

West Midlands Fire and Rescue Authority

Scrutiny Committee

You are summoned to attend the meeting of Scrutiny Committee to be held on

Monday, 07 November 2022 at 10:30

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

Item No.

- | | | |
|---|--|---------|
| 1 | To receive apologies for absence (if any) | |
| 2 | Declarations of interests | |
| 3 | Minutes of the Previous Scrutiny Committee held on 23 May 2022 | 5 - 12 |
| 4 | Scrutiny Review of Safe and Well | 13 - 48 |
| 5 | Fire Control Performance Report Q1 and Q2 2022-23 | 49 - 56 |
| 6 | Diversity Inclusion Cohesion Equality (DICE) Update and Dispute Resolution Report 1 Jan - 30 June 2022 | 57 - 80 |
| 7 | Scrutiny Committee Work Programme 2022-23 | 81 - 82 |

Exclusion of the public and press

Chair to move:- "*That the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.*"

Private Workshop for Members

- | | | |
|---|---|----------|
| 8 | Scrutiny Committee Working Group - Business Continuity Arrangements (2) | 83 - 112 |
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[Please note: supplementary documents that were not readily available upon publication have been added, as per report and appendices].

Distribution:

Gurdial Atwal - Vice Chair of the Scrutiny Committee, David Barrie - Member, Jasbinder Dehar - Member, Zahir Hussain - Chair, Sybil Spence - Chair of The Scrutiny Committee, Vera Waters - Member, Patricia Young - Member

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.

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

Minutes of the Scrutiny Committee

23 May 2022

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

Present: Councillor Spence (Chair), Councillor Iqbal, Councillor Ferguson.

Virtual: Sarah Middleton and Shirley Haines.

Officers: Andrea Simmonds, Kate Alliss, Kirsty Tuffin, Pete Wilson, Simon Barry, Joanne Simmonds, Kelly Whitmore, Kamla Devi-Ahir.

07/22 **Apologies**

Apologies were received from Councillor Dehar, Councillor Locke (substituted by Cllr Iqbal) and Cllr Barrie (substituted by Cllr Ferguson).

08/22 **Declarations of Interest**

There were no declarations of interest received.

09/22 **Minutes of the Scrutiny Committee held on 23 May 2022**

Please note: Both Councillor Iqbal and Councillor Ferguson had not been present at the last Committee meeting to agree the minutes as a correct record of proceedings.

Resolved:

1. That the minutes of the Scrutiny Committee held on 23 May 2022 were moved due to Cllr Iqbal and Cllr Ferguson not being present at the last Committee meeting.

10/22 **Scrutiny Review of Safe & Well**

Andrea Simmonds, Head of Community Safety, presented the Scrutiny Review of Safe and Well 2022 report that outlined the final scoping proposal for Scrutiny Committee to review safe and wells (SAW).

The Committee were advised that as agreed by the Committee on 14 February 2022, a Sub-Committee met in April 2022 to develop the scoping document, as per appendix 1 of the report. As agreed previously, the following areas of work had been concluded, with the exception of the Her Majesty's Inspectorate for Constabulary and Fire and Rescue Services (HMICFRS) inspection (expected conclusion and feedback end of May 2022), and reflected the current situation within the scoping document:

- Her Majesty's Inspectorate for Constabulary and Fire and Rescue Services (HMICFRS) inspection March and May 2022.
- Creation and commencement of project delivery for Reducing Health Inequalities Community Risk Management Plan (CRMP) objective.
- Internal customer satisfaction survey.
- External customer satisfaction and impact evaluation survey number 3.
- Introduction of SAW delivery PowerBi dashboard – SAW and Remote SAW (RSAW).
- Introduction of SAW evaluation and a PowerBi dashboard.
- Evidence from station prevention evaluation
- Evidence from service peer assessments.
- Fire standard for prevention self-assessment.

It was agreed that the review would take place over a 6-month period, with the sub-committee kept up to date throughout and would meet after 3 months. The Sub-Committee would also be invited to the following workshops:

1. Risk stratification including referrals and relationships with partners
2. Record keeping
3. Delivery including training and development
4. Performance management, quality assurance and evaluation.

Resolved:

1. That it be agreed that the Committee considered and approved the recommendations to proceed with the review of Safe & Well (SAW), as outlined in the report.

11/22

Fire Control Performance Report Update – Quarters 1-4 2021-22

Kelly Whitmore, Group Commander – Fire Control, presented the Fire Control Performance Report – Quarters 1-4 2021-22, that outlined the operational performance of Fire Control over a 12-month period.

