels (green):

- PI 17 – The percentage of all staff from black and minority ethnic (BAME) communities.

4.3.2 The performance indicators for the following areas demonstrate under performance against the tolerance levels (red):

- PI 15 – The percentage of employees that have disclosed their disabled status.
- PI 16 – The number of female uniformed staff.
- PI 17a – The percentage of uniformed staff from BAME communities.
- PI 18 – The average number of working days/shifts lost due to sickness (all staff).
- PI 19 – The average number of working days/shifts lost due to sickness (uniformed and Fire Control staff).
- PI 20 – The average number of working days/shifts lost due to sickness (non-uniformed employees).

4.3.3 It should be noted that the figures reported for the performance indicators related to sickness do not include COVID related absences due to the affect that such absences will have on the performance indicators and the specific approach this was required to manage these absence types. However, figures including COVID absences have been included within the comments for each performance indicator to provide further context.

4.4 Health, Safety and Wellbeing Performance Indicators

4.4.1 No targets or tolerances are set for the performance indicators for the total number of injuries or the total number of RIDDOR injuries. This is because any injury report is unwanted and the Service encourages an open reporting culture that facilitates learning and improvement.

4.5 Finance and Resources Performance Indicators

4.5.1 The performance indicator for the following area demonstrates over-performance against the tolerance levels (blue):

- PI 24 – To reduce the gas use of Fire Authority premises.

4.5.2 The performance indicator for the following area demonstrates under-performance against the tolerance levels (red):

- PI 25 – To reduce the electricity use of Fire Authority premises.

5. **CORPORATE RISK**

5.1 Corporate Risks are those risks that, if realised, would seriously affect the Service's ability to carry out its core functions or deliver key objectives.

5.2 In accordance with the Corporate Risk Management Strategy, all risks maintained within the Corporate Risk Register have been reviewed by Senior Risk Owners in order to update the relevant triggers, impacts and control measures and determine a relevant risk score, if appropriate, based on assessment of likelihood and impact.

5.3 A report of progress against our Corporate Risks is submitted separately to the Audit and Risk Committee.

6. **EQUALITY IMPACT ASSESSMENT**

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

7. **LEGAL IMPLICATIONS**

7.1 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.

8. **FINANCIAL IMPLICATIONS**

8.1 The level of response, protection and prevention resources required to achieve the targets for the operational indicators shown in Appendix 1, were considered as part of the Authority's 2021/2022 budget setting process which established a total budget requirement of £101.764 million. The cost of delivering services which contribute to the performance achievements comprise goods such as smoke alarms and staff time. The staff time includes those who are solely engaged in prevention work and

watch based staff that provide emergency response as well as prevention services.

8.2 Expenditure on smoke alarms and other supporting materials in 2021/22 is £339k

9. **ENVIRONMENTAL IMPLICATIONS**

9.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

‘Our Plan 2021-24’ Strategic Objectives.

Corporate Action Plan updates.

Corporate Risk Update Quarter 3 and 4 2021/22 (exception report).

The contact name for this report is Area Commander Richard Stanton, Strategic Enabler – Portfolio, telephone number 07973 810054.

PHIL LOACH
CHIEF FIRE OFFICER

Key Performance Indicators Status – Quarter Four 2021/22


Item 19

Key:	
Blue	Over performance against the tolerance levels
Green	Performance is within the tolerance levels
Red	Under performance against the tolerance levels

Response

Our response priorities focus on dealing excellently with emergency incidents:


- We aim to get to incidents within our attendance standards across all categories; with five minutes in high-risk areas, to save life, reduce harm and protect homes and businesses.
- We will, through our highly trained firefighters, deliver an assertive, effective and safe response to all incidents to make the biggest difference for our communities.
- We will lead rescue operations and work collaboratively with partners to deliver an effective response.
- We will deliver a local, national and international response to major incidents, new risks and humanitarian situations, through our firefighters and specialist teams.

PI 1		The Risk Based Attendance Standard Target: under 5 minutes Actual: 4 minutes 43 seconds Over performance against the tolerance levels
<p>The median high-risk (Cat 1) attendance time was 4 minutes 43 seconds for Q4. Overall, performance has remained well within target throughout the year with median attendance times recorded as 4 minutes 41 seconds for both Q1 and Q2, and 4 minutes 38 seconds during quarter 3. Overall, 56.6% of Cat 1 incidents were in target and in high-risk areas this rose to 64.2%.</p> <p>Attendance times for Category 2, 3 & 4 incidents remain significantly below the respective targets:</p> <p>Category 2 – 5 minutes 26 seconds (target of 7 minutes) Category 3 – 4 minutes 59 seconds (target of 10 minutes) Category 4 – 7 minutes 8 seconds (target of 20 minutes)</p>		

Prevention

Our prevention priorities focus on making safer, healthier communities:

- We will work with our partners to reduce fire related risks faced by the most vulnerable in our communities.
- We will improve the safety, health and well-being of the most vulnerable people in our communities, through targeted prevention activities directly linked to vulnerability from fire.
- We will educate to prevent arson related incidents, supporting safer and stronger communities through our partnership working.
- We will reduce the number of people killed or seriously injured on our roads through education and prevention, working with strategic partners.
- We will work in partnership to support and protect the most vulnerable in our communities throughout the COVID-19 pandemic and beyond.

PI 2		The number of accidental dwelling fires Target YTD: 1623 (1543 – 1655) Actual to date: 1506 Over performance against the tolerance levels
<p>For the 2021/22 performance year-end there were a total of 1,506 Accidental Dwelling Fires (ADF) recorded across the Brigade against a target of 1,623. This figure represents the lowest number of ADF incidents since 1998/99. During Q4 a total of 372 ADF's were recorded across the Service which is 32 incidents (-7.9%) below the target level of 404. Therefore, for both the quarter and performance year, ADF's were below tolerance.</p> <p>Breakdown of incidents via Command Area:</p> <ul style="list-style-type: none"> • Black Country North was below tolerance for ADF incidents for the year recording a total of 252 incidents against a target of 309 (-18.4%). For Q4 the command was within target having recorded a total of 63 ADF's against a target of 64 (-1.6%). Wolverhampton was below tolerance for the year having recorded 144 ADFs against a target of 169 (-14.8%) and was also below tolerance for Q4 recording 33 against a target of 35 (-5.7%). Walsall was below tolerance for the year recording 108 against a target of 141 (-23.4%). For Q4 Walsall was over target and tolerance by 3.4%, which was due to an increase in ADF's within the borough during March 2022. • Black Country South was within target for ADFs for the year having recorded a total of 322 incidents against the target of 325 (-0.9%). For Q4 the command was below tolerance having recorded 82 incidents against a target of 88 (-6.8%). Sandwell was below tolerance for the year, recording 175 ADFs 		

against the target of 193 (-9.3%). For Q4 the borough was also below tolerance recording 40 against the target of 51 (-21.6%). Dudley was above tolerance for the year having recorded 147 ADFs against a target of 131 (12.2%) and was due to elevated levels between August and November 2021 (inclusive). For Q4 the borough was also over tolerance recording 42 against a target of 37 (13.5%) and was due to increased levels of incidents during February 2022.

- Birmingham North was below tolerance for the year having recorded a total of 316 ADF incidents against a target of 336 (-6.0%). For Q4 Birmingham North was also below tolerance, recording 76 ADFs against a target of 82 (-7.3%).
- Birmingham South was below tolerance for the year having recorded a total of 348 ADF incidents against a target of 391 (-11.0%). For Q4 Birmingham South was also below tolerance recording 91 against the target of 102 (-10.8%).
- Coventry and Solihull were above tolerance for the year having recorded a total of 268 ADF incidents against a target of 261 (2.7%). Coventry was above tolerance for the year recording 188 incidents against the target of 176 (6.8%). For Q4 the borough was within target recording 47 incidents against the target of 47. Solihull Borough was below tolerance for the year recording 80 against a target of 85 (-5.9%). For Q4 the borough was also below tolerance recording 13 incidents against the target of 19 (-31.6%).

PI 3



Injuries from accidental fires in dwellings (taken to hospital for treatment)

Target YTD: 52 (41 – 57)

Actual to date: 43

Performance is within the tolerance levels

As at 2021/22 year-end, there were a total of 43 injuries at accidental dwelling fires (ADF) incidents recorded across the brigade against a target of 52, meaning that the Service finished the year within target and tolerance levels. Injuries were particularly high in Q2 when 20 were recorded against a target of 11 (81.8%). The year-end figure of 43, whilst still significant, represents the lowest number of ADF injuries since 1998/99. For Q4, there were 8 injuries at ADF's against the target of 16 (-50.0%) and was below target and tolerance.

Breakdown of incidents via Command Area:

- Black Country North finished the year over target having recorded 9 ADF injuries against a target of 7 (28.6%). The command only recorded one ADF injury during Q4. Walsall borough finished the year above tolerance having recorded 7 Injuries at ADF's against the target of 3 (133.3%), whereas Wolverhampton borough was below target having recorded a total of 2 ADF injuries against the target of 4 (-50.0%).
- Black Country South finished the year within target having recorded a total of 11 ADF injuries against a target of 12 (-8.3%). Sandwell recorded 3 ADF

injuries for the year against a target of 7 and so was below target (-57.1%) and tolerance, whereas Dudley was over target (60.0%) and tolerance having recorded a total of 8 ADF injuries against the target of 5.

- Birmingham North finished the year below target and tolerance having recorded 7 ADF injuries against a target of 10 (-30.0%).
- Birmingham South also finished the year below target and tolerance having recorded a total of 7 ADF injuries against a target of 16 (-56.3%).
- Coventry and Solihull finished the year above target and tolerance having recorded a total of 9 ADF injuries against a target of 8 (12.5%). This was due to ADF injuries being higher than expected during Q1 and Q2. Coventry was on target for the year recording 3 ADF injuries against the target of 3. No such injuries were recorded during Q4 within the borough. Solihull, by contrast, was over target and tolerance for the year having recorded a total of 6 ADF injuries against the target of 5 (20.0%). One such injury was recorded during Q4 within the borough.

PI 4



The number of deaths from accidental dwelling fires

Target YTD: N/A

Actual to date: 14

During the 2021/22 performance year there were a total of 14 deaths at accidental dwelling fires (ADF). This figure represents a 55.6% increase over the 9 deaths recorded during 2020/21. All Commands recorded at least one ADF death. However, when combined, the Black Country Commands accounted for 11 such fatalities which is 78.6% of the total. Black country South alone accounted for 7 ADF deaths or 50.0% of the total. Black Country North accounted for 4 ADF deaths (28.6%) with one incident within the Bushbury area of Wolverhampton resulting in two deaths. Birmingham North, Birmingham South, and Coventry & Solihull each recorded one death.

ADF deaths were highest during Q1 and Q3 when 3 deaths were recorded during each quarter, followed by Q4 when 4 deaths were recorded. The peak months for ADF deaths were April and December 2021 when 3 such deaths were recorded during each of those months.

Males accounted for 12 deaths (86.0%) and females accounted for the remaining 2 (14.0%).

Where recorded, the age of those deceased ranged between 34 and 91 years. Those between the ages of 40 and 65 years accounted for 7 fatalities (50.0%).


Males accounted for 8 fatalities (57.1%) and females accounted for the remaining 6 (42.9%).

Ten fatalities were recorded as 'White British' (71.4%) and 2 were recorded as 'Asian'

(14.2%). The remaining victims' ethnicity was not recorded.

Three deaths were recorded as smoking related, three were recorded as heating equipment related, two were related to matches, candles or incense burners.

Alcohol and/or drugs was indicated in one death.

PI 5		<p>The percentage of Safe and Well visits referred by our partners</p> <p>Target YTD: 45% (45% - 47.25%)</p> <p>Actual to date: 41.1%</p> <p>Under performance against the tolerance levels</p>
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- End of Year 2021/22

At the end of the year 2021/22, the % of Safe & Well visits completed because of a referral from a partner was 41.1% of a total of 36,993 completed Safe & Wells.

Whilst this is 3.9% below the expected target of 45% and is below the 45.2% achieved for 2020/21, it is representing a % significantly higher proportion of Safe & Wells completed as only 18,466 Safe & Wells were completed in 2020/21.

Despite the challenges of the COVID-19 pandemic, the % of Safe & Well visits completed because of a referral from partners have increased on 2019/20, when the % of Safe & Wells completed because of a referral from a partner was 37.1% or 30,989 completed Safe & Wells.


- Quarter 3 - 2021/22

The % of Safe & Well visits completed in quarter 3 because of a referral from a partner was 39.2% of a total of 9,343 completed Safe & Wells.

- Quarter 4- 2022/22

The % of Safe & Well visits completed in quarter 4 because of a referral from a partner was 42.0% of a total of 9,629 completed Safe & Wells.

In early January 2022, Tymly was launched for the recording of Safe & Well visits that were completed remotely. 119 remote Safe & Wells were completed using Tymly during this quarter.

PI 6		<p>The number of Safe & Well points achieved by the Brigade</p> <p>Target YTD: 259,680 (259,680 – 272,664)</p> <p>Actual to date: 252,269</p> <p>Under performance against the tolerance levels</p>
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At the end of the financial year 2021/22 the total number of Safe & Well points achieved was 252,269 against a target of 259,680. This is 7,411 points or 2.86%

below target for the year.

The average number of Safe & Well visits per appliance per day was 1.91. In addition, there is a quality indicator of an average of 8.5 assessment points per Safe & Well which is an indicator of the risk and vulnerability for those receiving an assessment. At the end of the financial year the average assessment points achieved was 6.84.

Despite the challenges of the COVID-19 pandemic, the number of Safe & Well points achieved during 2021/22 is higher than the total for 2019/20 which was 233,439 points, which was 26,241 points or 10% below target.

The average number of Safe & Wells completed per appliance per day is also higher than 2019/21 when it was just 1.60.

Average assessment points have decreased slightly from 7.53. This may be due to the challenges faced by referring partners from the pandemic and the delivery of remote Safe & Well which covers only traditional fire safety.

- Quarter 3 – 2021/22

The total number of Safe & Well points achieved in quarter 3 was 63,382 against a target for the quarter of 64,920. This is 1,538 points or 2.36% below target for the quarter.

The average number of Safe & Well visits per appliance per day was 1.92 and the average assessment points per visit was 6.78.

- Quarter 4 – 2021/22



The total number of Safe & Well points achieved in quarter 3 was 64,882 against the target of 64,920. This is 38 points below target for the quarter.

The average number of Safe & Well visits per appliance per day was 2.02 and the average assessment points per visit was 6.82.

Overall, performance during 2021/22 is significantly improved on that for 2020/21 when at year end, the total number of Safe & Well points achieved was just 117,179.

The average Safe & Wells completed per day per appliance was 1.82.

There has been a slight improvement in the average assessment points per visit which was 6.78 during 2020/21.

PI 7		<p>The number of people killed or seriously injured (KSI) in road traffic collisions</p> <p>Target YTD: Not applicable</p> <p>Actual to date: 701</p>
<p>Please note that road casualty data is supplied by Transport for West Midlands and is accurate up to 31 December 2021, after this date full data may not yet be available or consolidated, and therefore figures for 2021/22 are highly likely to change. The following data is for the period 01/04/21 to 31/12/21.</p> <p>Across the West Midlands there were 648 serious and fatal road traffic collisions (RTC's) that resulted in 701 people being killed or seriously injured (KSI), (37 fatalities and 664 serious injuries). This is a 7.28% increase compared to the same period in 2018 when there were 604 persons killed or seriously injured in RTCs.</p> <p>Of the 37 fatalities, 17 were drivers/riders, 12 were passengers and 8 were pedestrians. The vast majority (89.2%) of those killed in RTCs were male and over half (56.7%) were aged between 20 and 39 years.</p> <p>Of those seriously injured, 357 (53.8%) were drivers/riders, 218 (32.8%) were pedestrians, and 89 (13.4%) were passengers.</p> <p>Black Country North recorded 147 RTC KSI's (7 fatalities/140 serious injuries); Black Country South recorded 146 (5 fatalities/141 serious injuries); Birmingham recorded 293 (19 fatalities/274 serious injuries); and Coventry and Solihull recorded 111 (6 fatalities/105 serious injuries).</p> <p>Birmingham saw the largest increase in people killed in RTCs (+10) compared to the same period in 2020, whereas Black Country South has seen the largest decrease (-7).</p> <p>Whilst all commands saw an increase in the number of people seriously injured in RTCs, the largest numerical increase was recorded within Black Country North (+39) compared to the same period in 2020.</p>		
PI 8		<p>The number of deliberate fires in dwellings</p> <p>Target YTD: 202 (180 – 212)</p> <p>Actual to date: 193</p> <p>Performance is within the tolerance levels</p>
<p>For the 2021/22 performance year there were a total of 193 deliberate dwelling fires recorded across the Service against a target of 202 (-4.5%) and means the Service finished the year within target. This year-end figure represents the second lowest number of incidents since 1998/99.</p> <p>Breakdown of incidents via Command Area:</p>		

- Black Country North was below target and tolerance for the year recording 34 DDF incidents against a target of 42 (-19.0%). During Q4 the command was also below tolerance. For the year Wolverhampton was below target by 4 incidents (20.0%) but for Q4 was over target and tolerance by one incident (25.0%). Walsall was under target for the year by 4 incidents (-18.2%) and for Q4 was under target by 5 incidents (-62.5%).
- Black Country South was below target and tolerance for the year recording 25 DDF incidents against a target of 32 (-21.9%). During Q4 the command was also below tolerance by one incident (-12.5%). For the year Sandwell was under tolerance by 11 incidents (-57.9%) and for Q4 was also under target by 3 incidents. Dudley was over target and tolerance for the year by 4 incidents (30.8%) mainly due to the higher-than-expected number of incidents recorded during Q3 and Q4.
- Birmingham North was within target for the year recording a total of 40 deliberate dwelling fires against the target of 44 (-9.1%). For Q4 Birmingham North was on target with DDF incidents.
- Birmingham South was also within target the year recording a total of 53 deliberate dwelling fires against the target of 52 (1.9%). For Q4 DDFs were over target and tolerance by 6 incidents (54.5%).
- Coventry and Solihull were over target and tolerance for the year having recorded a total of 41 DDF's against a target of 33 (24.2%). For Q4 the command was also above tolerance by 6 incidents (100%). Both Coventry and Solihull boroughs were above tolerance for the year, recording 32 and 9 DDF incidents respectively.

PI 9

The number of deliberate fires in non-domestic premises

Target YTD: 119 (107 – 119)

Actual to date: 115

Performance is within the tolerance levels

For the 2021/22 performance year there were a total of 115 deliberate non-domestic fires recorded across the Service against a target of 119 (-3.4%) and means the Service finished the year within target. For Q4 the Service was over target by 6 incidents (30.0%) which was due to a higher-than-expected number of incidents recorded during January and March 2022.

Breakdown of incidents via Command Area:

- Black Country North was above tolerance for the year recording 33 deliberate non-domestic fires against the target of 22 (50.0%) and was mainly due to elevated incident levels between August and October 2021 (inclusive). The command was also above tolerance for Q4 recording 2 more incidents (40.0%) than the target. Wolverhampton was above tolerance for the year recording 24 incidents against the target of 10 (140.0%) and was also above tolerance for

Q4 by 3 incidents (100%). Walsall was below tolerance for the year recording 9 incidents against the target of 12 (-18.2%) and was also below tolerance for Q4.

- Black Country South was above tolerance for the year recording 26 deliberate non-domestic fires against the target of 24 (8.3%) and was above tolerance for Q4 by 3 incidents (100%). Sandwell borough was above tolerance for both the year and during Q4 recording 14 and 6 incidents respectively. Dudley borough was on target for the year recording 12 incidents against the target of 12. No deliberate non-domestic fires were recorded within the borough during Q4.
- Birmingham North was below tolerance for the year recording 31 deliberate non-domestic fires against the target of 36 (-13.9%) but was over target and tolerance for Q4 during which 10 incidents were recorded (42.9%).
- Birmingham South was below tolerance for the year recording 12 deliberate non-domestic fires against the target of 24 (-50.0%). No deliberate non-domestic fires were recorded during Q4.
- Coventry and Solihull command achieved target for the year recording 13 deliberate non-domestic fires against the target of 13. This was also the case for Q4 when 3 incidents were recorded against the target of 3. Coventry recorded 12 of the 13 incidents and resulted in the borough being above tolerance for the year whereas Solihull was below tolerance for the year.

PI 10



The number of deliberate vehicle fires

Target YTD: 698 (629 – 733)

Actual to date: 519

Over performance against the tolerance levels

For the 2021/22 performance year there were a total of 519 deliberate vehicle fires recorded across the Service which was significantly below the target of 698 (-25.6%) and means the Service finished the year below tolerance. For Q4 the Service was under target by 25 fires (-16.1%) and again below tolerance.

Black Country North and Birmingham were within target levels for the year, whereas all other commands were below target and tolerance.

PI 11



The number of deliberate rubbish fires

Target YTD: 1448 (1375 – 1476)

Actual to date: 1356

Over performance against the tolerance levels

For the 2021/22 performance year there were a total of 1,355 deliberate rubbish fires recorded across the Service against a target of 1,448 (-6.4%) and means the Service finished the year under target and tolerance. For Q4 the Service was over target by 55 fires (20.1%) and therefore above tolerance.

Breakdown of incidents via Command Area:

- Black Country North was over target and tolerance for the year recording 359 deliberate rubbish fires against the target of 336 (6.8%). The command was also over target and tolerance for Q4 when 91 fires were recorded against the target of 76. Wolverhampton was under target and tolerance for the year recording 104 fires against a target of 115 (-9.6%) but was over tolerance for Q4 when 27 fires were recorded. Walsall recorded most of the commands deliberate rubbish fires recording 255 incidents during the year and so was above target and tolerance. The borough was also above tolerance for Q4 due to an increased number of fires during January and March.
- Black Country South was within target for the year recording 352 deliberate rubbish fires against the target of 353 (-0.3%). The command was, however, above target and over tolerance for Q4 mainly due to a significant spike in deliberate rubbish fires during March. Sandwell and Dudley boroughs each recorded 176 deliberate rubbish fires during the year, resulting in Sandwell being over target by 11 fires (6.7%), whilst Dudley was under target by 12 fires (-6.4%).
- Birmingham North recorded 190 deliberate rubbish fires during the year which was against a target of 195 and was therefore within target. For Q4 Birmingham North recorded 33 incidents against the target of 30 and was above tolerance.
- Birmingham South recorded 198 deliberate rubbish fires during the year which was against a target of 260 and was therefore below target and tolerance. For Q4 Birmingham South recorded 41 fires against the target of 47 and again below tolerance.
- Coventry and Solihull recorded 256 deliberate rubbish fires during the year which was against a target of 303 and was therefore below target and tolerance. For Q4 Coventry and Solihull recorded 63 fires against the target of 58 putting the command above target and tolerance levels. Both Coventry and Solihull boroughs were below tolerance for the year, recording 220 and 36 deliberate rubbish fires, respectively.

PI 12

**The number of deliberate fires in derelict buildings**

Target YTD: 108 (98 – 113)

Actual to date: 121

Under performance against the tolerance levels

For the 2021/22 performance year there were a total of 121 deliberate derelict building fires recorded across the Service against a target of 108 (12.0%). This resulted in the brigade being over target and above tolerance for the year and was chiefly due to incidents being elevated during Q1. For Q4 19 such fires were recorded against a target of 21, and therefore was within target.


Breakdown of incidents via Command Area:

- Black Country North recorded almost half (45.4%) of all recorded deliberate derelict building fires within the West Midlands area. The total of 55 incidents was 57.1% above the target of 35 and resulted in the command being over target and tolerance for the year. This was largely due to a high number of incidents during Q1. For Q4 a total of 7 incidents were recorded against a target of 8 and resulted in the command being under tolerance (-12.5%). Wolverhampton was over target and tolerance for the year having recorded 18 incidents against a target of 7 (157.1%). The borough was also over target and tolerance for Q4 due to a spike in incidents during January 2022. Walsall was over target and above tolerance for the year having recorded 37 incidents against a target of 27 (37.0%) and was due to incidents being elevated during Q1 and Q2. For Q4 the borough recorded 4 incidents against a target of 8 resulting in being under target and tolerance.
- Black Country South was on target for the year having recorded a total of 39 deliberate derelict building fires against a target of 39. For Q4 a total of 5 incidents were recorded against a target of 7 (-28.6%) resulting in the command being under target and tolerance. Sandwell was under target and tolerance for the year having recorded a total of 16 incidents against a target of 20 (-20.0%). For Q4 the borough was also under target and tolerance. Dudley was over target and above tolerance for the year having recorded 23 incidents against a target of 19 (21.1%). This was mainly due to increased incidents during Q1 and Q2. For Q4 the borough was under target and tolerance.
- Birmingham North was on target for the year having recorded a total of 7 deliberate derelict building fires against a target of 7. During Q4 2 incidents were recorded against a target of 1.
- Birmingham South was under target and tolerance for the year having recorded a total of 15 incidents against a target of 20 (-25.0%). For Q4 Birmingham South was above target and tolerance having recorded a total of 5 incidents against a target of 3 (66.7%).
- Coventry and Solihull command finished the year under target having recorded 5 incidents against a target of 7 (-28.6%). Coventry borough recorded 4 incidents during the year and Solihull recorded one incident.

Protection

Our protection priorities focus on protecting life and property to make businesses stronger and communities safer:

- We will protect life and property by targeting high-risk buildings and vulnerable businesses through an advice, compliance and enforcement approach to fire safety legislation, with a focus on residential tall buildings.
- We will continuously improve our community safety outcomes by implementing the learning from independent and sector-led reviews.
- We will improve community safety through innovative and smarter approaches, using digital technology to enhance the delivery of protection activities.
- We will assist in the restoration of economic growth through prevention, education and support to businesses, including collaboration with other regulators and partner agencies.
- We will develop and adopt innovative approaches to reduce disruption to businesses, communities and West Midlands Fire Service caused by unwanted fire signals.

PI 13		The number of accidental fires in non-domestic premises Target YTD: 406 (366 – 426) Actual to date: 390 Performance is within the tolerance levels
<p>For the 2021/22 performance year-end there were a total of 390 accidental non-domestic fires recorded across the Service against a target of 406 (-3.9%) and is therefore within target. For Q4 the Service was also within target recording a total of 95 incidents against a target of 103 (-7.8%).</p> <p>Breakdown of incidents via Command Area:</p> <ul style="list-style-type: none"> • Black Country North command recorded a total of 85 accidental non-domestic fires during the year and was over target and tolerance by 12 incidents (16.4%). For Q4 the command was also over target and tolerance by 2 incidents (11.8%). Both Wolverhampton and Walsall boroughs were above tolerance for the year recording 43 and 42 incidents respectively. For Q4 Wolverhampton was on target recording 9 incidents against the target of 9, whereas Walsall was above tolerance by 2 incidents (25.0%). • Black Country South was within target for the year recording 83 accidental non-domestic fires against the target of 91 (-8.8%). For Q4 the command was on target recording 22 incidents against a target of 22. Sandwell borough was within target for the year recording 53 incidents against the target of 54 (-1.9%), however the borough was above tolerance for Q4 by 3 incidents (23.1%). 		

Dudley borough was below tolerance for the year by 7 incidents (-18.9%) and was also below tolerance for Q4 by 3 incidents (-33.3%).

- Birmingham North was below tolerance for the year recording 83 incidents against the target of 101 (-17.8%). The command was also below tolerance for Q4 by 8 incidents (-28.6%).
- Birmingham South was within target for the year recording 78 accidental non-domestic fires against a target of 75 (4.0%). For Q4 the command was over target and tolerance by 3 incidents which was a result of incident spiking during March 2022.
- Coventry and Solihull were within target for the year recording 61 accidental non-domestic fires against a target of 66 (-7.6%). For Q4 the command was below tolerance recording 10 accidental non-domestic fires against the target of 16 (-37.5%). Coventry borough was below target and tolerance for the year having recorded 38 incidents against the target of 46 (-17.4%) but was within target for Q4 when 9 incidents were recorded against the target of 9. Solihull borough was over target and tolerance for the year having recorded 23 accidental non-domestic fires against the target of 20 (15.0%) and was mainly due to incidents of this type being during Q1 and Q2. For Q4 Solihull borough only recorded one accidental non-domestic fire which was significantly below the target at 6 (-83.3%) and hence below tolerance.

PI 14



The number of false alarm calls due to fire alarm equipment in dwellings and non-domestic premises
 Target YTD: 5797 (5508 – 5912)
 Actual to date: 5930
Under performance against the tolerance levels

For the 2021/22 performance year there were a total of 5,927 false alarms (equipment) incidents recorded across the Service against a target of 5,797 (2.2%) and means the Service finished the year over target and tolerance. For Q4 the Service was over target by 102 FAE incidents (7.9%) and therefore above tolerance.


Breakdown of incidents via Command Area:




- Black Country North was within target for the year recording 1,199 FAE's against the target of 1,177 (1.9%). For Q4 the command was over target by 14 incidents (5.5%) and therefore above tolerance. Wolverhampton was over target and tolerance for the year having recorded 745 FAEs against the target of 696 (7.0%). The borough was also over target and tolerance for Q4. Walsall was below target and tolerance for the year having recorded a total of 454 FAE's against the target of 481 (-5.6%) however the borough was within target for Q4.
- Black Country South was within over target and tolerance for the year recording 1,134 FAE's against the target of 1,016 (11.6%). The command was



also over target for Q4 recording 255 incidents against the target of 233 (9.4%). Sandwell was within target for the year recording 548 incidents against the target of 540 (1.5%) however, the borough was over target for Q4 by 9 FAE incidents (7.4%). Dudley was significantly over target for the year recording 586 FAEs against the target of 475 (23.4%). For Q4 the borough was also over target by 14 FAE incidents (12.6%).