The Committee were advised that, as per the report, of the 48,956 emergency calls received for West Midlands Fire Service (WMFS), Fire Control mobilised resources on 54% of occasions. Mobilisation to calls had been dependent upon the following:

- Call challenged automated fire alarms (AFAs)
- Call challenged special service calls that were deemed non-emergency
- Repeat 999 calls
- Use of 999eye footage/imagery

The Committee were advised that Fire Control amended the initial level of response 2,474 times throughout 2021-2022 for incidents in the West Midlands area and the totals included within the report has either been increased/decreased attendance from the standard pre-determined levels of response. 5% (1364) had been increased attendance and 4% (1110) had been decreased attendance.

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'. The go live for Vison 4 had been delayed until 6 June 2022 due to issues that occurred during testing.

Resolved:

1. That it be agreed that the Fire Control performance update for quarters 1-4 2021-22, be noted.

12/22

Diversity, Inclusion, Cohesion, Equality (DICE) Update

Joanne Simmonds, People Support Manager, presented the bi-annual Diversity, Inclusion, Cohesion, Equality (DICE) Update that outlined the progress made by West Midlands Fire Service in advancing DICE.

The Committee were advised that, as per the report, the Neurodiversity Group had now been launched and had been interacting with employees via their own internal MESH site. The stakeholder group 'Inspire' were preparing for both local and national events such as Simmer Down, Notting Hill Carnival and preparations were underway for Black History Month. The Asian Fire Service Association (AFSA) had assisted with the organising of the AFSA Empowering Women event, hosted by West Midlands Fire Service alongside supporting to raise awareness around Ramadan. The Committee were advised that a member of staff had been recognised at the first British Sikh awards held in Birmingham in February 2022, an event that recognised achievements from inspiring individuals who had positively impacted in a variety of different areas.

The key figures on the workforce profile, as at 1st February 2022, highlighted to the Committee were:

- WMFS employed a total of 1894 employees of which:
 1. 1392 (73%) were uniform, 440 (23%) non-uniformed and 62 (3%) were Fire Control.
 2. 12% of uniformed staff were female compared to more than half of non-uniformed staff.
 3. 14% of all employees were from Black, Asian or Minority Ethnic (BAME) background.
 4. Declarations had been high, with 91% of employees had made a declaration regarding disability.
 5. Average age of employees had been 43 years.

The Committee were advised that between April 2021 and March 2022, WMFS had employed 85 new entrant firefighters. Of these, 10 (12%) had been female and 20 (24%) had been BAME. Recruitment had been under review and the Fire Fighter recruitment programme for females/BAME had been re-introduced. The gender pay gap had also decreased to 8.9% compared to 9.8% in 2020. Following queries around 2019 gender pay gap figures, Joanne Simmonds, advised the Committee that the higher figure had resulted from the impact of an additional working opportunity scheme that had a high uptake from women in the lower paid administrative jobs within the service.

Resolved:

1. That it be agreed that the ongoing progress made by the service in relation to Diversity, Inclusion, Cohesion, Equality (DICE) be noted.

13/22

Dispute Resolution Report

Kamla Devi-Ahir, Business Partner, presented the Dispute Resolution Report that outlined the number, type and outcomes of discipline, grievance hearings and other dispute resolution including Employment Tribunal activity that has occurred during the period 01 October 2021 to 31 December 2021.

The Committee were advised that the report covered a 3-month period that would bring the Committee back in-line with pre-Covid agreed reporting and the next report to Committee would cover from January 2022 to June 2022. The key figures highlighted for the above period, as per the report were:

- Four grievances were received (3 grey book – Male, 1 Control – Female). The reasons for the grievances received were as follows:
 1. Working relationships, behaviours and leadership styles displayed by management.
 2. Employee believed to be substantiated in line with the current Managing Vacancies Policy.

3. Employee did not wish to declare their covid vaccination status.
4. Retired employee raised a grievance based on age discrimination around his retirement dates.
- Five disciplinary cases were received (all grey book – male):
 1. Four cases were investigated under Gross Misconduct
 2. One case investigated under Misconduct.
- One Employment Tribunal was received for claims of racial discrimination.

The equality data for both the grievances and disciplinaries had shown support that no impact had occurred on any specific group.