- Birmingham North recorded 1,609 FAE incidents during the year which was against a target of 1,484 and was therefore over target by 8.4%. For Q4 Birmingham North recorded 398 incidents against the target of 338 and was above tolerance.
- Birmingham South recorded 935 FAE incidents during the year which was against a target of 1,180 and was therefore significantly below target (-20.8%). For Q4 Birmingham South was again below tolerance.
- Coventry and Solihull recorded 1,050 FAE incidents during the year which was against a target of 940 and was therefore over target by 11.7% and hence above tolerance. For Q4 Coventry and Solihull recorded 261 FAE incidents against the target of 219 again putting the command above target and tolerance levels. Both Coventry and Solihull boroughs were above target and tolerance for the year, recording 709 and 341 FAE's, respectively.


People Support Services

PI 15		<p>The percentage of employees that have disclosed their disabled status</p> <p>Target: 100% (95% - 100%)</p> <p>Actual to date: 90%</p> <p>Under performance against the tolerance levels</p>
<p>Declaration rates remain high, with 90% of staff declaring their disability status. This has decreased however and in March 2022 the DICE team conducted a 'Don't be a Blank' campaign to encourage our employees to update their personal information including disability, as well as other Protected Characteristics. The campaign sought to raise awareness of the importance of declaration, assurance that data was secure, as well as provide practical advice on how to update the Oracle system.</p>		

PI 16		The number of female uniformed staff Target: 198 (189 – 207) Actual to date: 165 Under performance against the tolerance levels
<p>Between April 2021 and March 2022 WMFS have employed 85 new entrant firefighters. Of these 10 (12%) are women. The decline in the number of females being successful in the recruitment process has been attributed to our inability to provide targeted, face to face positive action during the pandemic. Our strategy for increasing representation of women is under review and now that Covid restrictions have eased the Firefighter recruitment programme, and female fitness programmes have been reintroduced. Taster sessions are also being held at Fire Stations across the Service with the first session at Canley in May.</p> <p>WMFS gender pay gap has decreased to 8.9% in 2021 when compared to the 9.8% gap reported in 2020. When considering the top 100 salaries in the Service, there are 37 women in this group in 2021, an increase from the 32 reported in 2020.</p>		
PI 17		The percentage of all staff from BAME communities Target: 14.6% (13.9% – 15.3%) Actual to date: 14% Performance is within the tolerance levels
<p>Between April 2021 and March 2022, the Service employed 85 new entrant firefighters. Of these 20 (24%) are from a BAME background. Our recruitment programmes targeted at BAME applicants have recommenced now that the pandemic restrictions have eased. Our 'Be a Firefighter' application portal has been enhanced with refreshed imagery.</p> <p>25% of BAME uniformed employees hold a position of Crew Commander or above, and 60% of BAME non-uniformed employees hold a supervisory management position or above. Our positive action strategy has been enhanced to encompass internal positive action for progression.</p>		
PI 17a		The percentage of uniformed staff from BAME communities Target: 14.2% (13.5% – 14.9%) Actual to date: 13.4% Under performance against the tolerance levels
<p>14.2% of uniformed staff are from black, Asian and minority ethnic (BAME) communities, which is marginally below the lower tolerance level. See PI 17 for further information.</p>		

PI 18		<p>The average number of working days/shifts lost due to sickness – all staff</p> <p>Target: 6.4 (6.1 – 6.7)</p> <p>Actual to date: 7.8</p> <p>Under performance against the tolerance levels</p>
<p>There will be seasonal increases in absence due to the time of year, however it should also be factored that quarter 4 contains absences that would have arisen as a result of government ‘living with COVID’ advice which incorporated the eradication of mandatory use of LFT testing, removal of the need to self-isolate, return to work arrangements and less home working being undertaken, removal of masks and PPE requirements and the general messaging that life resumes to normal although COVID continues to be prevalent in the community. Therefore, it cannot be dismissed that absences arising from COVID continue to impact lost time in the workplace.</p> <p>An average of 1.83 working days/shifts per person were lost due to sickness during quarter four, above the quarterly target and upper tolerance level.</p> <p>Excluding sick leave due to COVID symptoms or confirmed COVID, an average of 7.8 working days/shifts per person were lost due to sickness year to date, above target and the upper tolerance level.</p> <p>When sick leave due to COVID symptoms or confirmed COVID is included, the average number of working days/shifts lost due to sickness increases to 12, compared to a respective target of 8.5.</p> <p>Quarter 4 shows a reduction in absence compared to Quarter 3, however overall Quarter 4 absence data remains above target across all 3 Performance indicators.</p>		
PI 19		<p>The average number of working days/shifts lost due to sickness – uniformed and Fire Control staff</p> <p>Target: 6.6 (6.3 – 6.9)</p> <p>Actual to date: 8.0</p> <p>Under performance against the tolerance levels</p>
<p>An average of 1.86 working days/shifts per person were lost due to sickness during quarter four, which is above the quarterly target and upper tolerance level.</p> <p>Excluding sick leave due to COVID symptoms or confirmed COVID, an average of 8.0 working days/shifts per person were lost due to sickness year to date, above target and the upper tolerance level. This reflects a 22% increase compared to 2020/21, however it is similar to the rate observed pre-COVID in 2019/20.</p> <p>When sick leave due to COVID symptoms or confirmed COVID is included, the</p>		

average number of working days/shifts lost due to sickness increases to 12.7, compared to a respective target of 8.7. This represents a 46% increase compared to 2020/21.


PI 20		The average number of working days/shifts lost due to sickness – non-uniformed staff Target: 6.0 (5.7 – 6.3) Actual: 7.3 Under performance against the tolerance levels
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An average of 1.74 working days/shifts per person were lost due to sickness during quarter four, which is above the quarterly target and upper tolerance level.

Excluding sick leave due to COVID symptoms or confirmed COVID, an average of 7.3 working days/shifts per person were lost due to sickness year to date, above target and the upper tolerance level. This reflects a 22% increase compared to 2020/21, although the figure is 26% lower than before Covid in 2019/20.

When sick leave due to COVID symptoms or confirmed COVID is included, the average number of working days/shifts lost due to sickness increases to 9.7, compared to a respective target of 8.0. This represents a 22% increase compared to 2020/21 although it is a rate that is similar to that observed pre-COVID.

Health, Safety and Wellbeing, and Finance and Resources

PI 21		The total number of injuries Target YTD: n/a Actual to date: 136
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There were 136 reports for 2021/22 compared to 120 for 2020/21. This is to be partly expected in respect of a resumption of activity following COVID 19 lockdowns and restrictions and is broadly in line with the average number of reports over a 5-year period.

One trend has been identified and that relates to manual handling. A business case around manual handling assessments was agreed at Brigade Health, Safety & Wellbeing Committee and Joint Consultative Committee and this is now being implemented. Over time and as assessments are completed to a new standard, this should assist in a reduction in injuries of this type. Close attention also continues to be paid to slip, trip and fall injuries.


There was an encouraging and significant increase in near hit reporting from 284 (20/21) to 384 (21/22). Near hit reporting gives early warning of issues and allows action to be taken to reduce risk potential. Near hit reporting is being actively

promoted by the local Health, Safety & Wellbeing Committees.


There was a reduction in violence reports from 131 (20/21) to 121 (21/22) with the highest category in both years being verbal abuse. The majority of violence reports continue to be incident related.

PI 22		The total number of RIDDOR injuries Target YTD: n/a Actual to date: 21
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There were 21 reports for 2021/22 compared to 21 for 2020/21. The manual handling trend was apparent in RIDDOR as well as total injuries (see PI 21 for further information).

PI 23		To reduce the Fire Authority's carbon emissions Forecast YTD: Not Available Actual to date: Not Available
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Information is not available for this PI.

PI 24		To reduce gas use of Fire Authority premises Forecast YTD: 9,795,000MWh (9,305,250 – 10,284,750) Actual to date: 8,207,650MWh Over performance against the tolerance levels
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Analysis of data over the past three years has indicated a significant reduction in gas usage. It is believed that the gas usage has been largely impacted by COVID-19 and the number of employees working from home.

PI 25		To reduce electricity use of Fire Authority premises Forecast YTD: 5,237,000MWh (4,975,150 – 5,498,850) Actual to date: 5,848,268MWh Under performance against the tolerance levels
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Analysis indicates that electricity usage has been above the quarterly target and upper tolerance level throughout 2021/22.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**27 JUNE 2022****1. CORPORATE PERFORMANCE INDICATORS 2022/23**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT Authority members approve the Corporate Performance Indicators (PIs) and targets for 2022/23 as set out in Appendix 1.

2. PURPOSE OF REPORT

- 2.1 This report is submitted to seek approval for the corporate PIs and targets for 2022/23 and to provide information to Authority Members regarding the rationale that formulates the revised targets.

3. BACKGROUND

- 3.1 During 2021/22 the Service operated under the fluctuating circumstances of business continuity and business recovery due to the COVID 19 pandemic. In so doing it continued to fulfil its responsibilities and Service Delivery Model to its communities, whilst not losing sight of the health and well-being of all staff.
- 3.2 In the early stages of COVID in 2020/21, business continuity arrangements were designed to protect frontline Response services and Fire Control from the worst predicted impact of high levels of staff absence caused by the virus. This objective was maintained during periods of business recovery in 2021/22, both scenarios inevitably impacted operating circumstances, and the achievement of the performance targets set for the periods affected.
- 3.3 Although the long-term socio-economic impact to the economy because of COVID-19 remains unknown, other short to medium term impacts potentially include the energy crisis, rising inflation and interest rates, disrupted supply chains, and the ongoing

situation within Ukraine. These will possibly be experienced at local, regional and national levels.

- 3.4 In accordance with its planning framework, the Service has reviewed its Three-Year Rolling Strategy 2022-25 and its annual plan, 'Our Plan' 2022-23. As part of this approach the Fire Authority approved the revised Strategic Objectives and Annual Priorities at its meeting on 14 February 2022. These are set out in Our Plan and are enablers to achieving our vision of "Making West Midlands Safer, Stronger and Healthier".
- 3.5 Following approval of the objectives and priorities set out in The Plan, key stakeholders have:
- Considered past performance results.
 - Reviewed the internal strategies and approaches and external influencers that will shape the 2022/23 performance and drive the target setting.
 - Identified the appropriate PIs and targets for 2022/23.
- 3.6 In accordance with the Service's commitment to enabling governance through effective engagement and transparency, targets were developed in conjunction with service leads and the appropriate SET member.

4. SETTING PERFORMANCE INDICATOR TARGETS 2022/23

- 4.1 Graduated Tolerances were introduced in 2017/18, which assist when the numbers are small at the beginning of the year. A larger tolerance is allowed in Quarter 1 which decreases as the year progresses through to Quarter 4. This is to aid the interpretation of performance indicators that could mislead by being red when the numbers are only marginally above the target.
- 4.2 The performance indicator numbers for 2022/23 remain the same as 2021/22. The targets that have been set for 2022/23 have considered the impacts of the Business Continuity arrangements that were implemented during 2020/21 and the recovery phase during 2021/22.

- 4.3 The majority of the Prevention and Protection PIs have been set at 0% change against the 3 year rolling average.
- 4.4 The general aim has been to set targets against the last “normal” year of 2019/20. The last 2 years have been unpredictable and unprecedented, and the feeling was that 2022/23 should see a return to a more normal state.
- 4.5 The impact the performance over the last 2 years has had on the 3 year rolling average means that setting the level at 0% provides challenging targets across the board when compared to 2019/20.
- 4.6 Deliberate Vehicle Fires has proved to be the exception and the PI has attracted a target which represents a -5% change against the 3 year rolling average. Further information providing rationale is available later in this report.
- 4.7 PI 1 – The five-minute high-risk response attendance standard remains the core response method for high-risk (Cat 1) incidents achieved through a diverse fleet arrangement. In 2021/22 an average attendance time of 4 minutes 42 seconds was achieved, representing a slight increase compared to the average attendance time of 4 minutes and 39 seconds recorded in 2020/21. Performance for PI 1 remains below target as do the response times for the respective targets for category 2, 3 and 4 incident types.
- 4.8 PI 2 – ‘The number of accidental dwelling fires’ increased slightly during the first year of the pandemic. The end of year forecast for 2021/22 of 1474 incidents represents a decrease for the year which was still subject to some Covid related restrictions and differences in work habits such as working from home. The proposed target of 1560 incidents represents a 0% change compared to the three-year average, and is lower than the number of incidents recorded last year or for any pre-pandemic year.
- 4.9 PI 3 – ‘Injuries from accidental fires in dwellings (taken to hospital for treatment)’, the target for which will be 49, representing a 0% change on the three-year average.
- 4.10 PI 4 – ‘The number of deaths from accidental dwelling fires’: The Service seeks to minimise deaths from fires and there is no target

for this performance indicator. 14 fatalities were recorded in 2021/22 compared to 9 during the previous year.

- 4.11 PI 5 – ‘The percentage of Safe and Well visits referred by our partners’ will have a target of 45%. It is anticipated that many of the key partners of WMFS will remain impacted by Covid-19 as they to continue to ‘catch up’ with business as usual and this may impact on the ability for them to engage with WMFS personnel which will affect the number of referrals received for Safe and Well visits. The ongoing implementation of Tymly will assist meeting the target.
- 4.12 PI 6 – ‘The number of Safe and Well points achieved by the Service’ will have a target of 260,000. This target will be achieved through the ongoing focus of risk assessing for digital and face to face engagement as commenced during the pandemic.
- 4.13 PI 7 – ‘The number of people killed or seriously injured (KSI) in road traffic collisions’ continues to have no target assigned to it. A 5% reduction in numbers has been forecast for the year.
- 4.14 PI 8 – ‘The number of deliberate fires in dwellings’ will have a target of 193 incidents, representing a 0% change on the three-year average. It should be noted that the number of incidents recorded had remained in the low 200s for several years until 2020/21 where a decrease to 185 incidents was observed with forecasts indicating that this reduction may be preserved. Collaboration work remains ongoing with West Midlands Police and other partners to work to reduce these kinds of incidents.
- 4.15 PI 9 – ‘The number of deliberate fires in non-domestic premises’ will have a target of 116 incidents, representing a 0% change on the three-year average. The 0% change is realistic considering performance in previous years but it should be noted that the current and future socio-economic environment for businesses could result in increases in the number of incidents.
- 4.16 PI 10 – ‘The number of deliberate vehicle fires’ will have a target of 570, representing a -5% change on the three-year average. The PI has seen a sustained reduction for a number of years before the Covid 19 pandemic. Setting this PI at 0% gives a target less than the actual for 2019/20 but not at the same rate of reduction. This

PI is influenced by a number of external factors including the price of steel and its impact on the scrap value of vehicles. The price of steel fell dramatically during the pandemic as production reduced across the globe. Since the low in April 2020 the price has been rising and now sits well above pre-pandemic levels. The second-hand value of cars is also high at the moment as there is a shortage of new vehicles caused by supply chain problems. Taking into account these factors it is proposed that a more challenging target of -5% is reasonable for Deliberate Vehicle Fires.

- 4.17 PI 11 – ‘The number of deliberate rubbish fires’ will have a target of 1351 incidents, representing a 0% change on the three-year average. The target is an increase compared to years 2020/21 and 2021/22 but remains considerably lower than the incidents recorded in pre-pandemic years. Referrals are continuing to be made to Local Authorities of fly tipping occurrences to ensure identified fly tipping and/or abandoned rubbish/refuse is removed before it can be set alight.
- 4.18 PI 12 – ‘The number of deliberate fires in derelict buildings’ will have a target of 115, representing a 0% change on the three-year average. It should be noted that the three-year average includes the year 2020/21 in which 89 incidents were recorded, an unusually low number due to being the first year of the pandemic and the impact from the lockdowns and other restrictions. A target of 115 remains lower than the number of incidents recorded in pre-pandemic years. The ongoing economic impact from Covid is unknown and may result in more premises becoming derelict. It will remain a focus to work in conjunction with local authorities to ensure derelict properties are boarded up promptly.
- 4.19 PI 13 – ‘Accidental Fires in Non-Domestic Premises’ will have a target of 381, representing a 0% change on the three-year average. The target is slightly higher compared to the end of year forecast of 383 for 2021/22 and substantially (17.8%) higher than the 325 incidents recorded in 2020/21, a figure which was an all-time low. Increases in the number of incidents are anticipated as people continue to return to their places of work, however it should be noted that both the forecast and the target remain below pre-pandemic levels.

- 4.20 PI 14 – ‘False Alarms due to Fire Alarm Equipment in Dwelling and Non-Domestic Premises’ will have a target of 5805, representing a 0% change on the three-year average. The target represents a decrease compared to the end of year forecast of 5862 for 2021/22. Changes in handling and responding to automatic fire alarm calls are expected to result in a reduction in the number of incidents and this is reflected within the target.
- 4.21 PI15 – ‘The percentage of employees that have disclosed their disabled status’: The target for disability disclosure will be 100%. In March 2022 the DICE team conducted a 'Don't be a Blank' campaign to encourage employees to update their personal information including disability, as well as other Protected Characteristics. The campaign sought to raise awareness of the importance of declaration, assurance that data was secure, as well as provide practical advice on how to update the Oracle system. This campaign will be repeated in Q1 2022 with further awareness and engagement with new entrants.
- 4.22 PI16 – ‘The number of female uniformed staff’: The target for the number of female uniformed staff for 2022/2023 has been set at 209 employees. This is based upon 50% of firefighters recruited to be female. Positive action activity for firefighter recruitment continues which includes the reinstatement of recruitment programmes, following the pandemic, for both female and BAME candidates. Female fitness sessions have recommenced alongside kit familiarisation prior to joining the trainee firefighter development programme. Our targeted social media activity continues to provide the platform for attracting candidates. We have introduced 'taster sessions' which are held at Fire Stations across the Service, the first one being held at Canley in early May. These sessions are run by crews on stations, facilitated and supported through the recruitment team.
- 4.23 PI17 – ‘The percentage of all staff from BAME communities’: The target for the percentage of all staff from BAME backgrounds will be 15.2%. This is based upon 35% of new entrant firefighters being from a BAME background, and assumes both Non-Uniformed and Fire Control BAME employees remains the same.
- 4.24 PI17a – ‘The percentage of uniformed staff from BAME communities’: The target for the percentage of uniformed staff from

BAME backgrounds will be 15.1%, which equates to 35% of new entrant recruits during 2022/2023. A sophisticated social media campaign supported by tailored interventions among underrepresented groups has yielded positive results meaning that our recruit intake strives to be representative of our local communities that we serve.

4.25 Workforce planning have carried out an analysis exercise of WMFS absences in comparison to Office of National Statistics published data on UK and regional absence data. Upon evaluation of the resulting options which had been identified as a result of the exercise, a target of an average of 6.5 working days/shifts lost due to sickness has been set. This target represents a reduction of 50.4% and if achieved, a ridership factor of 15.2. The target of 6.5 has been set for each of the three PIs related to sickness:

- PI18 – ‘The average number of working days/shifts lost due to sickness – all staff’
- PI19 – ‘The average number of working days/shifts lost due to sickness – uniformed and Fire Control staff’
- PI20 – ‘The average number of working days/shifts lost due to sickness – non-uniformed staff’.

4.26 As previously agreed for 2021/22, there are no targets set for PI21 ‘The total number of injuries’ and PI22 ‘the total number of RIDDOR incidents’. This reflects the Service’s position that any injury report is unwanted and to encourage an open reporting culture that facilitates learning and improvement.

4.27 In terms of injuries, there were 136 reports for 2021/22 compared to 120 for 2020/21. This is to be partly expected in respect of a resumption of activity following Covid 19 lockdowns and restrictions and is broadly in line with the average number of reports over a 5-year period. It should also be noted that the number of injuries reported in 2020/21 represented an all-time low.

4.28 PI24 – ‘To reduce gas use of the Fire Authority premises’ will have a target of 8856 which represents a -2% change compared to the three-year average. Analysis has indicated a significant reduction in gas usage over the last three years which is likely to be a result of the Covid 19 lockdowns and restrictions and the number of

employees working from home. Given the introduction of the Agile Working Policy, it is envisaged that further reductions in gas use will be observed.

- 4.29 PI25 – ‘To reduce electricity use of Fire Authority premises’ the target will be 5064 which represents a 0% change compared to the three-year average. It should be noted that the electricity usage across the Service reported for quarters 1 to 3 2021/22 is approximately 10% above target.

5. EQUALITY IMPACT ASSESSMENT

- 5.1 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.

6. LEGAL IMPLICATIONS

- 6.1 There are no direct legal implications arising from this report.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no direct financial implications arising from this report. It should be noted that the Authority’s approved 2022/23 budget is aligned to and will support the delivery of The Plan.

8. ENVIRONMENTAL IMPLICATIONS

- 8.1 There are no direct environmental implications arising from this report.

BACKGROUND PAPERS

Fire Authority Agenda Item 6, 14 February 2022: ‘3 Year Rolling Strategy 2022-25 and Annual Plan’.

The contact name for this report is Area Commander Richard Stanton, Strategic Enabler – Portfolio, who can be contacted on 07973 810054.

CHIEF FIRE OFFICER
PHIL LOACH

Ref. AU/2022/JUN/10106222

Appendix 1

Item 20

Number	Performance Indicator	Overall Target 2022/23
PI 1	The Risk Based Attendance Standard	5 minutes
PI 2	Accidental Dwelling Fires	1560
PI 3	Injuries from Accidental Dwelling Fires (taken to hospital for treatment)	49
PI 4	The Number of Deaths from Accidental Dwelling Fires	No target set
PI 5	The Percentage of Safe and Well Visits Referred by Our Partners	45%
PI 6	The Number of Safe and Well Points Achieved by the Brigade	260,000
PI 7	The Number of People Killed or Seriously Injured (KSI) in Road Traffic Collisions	No target set
PI 8	The Number of Deliberate Fires in Dwellings	193
PI 9	The Number of Deliberate Fires in Non-Domestic Premises	116
PI 10	The Number of Deliberate Vehicle Fires	570
PI 11	The Number of Deliberate Rubbish Fires	1351
PI 12	The Number of Deliberate Fires in Derelict Buildings	115
PI 13	The Number of Accidental Fires in Non-Domestic Premises	381

PI 14	The Number of False Alarm Calls due to Fire Alarm Equipment in Dwellings and Non-Domestic Premises	5805
PI 15	The Percentage of Employees that have disclosed their Disability Status	100%
PI 16	The Number of Female Uniformed Staff	209, including 50% of recruits
PI 17	The Percentage of all Staff from BAME Communities	15.2%, including 35% of recruits
PI 17a	The Percentage of Uniformed Staff from BAME Communities	15.1%, including 35% of recruits
PI 18	The Average Number of Working Days/Shifts Lost due to Sickness – All Staff	6.5
PI 19	The Average Number of Working Days/Shifts Lost due to Sickness – Uniformed and Fire Control Staff	6.5
PI 20	The Average Number of Working Days/Shifts Lost due to Sickness – Non-Uniformed Staff	6.5
PI 21	The Total Number of Injuries	No target set
PI 22	The Total Number of RIDDOR Injuries	No target set
PI 24	To Reduce Gas Use of Fire Authority Premises	8856 kWh
PI 25	To Reduce Electricity Use of Fire Authority Premises	5064 kWh

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2022

1. DECISIONS TAKEN UNDER 'MATTERS OF URGENCY'

Report of the Chief Fire Officer.

RECOMMENDED

- 1.1 THAT Members note the decisions taken and approved under 'Matters of Urgency'.

The decisions were:

1. Planned Procurement Exercise for 2022-2023
2. Authorities National Arrangements for the provision of external audit services.

2. PURPOSE OF REPORT

- 2.1 This report is submitted to confirm retrospectively the two decisions taken and approved under 'Matters of Urgency'.

3. BACKGROUND

- 3.1 The Constitution of WMFRA makes provision for required decisions that cannot be postponed being considered under Standing Order 17.1 'Arrangements to Act in Matters of Urgency'. This order provides the CFO with the delegation to make urgent decisions in consultation with the Chair and Vice Chair.

4. PLANNED PROCUREMENT EXERCISE FOR 2022-2023

- 4.1 The report sought the approval to proceed with a tender exercise for the provision of Liquid Fuel as detailed in Appendix 1 of the report, to West Midlands Fire and Rescue Authority during 2022/23.

- 4.2 This report was submitted as a matter of urgency to meet the Authority's requirement to provide the rationale for a planned tender exercise and includes the proposed route to market and funding provision as per Procurement Policy 1/8.
- 4.3 It was RECOMMENDED:
- 4.3.1 THAT the Chief Fire Officer give approval to proceed with a tender exercise for the provision of Liquid Fuel as detailed in Appendix 1 to West Midlands Fire and Rescue Authority during 2022/23.
- 4.4 The decision was made in accordance with Standing Orders by the Chief Fire Officer in consultation with the Chair, Vice Chair, Opposition Leader and Clerk to WMFRA.
5. **AUTHORITY'S NATIONAL ARRANGEMENTS FOR THE PROVISION OF EXTERNAL AUDIT SERVICES**
- 5.1 The report sought to respond to the Public Sector Audit Appointments (PSAA) to opt-in to their national scheme for the appointment of external audits.
- 5.2 It was RECOMMENDED:
- 5.2.1 THAT the Chief Fire Officer respond to Public Sector Audit Appointments (PSAA) that West Midlands Fire and Rescue Authority 'opt-in' to their national scheme for the appointment of external audits.
- 5.2.2 THAT the Chief Fire Officer makes this decision in consultation with the Chair, Vice Chair, Clerk and Monitoring Officer.
- 5.2.3 THAT the resolution is reported to the next ordinary meeting of the Fire Authority.
- 5.3 The decision was made in accordance with Standing Orders by the Chief Fire Officer in consultation with the Chair, Vice Chair, Opposition Leader and Clerk to WMFRA. The decision was reported to the WMFRA Policy Planning Forum of 28 February 2022. It was resolved that the resolution be reported to the next ordinary meeting of the Fire Authority.

6. **EQUALITY IMPACT ASSESSMENT**

- 6.1 In preparing this report, a full Equality Impact Assessment has not been undertaken.

7. **LEGAL IMPLICATIONS**

- 7.1 There are no legal implications arising from this report.

8. **FINANCIAL IMPLICATIONS**

- 8.1 There are no direct implications arising from this report.

9. **ENVIRONMENTAL IMPLICATIONS**

- 9.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

The contact name for this report is Karen Gowreesunker, Clerk to the Authority, telephone number 07973 810338.

PHIL LOACH
CHIEF FIRE OFFICER

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2022

1. **CONTRACT AWARDS SUMMARY FOR PERIOD TO 30 JUNE 2022**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the Authority note the attached Appendix which summarises the contracts in excess of £250,000 that have been awarded since October 2021.

2. **PURPOSE OF REPORT**

- 2.1 This report provides a six-month summary of all contracts that have been awarded since October 2021.

3. **BACKGROUND**

- 3.1 As part of the Authority's Constitution, it is required that a retrospective, twice yearly summary report of tender contract awards in excess of £250,000 be submitted to the Fire Authority for information purposes.
- 3.2 In accordance with the above requirement, a summary of those contracts awarded is attached as Appendix 1.

4. **EQUALITY IMPACT ASSESSMENT**

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

5. **LEGAL IMPLICATIONS**

- 5.1 The procurement processes that were followed for the procurement exercises detailed in the Appendices to this report were conducted in accordance with the Authority's Procurement Standing Orders and

the Public Contract Regulations 2015.

6. **FINANCIAL IMPLICATIONS**

6.1 These are contained in the attached Appendices.

7. **ENVIRONMENTAL IMPLICATIONS**

7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

Authority Meeting 21 September 2015

Policy 1/8 – Procurement Procedures

The contact name for this report is DCFO Wayne Brown - Telephone Number - 0121 380 6907.

PHIL LOACH
CHIEF FIRE OFFICER

APPENDIX 1

Contract Title	Winning Supplier	Approval Date	Contract Period (Including Extension Options)	Annual Contract value or Total Value for one off Purchase	Total Contract Value (including extension periods)	Budget PA	Basis of award e.g. Lowest Price or MEAT*	Date and Minute Number of Planned Tender Report	Any Other Relevant Information
Planned Works Framework Agreement	CLC Contractors Hankinson Ltd Laker Building Management Solutions Ltd Mobius Works Ltd Three Pines Building Co. Ltd Trios FM Ltd FES Support Services Link Contracting Services Ltd Snape Contracting Services Ltd FES Support Services Ltd P.J. Arnold Ltd Tremorfa Ltd Electrosafe Ltd BID Group Ltd CCSS Fire & Security Ltd Corrigan Electrical Ltd Openview Security Solutions Ltd	5 January 2022	4 years	£900,000	£3,600,000	£900,000	Pass/Fail mandatory criteria	17 February 2020	

Appliance Bay Door Maintenance	The BID Group Ltd	6 April 2022	2 years with an option to extend for a further 2 years	£112,500	£450,000	£112,500	MEAT	14 February 2022	
Liquid Fuel (diesel)	Certas Fuels	28 March 2022	2 years	£600,000	£1,200,000	£550,000	Direct award from Framework Agreement	1 March 2022	
Property Disposal (Kings Norton Flats)	Abdul Razak Settlement Trust 2007	28 April 2022	n/a	n/a	£500,000	n/a	Highest Price	22 February 2021	

* Most Economically Advantageous Tender (MEAT)

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**27 JUNE 2022****1. ANNUAL REPORT OF THE AUDIT AND RISK COMMITTEE
2021/22**

Report of the Chair of the Audit and Risk Committee.