The Committee were advised that the following training had taken place:

- Disciplinary investigations (78 Managers/BPs attended)
- Disciplinary Commissioning and Appeals (29 Managers/BPs attended)
- Crucial Conversations (68 Managers/BPs and Trade Unions attended)
- Manager and mediator courses (562 attendees)

A review of the processes outlined in the Disciplinary Policy and Grievance Policy had been underway.

The Chair of the Committee praised the team and the modernisation of the presentation of the Dispute Resolution Report.

Resolved:

1. That it be agreed that the Dispute Resolution Report be noted.

13/22

Annual Report of the Scrutiny Committee 2021-2022

Tom Embury, Deputy Clerk to the Authority, presented the Annual Report of the Scrutiny Committee 2021-2022.

The Committee were advised that the report had reflected the impact of Covid and the need to put the Committee

meetings on hold until November 2021 for the business continuity arrangements to be put in place. As per the report, the following business conducted by the Committee throughout 2021-22 highlighted was:

- 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

Resolved:

1. That it be agreed that the Annual Report of the Scrutiny Committee 2021-2022 be noted and submitted to the Annual General Meeting of the Authority on Monday 27 June 2022.

14/22

Scrutiny Committee Work Programme 2021-2022

Tom Embury, Deputy Clerk to the Authority, presented the Scrutiny Committee Work Plan for 2021-2022.

The Committee were advised that following the approval of the Municipal Calendar of Meetings for 2022-2023, a revised work programme for 2022-2023 would be brought to the next Committee meeting for approval. Following queries, the Committee were encouraged to request items to be added onto the work programme.

Resolved:

1. That the Scrutiny Committee Work Plan for 2021-2022, be approved.

The meeting finished at 11:00 hours.

Kirsty Tuffin Strategic Hub 0121 380 6906

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 4

SCRUTINY COMMITTEE

7th NOVEMBER 2022

1. **SCRUTINY REVIEW OF SAFE AND WELL**

Report of the Chief Fire Officer

RECOMMENDED

THAT the Committee considers and approves the learning and recommendations from the Scrutiny Review of Safe and Well (SAW).

2. **PURPOSE OF REPORT**

For the Committee to receive the final report from the review which provides a summary of the findings and recommendations for improvement which conclude this review.

3. **BACKGROUND**

3.1 At Scrutiny Committee on 23 May 2022, The Committee agreed the scoping and methodology for carrying out the review.

3.2 This report brings to Committee the learning from the review and the recommendations as a result.

3.3 The proposed methodology for the review was to facilitate four themed, focused and interactive workshops aligned to the purpose of the review and these were:-

3.3.1 risk stratification including referrals and relationships with partners

3.3.2 record keeping

3.3.3 delivery including training and development,

3.3.4 performance management, quality assurance and evaluation

3.4 As stakeholders in SAW, the Prevention Partnerships and Vulnerability Team (PVT) held a workshop, facilitated by the Head of Community Safety and the Partnership Manager. This served two purposes, it enabled the team to:-

- contribute to the four themed areas as stakeholders
- test out the proposed questions, and workshop facilitation for the sessions

The PVT workshop identified that it would be more beneficial to hold a single larger workshop as a more effective way of engaging stakeholders because of the interdependencies between the four themes.

The PVT therefore facilitated a single workshop at Fire Service HQ on 7 July 2022, with all stakeholder's present contributing to the themes using a round robin approach.

Alongside the workshop, a Microsoft (MS) Forms questionnaire was developed to open engagement and involvement for everyone with a role in SAW to contribute to the review.

The following groups of staff have contributed:

Staff Group	Workshop	MS Form
Trainee Firefighters	2	
Fire Fighters	2	8
Crew Commander	1	1
Watch Commander	1	9
Complex Needs Officers	1	
Station Commanders	7	
Home Safety Centre	1	
Partnerships and Vulnerability Team	8	
Evaluation and Quality Assurance Team	1	
Data Hub	1	
Administration Support	1	

4. KEY LEARNING FROM THE REVIEW

Below is an overview of the key learning from the workshop and the MS Form and other evidence used in the review.

4.1 Risk Stratification

WMFS currently uses incident data, learning from serious incident reviews and the National Fire Chief Council (NFCC) risk stratification model to identify those who are most at risk and vulnerable to fire including risks and vulnerabilities linked to health inequalities.