RECOMMENDED

- 1.1 THAT the Authority receives the Annual Report 2021/22 of the Audit and Risk Committee.

2. PURPOSE OF REPORT

This report is submitted to bring to the attention of the Authority the Annual Report of the Audit and Risk Committee 2021/22.

3. BACKGROUND

- 3.1 Enabling the Authority to be fully effective in comprehending and assessing the control environment within which West Midlands Fire Service operates, the Audit and Risk Committee present an annual report of its activities to the Authority.
- 3.2 The Annual Report for 2021/22 is attached as an Appendix for consideration by the Authority. The report was approved by the Audit and Risk Committee on the 6 June 2022.
- 3.3 The Committee maintained its functioning throughout the Service business continuity and recovery phases of the COVID-19 pandemic. It met in a hybrid format, Members in the room enabling decision making supported by discussion from Members joining virtually online.

4. EQUALITY IMPACT ASSESSMENT

- 4.1 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

- 5.1 The Authority has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

6. FINANCIAL IMPLICATIONS

- 6.1 The Accounts and Audit Regulations Act states that a relevant body must “maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper internal audit practices”.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

Annual Report of the Audit and Risk Committee 2021/22, Audit and Risk Committee, 6 June 2022.

Chair of the Audit Committee

Appendix 1 - Annual Report of the Audit and Risk Committee 2021/22

1. Background

The Audit and Risk Committee was established by the Fire Authority in January 2008. Its purpose is to provide:

- independent assurance on the adequacy of the risk management framework and the associated control environment,
- independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment, and to
- oversee the financial reporting process.

The key benefits of the Committee are derived by:

- increasing public confidence in the objectivity and fairness of financial and other reporting.
- reinforcing the importance and independence of internal and external audit and similar review processes.
- providing additional assurance through a process of independent review.
- raising awareness of the need for internal control and the implementation of audit recommendations.

The Terms of Reference for the Committee can be found at Appendix A of this report.

2. Meetings

During financial year 2021/22 the Audit and Risk Committee met on the following dates:

- 07 June 2021
- 19 July 2021
- 27 September 2021
- 06 December 2021
- 21 March 2022

	07/06/21	19/07/21	27/09/21	06/12/21	21/03/22
Councillor Miks	✓	✓	✓	✓	✓
Councillor Padda	A	✓	✓	✓	✓
Councillor Spence	✓	✓	✓	✓	✓
Councillor Barrie	✓	✓	Substitute Ferguson	✓	✓
Councillor Miller	✓	✓	✓	✓	✓
Councillor Ferguson	-	-	✓	-	-
Mr M Ager	✓	✓	✓	A	✓

✓ – in attendance

A – sent apologies

4. The Committee's business

During the year the Committee conducted the following business:

Governance Statement – 2020/21
Corporate Risk – Regular Updates
Audit Committee Annual Report – 2020/21
Audit Committee – Terms of Reference Review
Audit Committee Work Programme 2020/21
Statement of Accounts 2020/21

CIPFA Audit Committee Updates
Updates on Topical, Legal and Regulatory Issues
Treasury Management Annual Report – 2020/21 (and Mid-Year Review)
Annual Senior Information Risk Officer Report

External Audit Plan 2020/21
External Audit Findings Report
External Audit – Annual Audit Letter 2020/21
External Audit – Audit Committee Update
External Audit – Communication with the Audit Committee

Internal Audit Annual Report – 2020/21
Internal Audit Progress Reports
Internal Audit Charter – Annual Review
Internal Audit Plan – 2021/22

Vacant Residential Properties Review
Whistle Blowing Policy and Regulation of Investigatory Powers Act for 19/20 and 20/21
The Pension Regulator – Scheme Return
Annual Report and quarterly minutes of the Pension Board
Oversight of progress of McCloud/Sargeant Age Discrimination consultation and actions arising (Remedy)
Discussion and decision on Immediate Detriment payment

5. Conclusion

The Committee was able to confirm:

- That the system of internal control, governance and risk management in the Fire Authority was adequate in identifying risks and allowing the Fire Authority to understand the appropriate management of these risks.
- That there were no areas of significant duplication or omission in the systems of internal control, governance and risk management that had come to the Committee's attention and had not been adequately resolved.

6. Sources of assurance

The Committee gained assurance to produce the above conclusion, from the following sources:

The work of Internal Audit

The Internal Auditors gave the following opinion in their Annual Report for 2020/21:

*'Based on the work undertaken during the year and the implementation by management of the recommendations made, Internal Audit can provide reasonable assurance that the Fire Authority has an adequate and effective framework of governance, risk management and control. *We are pleased to report that this is an unqualified opinion and the highest level of assurance available to Audit Services. In giving our opinion it should be noted that assurance can never be absolute. The most that internal audit can provide is reasonable assurance that there are no major weaknesses in the Authority's governance, risk management and control processes.'*

The work of the External Auditors

During the year the external auditors (Grant Thornton) reported back to the Audit Committee on several occasions as detailed in section 4 above. No issues of any significant concern had been raised prior to the preparation of this report.

The Governance Statement

The Governance Statement operated throughout the year ended 31 March 2021 and up to the date of the approval of the annual report and accounts. The systems to ensure the management of the risks have been shown to be sound.

Risk Management

The Committee regularly receives and reviews the Fire Authority's Corporate Risk Register, and assesses the assurance provided to demonstrate how risks are being mitigated.

7. The Committee's main achievements

The Committee believes its key achievements during the year were:

- Maintaining functioning of Audit and Risk as a Standing Committee during the response and recovery phases of the Covid-19 pandemic (utilising legislation and digital engagement to enable continuity of business)
- Continuity of good working relationships with the Authority's external auditors Grant Thornton.
- Receiving and reviewing several sector updates from the external auditors.
- Receiving and reviewing updates from the Internal Auditors Sandwell MBC
- Receiving the second Senior Information Risk Officer report
- Overseeing progress and responding to the government publications on Immediate Detriment and the outcomes of the McCloud/Sargeant Age Discrimination case
- Oversight of the work of the Pension Board
- Reviewing the portfolio of Vacant Residential Properties
- Oversight of the response to implementation of the Whistle Blowing Policy and Regulation of Investigatory Powers Act
- Reviewing the Committee's Terms of Reference and the Internal Audit Charter to ensure they remain fit for purpose.
- Providing additional assurance through a process of on-going independent review.
- Raising the profile of internal control issues across the Authority and of the need to ensure that audit recommendations are implemented.
- Regular consideration and review of the Authority's Risk Register and accompanying assurances.
- Building the skills and knowledge of Committee members through regular technical updates and the consideration of related guidance issued by CIPFA.
- The continued presence of an Independent Member to broaden the Committee's experience and independent viewpoint.

Terms of Reference for the Committee

Terms of Reference were reviewed to ensure they remained fit for purpose, and that they reflected guidance provided in the Chartered Institute of Public Finance and Accountancy (CIPFA) Audit Committees – Practical Guidance for Local Authorities 2013 Edition:

Statement of purpose

Our Audit Committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our Audit Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, Risk and Control

- To review the Authority's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control.
- To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.
- To monitor the effective development and operation of risk management in the Authority.
- To monitor progress in addressing risk-related issues reported to the Committee.
- To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- To review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.
- To monitor the counter-fraud strategy, actions, and resources.
- To review the governance and assurance arrangements for significant partnerships or collaborations.

Internal Audit

- To approve the Internal Audit Charter.
- To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- To approve risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
 - Regular reports on the results of the quality assurance and improvement programme;
 - Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

To consider the Head of Internal Audit annual report:

- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
- The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.
- To consider summaries of specific internal audit reports as requested.
- To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- To consider a report on the effectiveness of internal audit to support the annual

governance statement, where required to do so by the Accounts and Audit Regulations.

- To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

External Audit (Grant Thornton)

- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To commission work from internal and external audit.
- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.

Financial Reporting

- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

- To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- To report to full Authority on a regular basis on the Committee's performance in relation to the terms of reference, and the effectiveness of the Committee in meeting its purpose.
- To publish an annual report on the work of the Committee.

Pension Board

- To have delegated responsibility as Scheme Manager for making decisions in the management and administration of the firefighters' pension schemes. The Pension Board assists the Audit and Risk Committee in the role as Scheme Manager to secure compliance with regulations relating to Governance and Administration.
- To submit its minutes and Annual Report to the Authority.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**27 JUNE 2022****1. ANNUAL REPORT OF THE SCRUTINY COMMITTEE 2021/22**

Report of the Chair of the Scrutiny Committee.

RECOMMENDED

- 1.1 THAT the Authority receives the Scrutiny Committee Annual Report 2021/22.

2. PURPOSE OF REPORT

- 2.1 This report is submitted to bring to the attention of the Authority the Annual Report of the Scrutiny Committee 2021/22.

3. BACKGROUND

- 3.1 The Scrutiny Committee was established in line with expectations set out in the Fire and Rescue National Framework. The Committee forms an integral part of the Authority's scrutiny framework, supporting the Authority in achieving its strategic objectives.
- 3.2 The Committee enables the scrutiny of decisions, made or to be made, on the basis of public safety, supporting the principles of pre-decision scrutiny and post-decision scrutiny (defined as 'pre-scrutiny' and 'post-scrutiny' within the associated Terms of Reference). In doing so this further enables:
- informing of policy development and/or
 - holding the Authority to account
 - scrutinising performance of specific issues and/or
 - holding officers to account.
- 3.3 The Annual Report for 2021/22 is attached as Appendix 1 for consideration by the Authority. The report includes further information on the role of the Committee including its full Terms

of Reference. The report was agreed by the Scrutiny Committee on 23 May 2022.

- 3.4 It should be noted that meetings of the Scrutiny Committee were put on hold when the Authority implemented business continuity arrangements in March 2020 in response to the then emerging Covid 19 Pandemic. Meetings of the committee were reconvened as of 1 November 2021. This is reflected within the Annual Report.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 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**

- 5.1 There are no particular legal requirements for the Authority to establish a Scrutiny Committee; it is however, considered good practice for authorities to have a means through which monitoring and review of the Authority's policies and practices can be undertaken.

6. **FINANCIAL IMPLICATIONS**

- 6.1 Advice may be provided internally by Officers at no direct cost to the Authority, supporting the Committee in its work. The Scrutiny Committee can, if required, access resources to be able to engage external professional advice where applicable.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

Authority and Scrutiny Committee Reports
Minutes of the Scrutiny Committee

Councillor Sybil Spence
Chair of the Scrutiny Committee (covering 2021-22)

WEST MIDLANDS FIRE SERVICE

**Annual Report of the Scrutiny
Committee
2021/22**

1. Background

In line with expectations set out in the Fire and Rescue National Framework the Authority has established a Scrutiny Committee to support it in achieving its strategic objectives. The committee ensures that its policy and budgetary framework is followed and developed to reflect the changing needs and demands in meeting its statutory obligations.

Effective scrutiny frameworks will be in place for both the scrutiny of strategic policy, as well as performance. Aligned to the role of the Fire Authority and Chief Fire Officer (CFO) as set out within the Constitution of the Authority, the scrutiny function should scrutinise decisions made or to be made, on the basis of 'public safety' aligned to the following definitions:

Pre scrutiny enables changes proposed to strategic policy decisions to be scrutinised. These are decisions which if implemented, would change the strategic priorities and outcomes agreed by the Fire Authority (for example, matters contained in Authority 'forward plan' for approval). Pre scrutiny can:

- i) Inform policy development and/or
- ii) Hold the Authority to account

Post scrutiny enables the Fire Authority to seek assurance around operational decisions already made by the CFO and other officers in the delivery of strategic priorities and outcomes (for example: training, partnership working). Post scrutiny can:

- i) Scrutinise performance of specific issues and/or
- ii) Hold officers to account

The key benefits of the Committee can be seen as:

- Complementing the strategic and policy formulation and development work of the Authority and Service.
- Developing the skills of Members to enable them to investigate below the surface of policies, strategies and processes.

- Providing a useful oversight and an element of ‘challenge’ to performance improvement processes and continuous improvement.
- Encouraging public involvement in the policy process.
- Supporting the development of an environment that stimulates a more reflective, evaluative, and evidence-based culture within the Authority and Service.

The Terms of Reference for the Committee can be found at Appendix A of this report.

2. Meetings

Meetings of the Scrutiny Committee were put on hold when the Authority implemented business continuity arrangements in March 2020 in response to the then emerging Covid 19 Pandemic.

Meetings of the committee were reconvened as of 1 November 2021. During 2021/22, the Committee met on the following dates:

• 1 November 2021
• 14 February 2022
• 23 May 2022

3. Members & Attendance Record

	01/11/21	14/02/22	23/05/22
Councillor Barlow	√	√	X
Councillor Barrie	√	√	X
Councillor Dehar	√	√	X
Councillor Locke	√	√	X
Councillor Singh	X	X	X
Councillor Spence	√	√	√
Councillor Young	√	√	X
S Middleton (co-optee)	N/A	X	√
Councillor Ferguson (substitute)	N/A	N/A	√
Councillor Iqbal (substitute)	N/A	N/A	√

Officers from the Authority are also present at meetings as appropriate.

Working Groups are also appointed to consider scrutiny reviews. The Committee are to undertake a maximum of two such reviews each year. Each Working Group is to have a minimum of three Members allocated to it.

4. Business

During the year the Committee conducted the following business:

- Diversity, Inclusion Cohesion and Equality Updates
- Dispute Resolution Monitoring
- Progress Update on the Review of Safeguarding in West Midlands Fire Service
- Consideration of Scrutiny Reviews leading to a Scrutiny Review of Safe and Well
- Fire Control Performance Reports
- Work programme selection

5. The Committee's main achievements

The Committee believes its key achievements during the year include:

- The refresh of scrutiny arrangements upon the reconvening of the schedule of meetings of the Committee, including appraisal of previously refined terms of reference.
- The consideration of performance related information covering the period from when business continuity arrangements were implemented to date, thus enabling the continued robust monitoring of the Service's performance in the areas of:
 - Diversity, Inclusion, Cohesion and Equality,
 - Workforce profile indicators,
 - Dispute resolutions,
 - Operational performance of Fire Control.

- The Committee received an update on the progress made to date by the Service in implementing the recommendations that had resulted from the outcomes of the Review of Safeguarding in West Midlands Fire Service, providing assurances regarding the work undertaken to improve safeguarding arrangements and practice within the Service.
- As part of the overview of its Work Programme for the year, the Committee considered themes for Scrutiny reviews, including taking into account reviews and business undertaken by the Committee prior to the implementation of business continuity arrangements. This has resulted in the Committee approving to undertake the Scrutiny Review of Safe and Well. Members and Officers have actively engaged and discussed the review, understanding rationale, purpose and outcomes, with the formation of a working group to oversee and participate in the review as well as the submission of a scoping document to the full Committee. The working group is comprised of nominated Members plus Officers of the Service as and when applicable, with progress to be reported to the full Committee.
- Full details of the review are outlined within the respective reports that have been submitted to the Committee:
 - Scrutiny Review of Safe and Well (February 2022)
 - Scrutiny Review of Safe and Well – Scoping Document (May 2022)
- It is to be noted that this is a Scrutiny review that is ongoing at the time of writing this report with the review expected to be undertaken over a six-month timeframe. As a result, findings of the review are anticipated to be provided during 2022/23 municipal year and will be subsequently reported to the Authority.