There are varying levels of understanding about the stratification of risk. Personnel on Grey Book conditions had an awareness of the links to fire and reducing health inequalities but didn't always have a deep understanding of each the various factors and how they link to fire risk. For example, some participants didn't identify or understand the link between falls risk and fire risk. This is also highlighted by limited clarity about why the Safe and Well workbook records includes the 'well' elements such as falls prevention and winter warmth advice.

A significant number of the referrals received for Safe and Well visits in the system are for low or no risk individuals and that there is currently no method for applying a proportionate response to the risk known at the point of referral/self-referral. This means that WMFS currently provides the same level of intervention regardless of the level of risk identified at referral., i.e., everyone receives a face to face Safe and Well.

As a result, SAW cases escalated to Complex Needs Officers (CNOs) are often not complex and do not require CNO intervention. Many individuals could be supported during a SAW through the fitting of equipment to mitigate risk alongside single agency referrals to partners for support.

There is limited knowledge and understanding amongst participants of what resources are available to support our education work with partners. For example, to increase partner understanding of risks and vulnerabilities to fire, the benefits of equipment to mitigate the risk and the services

that WMFS provides.

There is a belief that crews are trying to manage and nurture too many pathways leaving little time to develop them and that the Service needs to focus on the pathways that generate significant numbers of high-risk referrals, i.e., focus on the quality of rather than the number of pathways with partners.

When partners refer their service's users, they currently pass the risks and vulnerabilities to WMFS. This is because there is no routine mechanism for the provision of feedback to the referring partner to make them aware of the education and advice we have provided and what, if anything they need to continue to monitor and manage the risk and ensure that the advice is being applied.

WMFS does not currently have a 'revisit programme' for those who are identified as being at highest risk or and whose circumstances will change over time increasing their risk and vulnerability.

Evidence emerging from Station Prevention Evaluations (SPEs) highlights that:-

- appointments for SAW are not being made in a timely manner, and some cases without the application of the process designed to ensure that those whose risk is highest are prioritised for appointments in a timely manner.
- in some cases, there is no process to record resources and effort applied to manage and review SAW referral pathways.

4.2 Record Keeping

Activity Assistant is the current ICT system used to record SAW. It is a legacy system with limited capability that is not 'mobile first' technology, i.e., it cannot be accessed from mobile devices such as phones and tablets. Information from the SAW records is accessible through the Organisational Performance PowerBi dashboard.

The Service is currently developing and implementing a new ICT system called Tymly and this will be used for SAW in the future.

Paper based notes are taken during a SAW which are then duplicated by the need to enter the information into the SAW workbook on Activity Assistant once back at station.

There is a view that the information within the workbooks 'doesn't go anywhere' and discussions highlighted that this is because there is mixed knowledge and understanding about the accessibility of SAW information within the Organisational Performance PowerBi dashboard and how filters can be applied to present data appropriately in accordance with GDPR.

There is uncertainty about what information could be recorded and shared in line with GDPR. Some people do not feel comfortable obtaining and sharing data as they are not aware of the policies relating to this.

There is too much reliance on 'tick box' only answers within the Activity Assistant workbooks and they would benefit from more opportunity to add contextual information and upload notes. Mandating the answering of all questions will improve the content and quality of record keeping.

Currently WMFS creates records for SAW based on addresses which is not a person-centred approach, i.e., it does not identify and record the risks and vulnerabilities for individuals within the household. Therefore, when a person moves addresses, the risk and vulnerability moves with them, but we have systems and records that do not allow us to track the person.

Some individuals do not understand why we create SAW records of visits, where this data goes and what it is used for. This further supports some of the information in this report about understanding of how risk is stratified. Some people are unsure about the right approach to asking questions because they lack the understanding of why some questions are necessary and what to do with the information from

responses. Having guidance embedded within the SAW workbook will support improved understanding and increase confidence to ask the questions.

Evidence emerging from SPEs highlights that:

- the level of detail in SAW workbooks is poor.
- very few free text boxes are completed to provide additional information for the boxes that were ticked.
- in some workbooks the Fire Hazards identified do not correlate with the advice given, e.g. candles in use, with no candle safety advice recorded.
- in many SAW Workbooks, there was no evidence of onward referrals to partner agencies being made.
- there were watches that felt that the SAW systems were inadequate.

4.3 Training and Development

The Service has a comprehensive [Prevention Policy](#) which covers expectations for prioritising, targeting and delivering, quality assuring and evaluating SAW. It provides links to all guidance and resources available to enable the delivery of SAW.

Publication in January 2022 was supported through a series of engagement sessions with Prevention Leads and Command Teams. Commands were provided with presentations to cascade to their station-based personnel.