Appendix A**Terms of Reference for the Scrutiny Committee****Scrutiny Committee**

To carry out a maximum of two scrutiny reviews per annum selected by the Committee. Such reviews will be member-led and evidence based, and will produce SMART (specific, measurable, attainable, realistic and timely) recommendations to the Authority.

To track and monitor the implementation of review recommendations that are accepted by the Authority.

To summon any officer or member of the Authority to give account in respect of reviews or any other relevant matter.

To manage, in consultation with the Strategic Enabler for Finance and Resources, a specific budget for the purpose of buying in any necessary external advice and support in connection with the reviews.

To receive and scrutinise performance information including progress against the Community Safety Strategy and 'The Plan', the Service's objectives and corporate performance indicators and review performance targets.

To have responsibility for scrutiny of Diversity, Inclusion, Cohesion and Equality and diversity throughout the West Midlands Fire Service and to review policies and monitor performance in relation thereto.

To monitor and scrutinise as appropriate the Authority's HR policies.

To monitor and scrutinise sickness levels, promotion policies and employee exit information.

To receive information and statistics on grievance monitoring and to report outcomes to the Joint Consultative Panel.

To ensure that the Authority is meeting its duties under Health & Safety and environmental and other relevant legislation.

To deal with any matters referred to it by the full Authority, the Policy Planning Forum, the Chief Fire Officer, Clerk, Monitoring Officer or Treasurer, not within its work programme.

To refer any matter for consideration by the Authority, another Committee or an officer where considered appropriate.

To submit its minutes and an Annual Report to the Authority.

In order to allow for separation of the Scrutiny and decision-making functions, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.

The Committee will sit in public with minimum exceptions. In addition to its programmed meetings, the Committee will hold additional meetings, as and when required, in order to efficiently manage its workload.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY ^{Item 25}

27 JUNE 2022

1. RESULT OF RECENT FIRE SAFETY PROSECUTIONS

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the details of the fire safety prosecution be noted.

2. PURPOSE OF REPORT

- 2.1 This report is submitted to inform the Authority of the result of prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

3. BACKGROUND

3.1 Talbot Hotel

- 3.1.1 This section of the report relates to the Talbot Hotel, 136 High Street, Stourbridge and the prosecution pursued by this Authority against three defendants who were charged with offences contrary to the Regulatory Reform (Fire Safety) Order 2005. This was as a result of a complaint which identified that fire alarm cables had been cut and a catalogue of management failings on 8 and 9 August 2018.

- 3.1.2 The matters were heard at Wolverhampton Crown Court on 1st April 2022 before His Honour Recorder Justin Wigoder.

- 3.1.3 The defendants were New Horizons Hotel Limited, a company director, Mr Joao Maia E Silva and the hotel manager, Mr Shaun Melson.

- 3.1.4 All defendants pleaded guilty to all offences. The company was fined £60,000 with a contribution of £9,000 towards costs. Mr Maia E Silva and Mr Melson were each sentenced to eight months immediate custody. No costs were awarded due to their immediate incarceration.

3.1.5 The Articles contravened collectively by the defendants were:

- Article 8 – General fire precautions (spread of fire).
- Article 13 – Alarms and detectors.
- Article 17 – Maintenance of the alarm system and of fire doors.
- Article 9 – Review of the Fire Risk Assessment.

3.2 **Pranzo Restaurant**

3.2.1 This section of the report relates to the Pranzo Restaurant, 262 Warwick Road, Birmingham (an extensive restaurant with living accommodation above) and the prosecution pursued by this Authority against two defendants who were charged with offences contrary to the Regulatory Reform (Fire Safety) Order 2005. This was as a result of a serious fire on 6 February 2020 from which a man escaped. It involved six pumps and an aerial appliance. The fire alarm was switched off; however, the alarm was raised by a smoke alarm which had been fitted previously by operational crews.

3.2.2 The matters were heard at Birmingham Crown Court on 11 May 2022 before His Honour Judge Rochford.

3.2.3 The defendants were Lala Bakery Limited and the sole director, Mr Qaisser Jamal.

3.2.4 Both defendants pleaded guilty to both offences. The company was fined £80,000 with a contribution of £30,000 towards costs. Mr Qaisser was sentenced to 9 months immediate custody and ordered to make a contribution of £15,000 towards costs.

3.2.5 The Articles contravened collectively by the defendants were:

- Article 14 – Failure to maintain a means of escape and associated general fire precautions.
- Article 17 – Maintenance of the alarm system and of fire doors.

Note: The long-awaited trial in absence in relation to Metro Court has been further adjourned to 11 October 2022. This was due to begin on 23 May 2022 but had to be re-listed due to extended legal argument in the case which preceded its projected start.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 The Regulatory Reform (Fire Safety) Order 2005 places a general duty on Responsible Persons, and others who have control to any extent, to provide general fire precautions to keep people safe in case of fire. The Order imposes a statutory duty on Fire and Rescue Authorities to enforce the provisions of the Order.

6. **FINANCIAL IMPLICATIONS**

- 6.1 The total costs of bringing the prosecution against the Talbot Hotel were £18,781.96 of which £11,277.50 were Fire Service costs. The Judge (Recorder) ordered the company to make a contribution of £9,000.
- 6.2 The total costs of bringing the prosecution against Pranzo Restaurant were £68,500 of which £12,902.50 were Fire Service costs. The Judge ordered the company to make a contribution of £30,000. Mr Qaisser was ordered to make contribution of £15,000 towards costs.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

Fire Safety Files.

The contact name for this report is Wayne Brown - telephone number – 0121 380 6907.

PHIL LOACH
CHIEF FIRE OFFICER

Ref. AU/FA/2022/June/90606221

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2022

1. **RESULT OF RECENT FIRE SAFETY APPEAL AGAINST PROHIBITION NOTICE**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the details of the fire safety appeal be noted.

2. **PURPOSE OF REPORT**

- 2.1 This report is submitted to inform the Authority of the result of an appeal against a Prohibition Notice served under Article 31 of the Regulatory Reform (Fire Safety) Order 2005.

3. **BACKGROUND**

- 3.1 This section of the report relates to an appeal against a Prohibition Notice served on Lexx Jerkz Ltd of 75 Bridge Street, Walsall on 6 October 2021 restricting the numbers of persons who can safely use the premises to a maximum of 60 inside and 60 outside.
- 3.2 A voluntary undertaking (Licensing Act 2003) not to exceed these numbers had been signed previously by the operators of the premises.
- 3.3 Following concerns raised by the Police on behalf of the local Licensing Authority, a joint visit was made with Police and Licensing officers. A Fire Risk Assessment (FRA) was produced stating the premises could operate with a total of 240 persons present. Based upon an inadequate number of exits and excessive travel distance to a final exit, a Prohibition Notice was served restricting the numbers of persons who could use the premises to those given in the voluntary undertaking.
- 3.4 An appeal against the notice was lodged and a hearing took place at Dudley Magistrates' Court on 18 February 2022.

- 3.5 The appeal was dismissed and a costs order was awarded against the appellant. The costs awarded to the respondent (WMFS) was £3,902.10.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 The Regulatory Reform (Fire Safety) Order 2005 imposes a duty on persons to provide assistance or information to an Enforcing Authority to ensure that the Order can be effectively enforced. The Order imposes a statutory duty on Fire and Rescue Authorities to enforce the provisions of the Order.

6. **FINANCIAL IMPLICATIONS**

- 6.1 The award against the appellant covers the legal costs incurred by the Authority in preparing the relevant case file. The award also compensates for officers' time spent on this case; this amounted to £975.00.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

Fire Safety Files.

The contact name for this report is Wayne Brown - telephone number – 0121 380 6907.

PHIL LOACH
CHIEF FIRE OFFICER

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**27 JUNE 2022****1. MINUTES OF PREVIOUS COMMITTEE MEETINGS**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the minutes of the following minutes of previous Committee meetings, attached as appendices to this report, be noted:

- Audit and Risk Committee - Monday 6 December 2021 and Monday 21 March 2022.
- Collaboration and Transformation Committee - Monday 6 December 2021
- Scrutiny Committee - Monday 14 February 2022

2. PURPOSE OF REPORT

- 2.1 The purpose of this report is for the Authority to note the minutes of previous Committee, Panel and Board meetings.

3. BACKGROUND

- 3.1 The minutes of the previous Committee meetings have been approved by the relevant meeting as a true and accurate record of proceedings.

4. EQUALITY IMPACT ASSESSMENT

- 4.1 An Equality Impact Assessment is not required.

5. **LEGAL IMPLICATIONS**

5.1 There are no legal implications arising from this report.

6. **FINANCIAL IMPLICATIONS**

6.1 There are no financial implications arising from this report.

7. **ENVIRONMENTAL IMPLICATIONS**

7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

[Relevant Committee Agenda Packs](#)

[West Midlands Fire and Rescue Authority Constitution](#)

The contact name for this report is Karen Gowreesunker, Clerk of the Authority – telephone number 07973810338.

Phil Loach
Chief Fire Officer

Karen Gowreesunker
Clerk of the Authority

Minutes of the Audit and Risk Committee

Item 27

21 March 2022 at 10:30 hours

Conducted as a public meeting at Headquarters and digitally via Microsoft Teams

- Present:** Councillor Catherine Miks (Chair), Councillor Padda, Councillor Barrie
- Virtually:** Mr Mike Ager, Councillor Miller, Councillor Spence, Peter Farrow (Internal Audit), John Mathews (Internal Audit), Avtar Sohal (Grant Thornton), Philip Tromans (Internal Audit) Harkamal Vaid (Grant Thornton),
- Officers:** Gary Taylor, Martina Doolan, Mike Griffiths, Kal Shoker, Stephen Timmington and Kirsty Tuffin.
- Observers:** Steven Price-Hunt

54/22 Apologies for Absence

Apologies for absence were received from Karen Gowreesunker, Clerk of the Authority and Neil Chamberlain, Chair of Pension Board.

55/22 Declarations of Interest

There were no declarations of interest registered.

56/22 Minutes of the Audit and Risk Committee held on 06 December 2021

Resolved:

1. That the minutes of the previous meeting, held on 06 December 2021, be approved as a correct record of proceedings.

57/22 Annual Report of the Senior Information Risk Owner

Gary Taylor, SIRO – Assistant Chief Fire Officer, and Martina Doolan, Data and Governance Manager, presented the Annual Report of the Senior Information Risk Owner that provided assurance in relation to how the service discharged its duties and responsibilities in relation to information governance.

The Committee were provided an overview of the key roles and responsibilities that included the Chief Fire Officer who had been the most senior role in the service and had been responsible for the following:

- advising the Fire Authority and for ensuring, along with the Authority's Monitoring Officer and Treasurer, that the Authority could effectively discharge all responsibilities imposed upon it by statute and guidance.

West Midlands Fire and Rescue Authority and West Midlands Fire Service were also required to operate in accordance with a wide range of legislation. They were accountable to the communities of the West Midlands for the service provided by the fire service. The role of Senior Information Risk Owner (SIRO) had been held by the Assistant Chief Fire Officer for Operations and had been responsible for the following:

- information security within West Midlands Fire Service.
- The SIRO role had been supported by the information Asset Owners (IAO) who are the Strategic Enabling Team (SET) with responsibilities for information assets within their respective areas.

The Data Protection Officer had the following responsibility:

- monitoring internal compliance,
- inform and advise on the organisation's data protection obligations,
- provide advice regarding Data Protection Impact Assessments (DPIAs)
- and act as a contact point for data subjects and the supervisory authority i.e. The Information Commissioner's Office (ICO).

Employees had been responsible for:

- adhering to the relevant policies of the organisation in respect of protecting information
- adhering to appropriate classifications,
- handling instructions and
- confidentiality requirements.

The Committee were advised that the purpose of the SIRO report had been to ensure good practice, assurance (both internally and externally), to help identify weaknesses and strengths and ensured transparency. Substantial assurance had already been achieved from the internal auditors with another themed review to take place in 2022 that would focus upon freedom of information.

Following discussions on spam emails, it was noted that there had been approximately 350k cyber-attacks experienced by the Service since the beginning of the crisis in Ukraine (24 February). This reflected the scale of the issue and the risk to the cyber security of the Service. It is also reflected in the work that had been implemented on the Service's infrastructure, which had enabled the successful blocking of threats to date. The aim was to ensure that the highest level of cyber security was maintained but done so in as seamless a manner as possible to ensure a good user experience was also maintained. The Committee were advised that it was a constantly evolving situation; as the Service put measures in place to thwart threats, hackers changed their methods.

The Chair of the Committee enquired as to what could be done to highlight the findings of the report to Members of the Authority as a whole. Gary Taylor advised that although the details of the Annual Report of the SIRO Report would be recorded and submitted to the Authority via the minutes of this committee. It could be possible with the approval the Chair of the Authority for an update to be provided directly to Members via a meeting of the full Fire Authority or via a briefing at the Policy Planning Forum. It was agreed that the Chair of the Committee would discuss the matter with the Chair of the Authority to propose a discussion be had on cyber security at Fire Authority or Policy Planning Forum to make all Members aware.

Steve Price-Hunt, requested to ask questions on the report, as a member of the public. The Chair of the Committee granted permission for Steve Price-Hunt to ask questions and advised that should it be required a written response would be provided to Steve within 7 working days. Following Steve's questions Martina Doolan advised that attempts to answer the questions

would be made, with further information to be provided following the meeting where required.

In answer to the questions, Martina Doolan advised that:

- The observation made that it was believed that all referrals to the Information Commissioner's Officer should be recorded was acknowledged. However, such referrals may be included and further information would be provided to Steve following the meeting.
- With regard to the Subject Access Requests, the improvements observed in retrieving relevant information, increasing from 29% in 2020 to 39% in 2021, was largely attributable to how technology was being used. This remained in its infancy, with a number of pilots having been carried out to date, and it was expected that further improvements would be realised as progress was made.
- There was tribunal process, with the ability to refer a matter to the First Tier Tribunal. Martina advised that further information would be provided to Steve following the meeting.

Gary Taylor re-assured Members that if it was not possible to respond to individual's request within 30 days, the Service would notify the individual and provide a rationale as to why.

Resolved:

1. That it be agreed that the Annual Report of the Senior Information Risk Owner (SIRO) be approved.
2. That it be agreed that the Chair of the Committee would discuss the matter with the Chair of the Authority for the proposal to discuss the cyber security threat faced at Fire Authority or Policy Planning Forum to make all members aware.
3. That it be agreed that further details on referrals to the Information Commissioner's Officer be provided to Steven Price-Hunt following the Committee Meeting.