To support the delivery of the policy and the Prevention priorities to reduce risk and vulnerability to fire, comprehensive guidance and resources are available on MESH for Operational crews, Supervisory and Middle Managers in the development and maintenance of referral pathways and the delivery of SAW.

The Prevention Partnerships and Vulnerability Team regularly engage virtually and face to face with watches and Middle Managers in Commands. They provide direct support and use the opportunity to signpost and raise awareness about the support available from the team and on MESH.

A survey circulated in January highlighted that most people who are seeking support and guidance go to MESH as their first port of call. However, the learning from this report suggests that the workforce isn't accessing the MESH support and that the engagement by PVT with Command Teams and watch based personnel is not making a significant difference to the delivery of SAW.

There is consensus that there needs to be more training for:

- record keeping
- softer skills for communicating in a 'person centred' way risk stratification and links between fire and health inequality
- need for further support/training to be able to signpost for further support

eLearning is identified as not always providing quality training that enables people to absorb the information.

There needs to be a consistent approach to content, and a national training package would be an advantage.

A buddy system and SAW champions available to support trainee firefighters and watches would enable improvement in the delivery of SAW.

Evidence emerging from SPEs highlights that:

- every watch visited so far felt training on how to complete a SAW visit is poor including training on the equipment WMFS provides.
- often stated was that new entrants are not SAW trained before they go to station so learn "on the job" leading to a lack of consistency/quality.

4.4 Performance Management, Evaluation and Quality Assurance

The data in relation to performance management, evaluation and quality assurance is available through the Organisational Performance PowerBi dashboard.

4.4.1 Performance Management

The risks and vulnerabilities identified during a SAW are attributed risk points and certain risks and vulnerabilities have multiplication factors built in to indicate the severity. The SAW record calculates the overall risk score upon completion of the workbook.

The Service has performance priorities and quality measures linked to this risk scoring system which are:

- an average risk points score of 8.5 points per SAW which an indicator that the Service is accessing those in our communities who the CRMP identifies as being most at risk and vulnerable
- the total number of SAW risk points which measures the total risk identified during SAWs across a financial year.

In addition, there is a target for the number of SAWs that are completed because of a referral from a partner, and this is currently 45%.

The report from HMICFRS following WMFS inspection during April and May is yet to be published. However, the debrief that followed the inspection highlighted that the Service delivers SAW based on resources rather than risk. This related to the application of the performance metric of the delivery of an average of two SAWs per appliance per day. The feedback resulted in [changes to SAW priorities](#) which were communicated on 4 August 2022. This means that the number of visits an appliance completes is no longer a performance measure.

There is belief that the Service has a target driven culture, that the targets are arbitrary driving a culture of quantity over quality which supports the feedback from HMICFRS. The workshop was held before the change SAW priorities were introduced on 4 August referenced above and it is intended that the changes to SAW priorities will provide a focus on quality and in accessing those that the CRMP identifies as being

most at risk and vulnerable.

Good work should be recognised. The work that people do to reduce risk and vulnerability should be recognised in performance priorities.

4.4.2 Quality Assurance

Prevention provide quality assurance for SAW through the Prevention Station Evaluation (SPE) process. SPE provides oversight of prevention activities and records in a non-punitive way, in a positive and open environment. The Prevention QA and Evaluation team sample the quality of Safe and Well workbooks and review how relationships with and referrals from partners are managed. The SPE also provides opportunity to discuss the sampled evidence with staff, including areas of good practice and areas for improvement. It highlights to them how the Prevention team can support and enables the capture ideas, concerns, and areas they feel the central Prevention team and improve.

There is awareness that quality assurance is being done, however people are unclear about what happens as a result because that they do not receive feedback about the learning and as a result are not able to learn from good practice or areas highlighted as needing improvement.

4.4.3 Evaluation

The Service can evidence the impact SAW visits provide to its communities through evaluation of the service. We routinely engage with SAW service users to establish the impact on risk and vulnerability to fire and health, wellbeing, and quality of life. This enables the Service to demonstrate the positive impact that SAW has. The data and responses to the surveys are displayed on the Organisational Performance PowerBi dashboard.

There is little knowledge of the SAW survey PowerBi

dashboard available to the workforce. This means that people are not aware of the positive difference that the work they do makes to improving health wellbeing and quality of life and in reducing risk and vulnerability to fire.