58/22 **Internal Audit Charter – Annual Review**

Peter Farrow, Internal Auditor, presented the Internal Audit Charter – Annual Review report that outlined the scope and background and mission of the internal auditors.

The Committee were advised that no changes had been made to the Internal Audit Charter since it was last reviewed and approved by Committee in March 2021.

Resolved:

1. That it be agreed that the existing Internal Audit Charter be reviewed and approved subject to its next annual review.

59/22 **Internal Audit Plan – 2022-2023**

Peter Farrow, Internal Auditor, presented the Internal Audit Plan – 2022-2023 report that outlined the proposed Internal Audit Plan for 2022/23 and a indicative plan covering the period 2023/24 to 2024/25.

The Committee were advised that a fluid approach would be given to the Internal Audit Plan to reflect changes in the risks faced by the service and would be updated periodically to reflect this. Any changes to the plan would be brought to the Audit and Risk Committee for approval. The assessment of assurance need/risk analysis and RAG rating were explained to members. Mike Griffiths confirmed that the plan had been shared with himself and other SET Officers and were in agreement with the plan.

Following queries around the high score given to the payroll pension systems, Peter Farrow re-assured Members that despite the rating, internal auditors had no concerns but as the key financial systems fundamentally dealt with large sums of money and were an essential part of the service, it had been important the rating reflected that.

Following a query around the risk of management of fuel and whether this should be raised from medium to red, given the situation of fuel supplies in the United Kingdom at present, John Mathews re-assured Members that Internal Auditors reviewed the risk in December and determined the risk remained amber but would take Members comments on board. Mike Griffiths also re-assured Members and advised that in recognition of the fuel situation, the Fire Authorities business continuity arrangements had been in place that ensure stations had been in a good place with their fuel supplies and had been regularly monitored.

Resolved:

1. That it be agreed that the Internal Audit Plan for 2022/23 be approved.

60/22 **Internal Audit – Progress Report**

John Mathews, Internal Auditor, presented the Internal Audit – Progress Report that outlined the issues raised from the work undertaken by internal audit so far in the current financial year.

The Committee were advised that the progress report would feed into and informed the Internal Audits overall opinion in the Internal Audit – Annual Report that would be provided at the year end. The assessment of assurance was explained to members. As per appendix 1, substantial rating had been provided on the majority of completed auditable areas of work. those in progress had been:

- Risk Management
- Governance
- Accounts receivable

Since the publication of this report, Internal Audits had circulated a Governance Report for Officers to review.

The Committee were advised that, as per appendix 1, the following issues that arose were:

- Workforce planning
- Fixed asset Accounting/Asset management
- Accounts payable
- Budgetary control

The workforce planning issues were outlined and the committee were advised that a plan had been devised with the Fire Authority and a follow up review would take place as part of the internal audit plan for 2022-23. It was agreed that an update on this be provided at the next Audit and Risk Committee meeting.

Resolved:

1. That it be agreed that the Internal Audit Progress Report be noted.

2. That it be agreed that an update regarding the Fire Authorities plan and the workforce planning issues be provided at the next Audit and Risk Committee meeting.

61/22 **Informing the Audit Risk Assessment 2021-2022**

Avtar Sohail, Grant Thornton – External Auditor, presented the Informing the Audit Risk Assessment 2021-2022 report that provided an update on the progress of the external auditor in delivering their responsibilities.

The Committee were advised that as part of the risk assessment conducted by external auditors required management to provide information following external auditors' queries, as per appendix 1 of the report. The information provided by management had been in line with expectations and therefore nothing required additional consideration from the Committee.

Resolved:

1. That it be agreed that the Informing the Audit Risk Assessment – West Midlands Fire & Rescue Authority 2021/22, be noted.

62/22 **Auditor Annual Report 2020-2021**

Avtar Sohail, Grant Thornton – External Auditor, presented the Informing the Auditor Annual Report 2020-2021 report that outlined the findings of the external audit work undertaken for the audit year 2020-2021.

The Committee were advised that the Auditor Annual Report would replace the Audit Letter previously provided to the Committee moving forward. Following the change to the approach to value for money, the main areas of work highlighted, as per appendix 1, were:

- Financial sustainability
- Governance
- Improving economy, efficiency and effectiveness
- Covid-19 arrangements
- Opinion on the financial statements

The Committee were advised that there had been no significant weaknesses that required the Committees attention, that good governance practices had been in place and therefore a clean audit opinion had been given.

Following queries around the external auditors timescales, Avtar Sohail advised Members that as a result of the audit market fluctuating and higher demand on auditors, the deadline for the submission of statement of accounts had been extended from July to September, as done in the previous year. Grant Thornton were hopeful to meet this deadline however, had been dependent upon its findings.

Resolved:

1. That it be agreed that the Auditor's Annual Report (AAR) 2020/21 on the West Midlands Fire and Rescue Authority be noted.

63/22 **Update on Topical, Legal and Regulatory Issues (Verbal Report)**

Mike Griffiths, (WMFS) Section 151 Officer, advised the Committee there were no updates on Topical, Legal and Regulatory Issues.

64/22 **Audit and Risk Committee Work Plan 2021-2022**

Kirsty Tuffin, Democratic Services Officer, presented the Audit and Risk Committee Work Plan for 2021-2022 that outlined the planned agenda items for future scheduled Audit and Risk Committee meetings.

The Committee were advised that as per the agenda pack, the Fraud Awareness Training and the Private Meeting with Internal Auditors had been scheduled to take place following the exclusion of the press and public. Members were advised that a separate private meeting invite had been circulated and Members would be asked to join via the link circulated when appropriate.

Resolved:

1. That it be agreed that the Audit and Risk Committee Work Plan 2021-2022 be noted.

65/22 **Fraud Awareness Training**

Phillip Tromans, Internal Audit, provided Members of the Committee with training on Fraud Awareness.

Resolved:

1. That it be agreed that the training on fraud awareness be noted.

66/22 **Private Meeting with Internal Auditors**

Members of the Committee met with Peter Farrow, Internal Auditor, and John Mathews, Internal Auditor to raise any concerns they may have. No concerns were raised.

Resolved:

1. That it be agreed that the private meeting with internal auditors be noted.

The meeting closed at 12:53 hours.

Kirsty Tuffin
Strategic Hub
0121 380 6906
Kirsty.tuffin@wmfs.net

Minutes of the Audit and Risk Committee

Item 27

6 December 2021 at 12.00 hours

Conducted as a public meeting at Headquarters and digitally via Microsoft Teams

- Present:** Councillor Catherine Miks (Chair), Councillor Padda, Councillor Barrie
- Virtually:** Councillor Miller, Councillor Spence, John Mathews (Internal Audit), Avtar Sohal (Grant Thornton)
- Officers:** Gary Taylor, Mike Griffiths, Satinder Sahota, Kal Shoker, Paul Gwynn, Karen Gowreesunker, Phil Fellows, Stephen Timmington and Kirsty Tuffin.
- Observers:** Alan Tranter and Adam Harper.

43/21 **Apologies for Absence**

Apologies for absence were received from Mr Ager due to technical issues.

44/21 **Declarations of Interest**

There were no declarations of interest registered.

45/21 **Minutes of the Audit and Risk Committee held on 27 September 2021**

Resolved:

1. That the minutes of the previous meeting, held on 27 September 2021, be approved as a correct record of proceedings, subject to Councillor Padda's name be amended.

46/21 **Treasury Management Mid-Year Review 2021-22**

Kal Shoker, Finance Manager, presented the Treasury Management Mid-Year Review 2021-22 report that outlined the performance of the Treasury Management function of the Authority in the current financial year.

The Committee were advised that the Authority approved the strategy for its treasury management in February 2021 and the Authority had been required to produce a mid-year review report

on activities. The 3 key treasury management indicators highlighted were:

1. Capital Expenditure
2. The Authorities Debt
3. The Authorities investment

The Committee were advised that the Authority approved a £7.8m capital programme for the current financial year at its meeting in February 2021. This had been updated and reflected the outturn position and financing decisions for 2020/21. This increased the capital programme to £8.1m, which was reported at the October Authority meeting. The forecast outturn as at 30th September for 2021/22 was £6.8m, a variance of £1.3m.

The main reason for the variance within the capital programme in the current year related to:

- Vehicle Replacement Programme (£0.750m) – delayed purchase of a number of vehicles slipping into 2022/23.
- Roof replacement at Transport Engineering Workshops (£0.500m) had been delayed due to the need to retender.

Kal Shoker advised the Committee that the Authority's total external debt as at 30th September 2021 had been £31.9m of which £29.7m had been in respect of borrowing undertaken with PWLB and the balance £2.2m had been in respect of the Authority's share of the Existing WMCC debt.

As at 30th September 2021 the Authority's investments totalled £57.9m which were invested with Sandwell MBC as part of the treasury management arrangement between them and the Authority.

Interest received on our investments ~~and~~ was based on the average return achieved by Sandwell MBC plus 10 basis points. However, the interest to be received this financial year would be less than the £1m budget, and performance for the year to date was estimated to be £0.050m below budget.

Resolved:

1. That it be agreed that the Treasury Management Mid-Year Review 2021-22 report be noted.

2. That it be agreed that the prudential and treasury indicators be approved.

47/21 **Corporate Risk Report**

Gary Taylor, SIRO – Assistant Chief Fire Officer, presented the Corporate Risk Report that outlined all aspects related to the management of the Authority's Corporate Risks, over a 6month period, covering Quarter 1 and Quarter 2.

The Committee were advised that the service maintained 8 corporate risks, each assigned to a member of the Strategic Enabling Team (SET), as a risk owner, who would be responsible for monitoring and reviewing progress made in managing the risk. Each risk had been categorised and scored against the likelihood that the risk could occur and the impact that would have. The key changes to each highlighted were:

- The risk score for risk 5.2, as per report, had been increased from 9 in quarter 1 to 12 in quarter 2. This increased because the Command-and-Control System, Vision 4, upgrade had been delayed. It had been anticipated that the upgrade would be live by Capita in the new year.
- The risk score for risk 7.1, as per report, had been increased from 6 to 9 for both quarter 1 and 2. The risk had been increased due to a failure in the mobilisation system that resulted in Fire Control to be moved to a second Fire Control unit. A further review and test of the system would take place. Business continuity arrangements had been in place.
- The risk score for risk 4.1, as per report, had been decreased from 6 to 4 converting the confidence level from amber to green for both quarter 1 and 2. The risk had decreased due to increased capacity within the testing team and increased frequency of testing of water hydrants.

The Committee were advised that, as per appendix 2, risk 6.1 (Business Continuity and Preparedness) had been highlighted red due to the impact of possible industrial action by green book workers. A ballot had been circulated to green book members by unions on possible strike action over its pay agreement.

Following queries on the impact of supplies to IT equipment/chip shortages, the Committee were re-assured that although the

service had slowed down the replacement process of equipment, initial software had not been impacted. The management of radios used by the service had been managed centrally so had also not been impacted.

Following the Chair of the Committee query on the move to a new system and a delay in some payments to pensions, Paul Gwynn, Payroll and Pensions Manager, re-assured the Committee that the new system had transferred tax details from the old system however, a small number of pensions had been paid incorrectly as the incorrect tax amount had been deducted. The majority of cases affected had been paid the correct amount of the same day however, a select few would receive any outstanding amount in January 2022.

Resolved:

1. That it be agreed that the Corporate Risk Summaries for Quarter 1 and Quarter 2, be approved.
2. That it be agreed that the management of corporate risk through and emerged from the business continuity arrangements be noted.

48/21 **Vacant Residential Properties Update**

Mike Griffiths, (WMFS) Section 151 Officer, presented the Vacant Residential Properties update report that provided the Committee with an update on the current position related to vacant residential properties.

The Committee were advised that across the following sites, there were 17 vacant properties:

- Kings Norton – 6 flats (currently being sold), 4 houses
- Perry Barr – 6 houses
- Bloxwich – 2 first floor apartments
- Erdington – 5 flats

With reference to diagram pictures, as per report, each location and surrounding area were explained to the Committee.

Discussions had been held with property agents for each site, with the exception of the vacant flats in Kings Norton that were in the process of disposal. Feedback from the property agents outlined to the Committee were:

- Kings Norton – sale of the houses would not be viable due to access/parking/security. Letting of the properties would be viable if the properties were refurbished. However, the estimated cost of refurbishment would be £120k and so the draw on the Authority's limited capital resources and on management resources required to manage such an arrangement made this option unattractive.
- Perry Barr – sale of houses was not recommended due to location of dwellings. Letting of the properties would be viable if the properties would be refurbished. However, the estimated cost of refurbishment would be £300k and so the draw on the Authority's limited capital resources and on management resources required to manage such an arrangement made this option unattractive.
- Bloxwich – sale of the houses would not be viable due to the flying freehold. Letting of the properties would not be viable due to access, parking and lack of security.
- Erdington – The sale or letting of the properties would not be viable due to location, access and lack of security.

Following queries on the secured tenants at the Kings Norton site and the use of the area the committee were advised that if residents of the other 7 properties in the area wished to move, appropriate housing would need to be provided to them and further opportunities for the site could be investigated. It was agreed that Mike Griffiths would contact the secure tenants regarding potential relocation, if it was deemed appropriate.

The Committee were advised that planning permission had been obtained to separate the houses on the Perry Barr Station site away from the station and provide access to the rear. However, the Housing Association at the rear of the station had refused consent for vehicular access for the properties. It was agreed that the Chair of the Committee and Mike Griffiths would discuss the options the authority had following the Housing Associations refusal for vehicle access. It was agreed that an update on the vacant properties be brought to a future Audit and Risk Committee.

Resolved:

1. That it be agreed that the Vacant Residential Properties Update report be noted.
2. That it be agreed that the Chair of the Committee and Mike Griffiths would discuss the options the Authority had following the Housing Associations refusal for vehicle access to the properties in Perry Barr.
3. That it be agreed that Mike Griffiths would contact the secure tenants at the Kings Norton Station site regarding potential relocation, if it was deemed appropriate.
4. That it be agreed that an update on the vacant properties be brought to a future Audit and Risk Committee.

49/21 **Whistleblowing and RIPA 2019-2020 & 2021-22**

Satinder Sahota, Monitoring Officer, presented the Whistleblowing and RIPA 2019-2020 & 2021-22 report that outlined (if any) whistleblowing allegations reported through the Whistle Blowing Policy for the periods 1 April 2019-31 March 2020 and 1 April 2020 – 31 March 2021.

The Committee were advised that between the period of 1 April 2019-31 March 2020, no whistleblowing allegations were received. Between the 1 April 2020 – 31 March 2021, 1 case had been received that resulted in a formal investigation. This case had now been resolved and all relevant parties had been made aware of the resolution. During both periods, no requests had been made to commence a RIPA authorisation under the Regulation of Investigatory Powers Act 2000 by the service.

Resolved:

1. That it be agreed that during the period of 1 April 2019 – 31 March 2020 no whistleblowing allegations were reported through the Whistle Blowing Policy, be noted.
2. That it be agreed that during the period of 1 April 2020 – 31 March 2021, 1 whistleblowing allegation had been reported through the Whistle Blowing Policy, be noted.
3. That it be agreed that during both periods, no requests had been made to commence a RIPA authorisation under the Regulation of Investigatory Powers Act 2000 by the service, be noted.

4. That it be agreed that the content of the Whistle Blowing Standing Order 2/20 (appendix 1) and the Management of Information Framework, Standing Order 1/5 (appendix 2), be noted.

50/21 **Internal Audit Progress Report**

John Mathews, internal auditor, presented the Internal Audit Progress Report that outlined the issues raised from the work undertaken by internal audit so far in the current financial year.

The Committee were advised that, as per issues arising within appendix 1, since the publication of the report, the outstanding action plan for environmental targets had been received. The final report had been issued and the service had been in a good position for its environmental Protection targets. A key member of staff responsible for implementing the actions had left the Service therefore, internal auditors would follow up on the agreed actions as part of the 2022-23 Internal Audit Plan. Re-assurance was provided that an absence process had been in place that focused upon individual efficiency and ensuring that members of staff return to work safely. It was agreed that information be brought to Committee on the member of staff who left and the delay this had caused in the delivery of actions. The Management of fuel could be marked off.

The Committee were advised that a training session on Fraud Awareness would be provided in March 2022.

Resolved:

1. That it be agreed that the Internal Audit Progress Report be noted.
2. That it be agreed that information be brought to Committee on the member of staff who left and the delay this had caused in the delivery of actions.

51/21 **Pension Board Minutes – 8 September 2021**

Kal Shoker provided an overview of the Pension Board Minutes for the meeting that took place on 8 September 2021, highlighting sections on Remedy.

Resolved:

1. That it be agreed that the Pension Board Minutes – 8 September be noted.

52/21 **Update on Topical, Legal and Regulatory Issues (Verbal Report)**

Paul Gwynn, Payroll and Pensions Manager, provided a verbal update to Members of the Committee on the position with Immediate Detriment. The Committee were advised that since the last Audit and Risk Committee that took place on 27 September 2021, the Home Office guidance on Immediate Detriment had been withdrawn, with immediate effect.

The Committee were advised that as a result of this withdrawal there would be a risk to the Service both legally and financially if it continued with its current approach. It was hoped that guidance would be issued from the Local Government Association and National Fire Chief Council (NFCC) the week commencing 13 December 2021. Following the withdrawal of the Home Office Guidance, the service had sought legal advice, corresponded with other Fire Services and the NFCC and recommended to Committee that the Authority:

1. Pause and review the criteria for processing Immediate Detriment affected pension claims. For clarity, this meant not agreeing to settle any new retirement notifications in line with the previously agreed guidance from Audit and Risk Committee. This pause would allow the Authority to consider:
 - Pending legal advice from the LGA (Local Government Association) and NFCC (National Fire Chief Council).
 - Any further guidance from the Home Office and/or the Treasury.
2. Continue to process any current retirements in line with the agreed process at the time. For clarity, this meant all

pension claims that are currently being processed (including current retrospective claims).

3. Not process any new retrospective retirement pension claims related to Immediate Detriment until point 1 above is resolved.

Satinder Sahota, Monitoring Officer for the Authority, advised that the service needed to identify the scope on potential legal challenges that could be received. It was agreed that Satinder Sahota would work with Members of the finance team to identify (if any) the tax implications associated with the above recommendation.

Resolved:

1. That it be agreed that the following recommendation be agreed:
 1. Pause and review the criteria for processing Immediate Detriment affected pension claims. For clarity, this meant not agreeing to settle any new retirement notifications in line with the previously agreed guidance from Audit and Risk Committee. This pause would allow the Authority to consider:
 - a. Pending legal advice from the LGA (Local Government Association) and NFCC (National Fire Chief Council).
 - b. Any further guidance from the Home Office and/or the Treasury.
 2. Continue to process any current retirements in line with the agreed process at the time. For clarity, this meant all pension claims that are currently being processed (including current retrospective claims).
 3. Not process any new retrospective retirement pension claims related to Immediate Detriment until point 1 above is resolved.
2. That it be agreed that Satinder Sahota would work with Members of the finance team to identify (if any) the tax implications associated with the above recommendation.

Karen Gowreesunker presented the Audit and Risk Committee Work Plan for 2021-2022 that outlined the planned agenda items for future scheduled Audit and Risk Committee meetings.

The Committee were advised that following the cancellation of October's meeting, items had been moved forward on the work plan accordingly. It was agreed that John Mathews would advise Members of the Committee as to whether the Fraud Awareness training session delivered by an external company would be conducted virtually in March 2022.

Resolved:

1. That it be agreed that the Audit and Risk Committee Work Plan 2021-2022 be noted.
2. That it be agreed that John Mathews would advise Members as to whether the Fraud Awareness training session, due to take place in March 2022, delivered by an external company, would be conducted virtually.

The meeting closed at 13:40 hours.

Kirsty Tuffin Strategic Hub 0121 380 6906 Kirsty.tuffin@wmfs.net

Minutes of the Collaboration and Transformation Committee

06 December 2021

Conducted as a public meeting at Headquarters and digitally via Microsoft Teams

Present: Councillor Dehar (Chair), Councillor Locke (Vice-Chair), Councillor Locke and Councillor Barlow.

Virtual: Councillor Iqbal, Councillor Miks, Councillor Singh, Simon Brake

Officers: Phil Loach (CFO), Karen Gowreesunker, Mike Griffiths, Phil Fellows, Stephen Timmington and Kirsty Tuffin.

Please note: Councillor Barlow was present from 10:50am. Councillor Hogarth was available but not in attendance due to experiencing technical issues.

06/21 **Apologies**

Apologies were received from Kash Singh, Strategic Enabler for Digital and Data.

07/21 **Declarations of Interest**

There were no declarations of interest received.

08/21 **Minutes of the Collaboration and Transformation Committee held on 06 September 2021**

Resolved:

1. That the Minutes of the Collaboration and Transformation Committee held on 06 September 2021 were approved as a correct record of proceedings.

09/21 **Collaboration and Transformation – Digital Data and Innovation**

Phil Loach, Chief Fire Officer, presented the Collaboration and Transformation – Digital Data and Innovation report that provided an update on the digital delivery through COVID,

introduced the West Midlands Fire Service Digital, Data and Innovation Strategy and provided examples of its value and introduced key projects that would shape and support the Service.

The Committee were advised that through COVID, excellent digital delivery had been implemented across the Service. This included providing staff with remote access to systems to ensure the transition to working from home had been rapidly implemented, as outlined within the report.

A short video had been developed, that introduced the West Midlands Fire Service Digital, Data and Innovation Strategy to the Service, was shared to Committee Members.

Feedback from Members of the Committee included the need for more basic IT information to be included within the video and to ensure it was accessible to those with special needs/those who have difficulty accessing technology. Phil Loach reassured Members that the video would be available in different languages, dyslexia assistance and the Service would support those with no IT equipment/internet as the move to a digital world developed. Following discussions on the commentary within the video, it was agreed that the voice-over of the video be looked into to ensure it engaged with those within the West Midlands.

Resolved:

1. That it be agreed that the considerable transformation and collaboration progress made and delivered through the COVID period be noted.
2. That it be agreed that the approach through the digital, data and innovation strategy and the positive impact it would have on staff and communities be noted.
3. That it be agreed that the strategy already delivered through Oracle Cloud Project, CRMP, Digital Transformation on Stations initiatives and innovation stations be noted.
4. That it be agreed that support be given to the Service's excellent potential for national collaboration opportunities and continued investment to deliver better, more efficient services to communities.

5. That it be agreed that the voice-over for the video be looked into to ensure it engaged with those within the West Midlands.

10/21

Outcome of the PCC Review – Phase 2

Karen Gowreesunker, Clerk to the Authority, provided a verbal update on the outcome of the PCC Review – Phase 2.

The Committee were advised that Phase 2 of the governments review into the role of the Police and Crime Commissioners (PCCs) had been published at the end of July 2021. Phase 2 would not only expand on from Phase 1 it would seek to understand whether the powers of the PCC should be extended in relation to the role of the PCC and the functional powers of a Fire Authority. The outcome of Phase 2 had been anticipated in the new year and an update on this would be brought back to the Committee.

Resolved:

1. That it be agreed that the verbal discussion be noted.
2. That it be agreed that an update would be brought back to the Committee once the outcome of Phase 2 be provided.

11/21

Collaboration and Transformation Work Plan 2021-2022

Karen Gowreesunker, Clerk to the Authority, presented the Collaboration and Transformation Work Plan 2021-2022 that outlined the planned agenda items for future Collaboration and Transformation Committee meetings that align with the Committees Terms of Reference.

The Committee were advised that an update on the White Paper would be subject to its publication from the Home Office therefore, slight changes could be made to the work plan to reflect this. Once published an update would be provided to Committee.

Resolved:

1. That it be agreed that the Collaboration and Transformation Work Plan 2021-2022 be noted.

The meeting finished at 11:00 hours.

Kirsty Tuffin
Strategic Hub
0121 380 6906

Minutes of the Scrutiny Committee

Item 27

14 February 2022

Conducted as a public meeting at Headquarters and digitally via
Microsoft Teams

Present: Councillor Spence (Chair), Councillor Locke (Vice-Chair),
Councillor Barlow, Councillor Barrie and Councillor Dehar

Virtual: Councillor Young

Officers: Andrea Simmonds, Karen Gowreesunker, Kate Alliss, Kirsty
Tuffin, Pete Wilson, Simon Barry, Stephen Timmington.

01/22 **Apologies**

Apologies were received from Shirley Haines.

02/22 **Declarations of Interest**

There were no declarations of interest received.

03/22 **Minutes of the Scrutiny Committee held on 01 November
2021**

Resolved:

1. That the minutes of the Scrutiny Committee held on 01
November 2021 were agreed as a correct record of
proceedings.

04/22 **Fire Control Performance Report – Quarter 3 and Quarter
4 2019-20, and Quarters 1 to 4 2020-21**

Karen Gowreesunker, Clerk to the Authority, presented the
Fire Control Performance Report – Quarter 3 and Quarter 4
2019-20, and Quarters 1 to 4 2020-21 report, that outlined
the operational performance of Fire Control.

The Committee were advised that the report covered the
following two periods: 01/10/19 to 31/03/20 (Qtr. 3 and 4 –
2019-20) and 01/04/20 to 31/03/21 (Qtr. 1 to 4 2020-21). The
report covering an 18-month period would bring the reporting
schedule up to date following the Committee reconvening
meetings in November 2021.

The Committee were advised that of the 65,997 emergency calls received for West Midlands Fire Service (WMFS), Fire Control mobilised 56% of the incidents. The mobilisation ratio of calls had been dependent upon the following:

- Calls challenging automated fire alarms (AFAs)
- Calls challenging special service calls that were deemed non-emergency
- Repeat 999 calls
- Use of 999eye footage/imagery

The average length of time for the critical incident types, for 999 calls to mobilise appliances had been within the WMFS aim of under 80 seconds.

The Committee were advised that Fire Control had successfully recruited 8 individuals to join two Fire Control training courses. 215 applicants were received, 28 of which were shortlisted with a ratio of 29% male/79% female and 18% were BAME. Of the successful 8 applicants, 1 had been male and 1 had identified as BAME.

Work had been conducted with the Command-and-Control Supplier, Capita, to upgrade the Vision Command and Control system used for integrated calls, incident and resource management across WMFS, and to upgrade the current 'Vision 3' to 'Vision 4'. It had been anticipated that the new system would go live on Monday 28th February.

Members praised WMFS staff for all their hard work and dedication throughout the pandemic.

Resolved:

1. That it be agreed that the Fire Control performance update for the following two periods, be noted:
 - 01/10/19 to 31/03/20 (quarters 3 and 4, 2019/20)
 - 01/04/20 to 31/03/21 (quarters 1 to 4, 2020/21)

05/22

Scrutiny Review of Safe and Well 2022

Andrea Simmonds, Head of Community Safety, presented the Scrutiny Review of Safe and Well 2022 report that outlined the proposal for Scrutiny Committee to review safe

and wells (SAW) following their concerns raised pre-pandemic, on the impact on relations with partners/referrals for SAW as a result of the Falls Response contracts and the Back Home Safe and Well pilot in 2018.

The Committee were advised that there had been new developments in SAW that would be beneficial to consider in the scope of the review. Those highlighted were:

- Introduction of the Fire Standard for Prevention
- Introduction of the NFCC Person Centred Framework for Home Fire Safety Visits
- The Covid-19 Pandemic
- Introduction of new systems and processes to support the delivery of SAW
- Restructure of the Prevention Team in Headquarters.

The proposed purpose of the review would be to establish that SAW had been effective, reduced the numbers of emergency incidents that WMFS attended, improved the safety and health of those most vulnerable to fire with communities, had targeted based on local, regional and national data and was aligned to national frameworks. WMFS could evidence through a review that SAW reduced the risk and vulnerability from accidental fires or serious/fatal casualty through its:-

- Stratification of risk including peoples understanding of the links between health inequalities and risk and vulnerability to fire
- Record keeping,
- Training and development,
- Performance management,
- Quality assurance and Evaluation
- Established relationships with and the referrals received from partners who work with those identified as being at risk and vulnerable to fire.

A review on remote SAW delivery that occurred during the Covid-19 pandemic would help highlight the value and

benefit it had made as a SAW intervention and establish SAW as a business-as-usual Prevention activity. The draft outcomes and areas of work in progress, as per appendix 1, were also highlighted to the Committee.

It was agreed that the final scoping document be brought to Scrutiny Committee in May 2022. It was agreed that Councillor Spence (Chair), Councillor Barlow and Councillor Dehar would be members of the working group with stakeholders to conduct the review over a 6-month period.

Following questions, Pete Wilson, Strategic Lead (Project Executive) Prevention, advised that during the pandemic, referral numbers had not dropped as much as anticipated and that individuals could refer themselves should they wish to. Members could refer individuals in their wards but had to obtain the individuals permission to do so.

Resolved:

1. That it be agreed that the recommendation to proceed with the review of Safe and Well (SAW), as outlined in the report and appendix 1, be approved.
2. That it be agreed that a working group be established with the following members:
 - Cllr Barlow
 - Cllr Spence
 - Cllr Dehar

06/22

Scrutiny Committee Work Programme 2021-2022

Simon Barry, Assistant Chief Fire Officer, presented the Scrutiny Committee Work Plan for 2021-2022. No changes were requested.

The Chair of the Committee commended Officers for the work they had provided within the work programme.

Resolved:

1. That it be agreed that the Scrutiny Committee Work Programme 2021-2022 be approved.

The meeting finished at 13:39 hours.

Kirsty Tuffin Strategic Hub 0121 380 6906