4.5 Learning from COVID/Role of Remote SAW (RSAW)

During the COVID pandemic, the Service introduced a telephone assessment. This assessment incorporated the 'fire' element of the SAW and was used to enable the Service to continue to deliver to lower risk households whilst reducing the opportunity for SAW to spread infection in our workforce and in the community.

There are mixed views about how the Service can learn from the use of RSAW during the pandemic and in how it can be incorporated into a proportionate suite of interventions to respond to lower risk referrals.

Some believe it has a role and others believe that the only way to accurately identify risk is through a face-to-face visit.

4.6 Culture and Equity

Whilst this was not part of the original scope of the review, officers were asked by The Chair to consider culture and equity during the review. Evidence obtained during the review suggested that:

- performance is managed differently in different commands
- there is a target driven culture that drives performance on quantity rather than quality
- limitations of current systems, processes and knowledge can create barriers which hold people back from performing at a high level
- good work and risk mitigation actions are not always celebrated
- not everyone is comfortable in asking sensitive questions
- everyone's learning styles are different, and the current opportunities for learning and development for SAW may not suit everyone's needs e.g., considerations for neurodiversity

- people do not believe they have the softer skills to be able to communicate with SAW service users in a person-centered way
- there is limited opportunity to learn from good practice and areas highlighted for improvement.

5. RECOMMENDATIONS AND NEXT STEPS

It is relevant to highlight to Committee Members that much of the learning from this review is not new. Regular engagement has resulted in some improvements and changes to support the delivery of SAW already. The implementation of these recommendations also aligns the remainder of the work identified for WMFS to become fully compliant with all components of the Fire Standards Board, Fire Standard for Prevention.

As a result of the learning from the review, 10 recommendations have been identified. In implementing the recommendations, consideration should be given to the learning within paragraph 4.6, Culture and Equity. The recommendations are below.

Recommendation 1

Continue to develop and implement the Tymly system and supporting automated business processes which already includes the following functionality:

- improvement of administration, communication, and onward referral tasks through automated processes
- prioritises appointments for those most at risk
- triages lower risk to proportionate interventions
- broadens the data collection to include all risk and vulnerability
- eliminates the need for paper records
- records risk and vulnerability at an individual and household level
- multiple search options including name and Date of Birth
- mandatory answer requirements for key questions

- information buttons embedded in the record that provide guidance and support conversations about risk and vulnerability
- triages CNO case referrals
- introduces revisit scheduling based on risk remaining after SAW
- supports two-way referral processes into and from SAW
- self-service for referring partners to obtain feedback on their referrals compliant with GDPR and enables 'sharing ownership of risk'
- performance management is based on the work done to reduce risk and vulnerability, i.e., the impact of the SAW.

Recommendation 2

Continue to review, improve, update, and raise awareness of the guidance, and support available on MESH. This should include:

- quality assurance and evaluation
- good practice for information sharing
- purpose and use of the Organisational Performance PowerBi dashboard for SAW
- links to relevant organisational policies

Where eLearn is the learning tool, consider how this can facilitate shared group rather than individual input to enhance understanding and knowledge.

Recommendation 3

Identify, develop, and implement solutions to address the training gaps identified in paragraph 4.3 detailed below:

- record keeping
- softer skills for communicating in a person-centred way risk stratification and links between fire and health inequality
- need for further support/training to be able to signpost for further support

Consideration should be given to the role that development plans for trainee firefighters, firefighters, supervisory and middle managers has within this.

Recommendation 4

Explore the option to quality assure SAW delivery alongside the current quality assurance of records through 'observed practice' in the form of standardised assessments.

Recommendation 5

Continue with the implementation of RSAW as a means of providing SAW to those who are identified as low risk at the point of referral. Ensure that there is a clear escalation process to SAW where risk identified at RSAW requires this.

Recommendation 6

To enhance risk stratification and opportunities to improve delivery, explore and implement opportunities for raising awareness of the learning from:

- serious incident reviews to increase awareness of those in our communities who are overrepresented, and therefore at risk of being a serious or fatal casualty in an accidental dwelling fire.
- Station Prevention Evaluation sessions

Consideration should be given to the use of Organisational Intelligence debriefs and the role that the prevention teams, and operational middle and supervisory managers have for this.

Recommendation 7

The organisation has an independent internal Service Peer Assessment process (SPA). The purpose of which is to enable feedback, check understanding and application of processes and policy. Consider how this process can evidence:

- levels of understanding and application of current processes and policy
- improvement in understanding and application of new systems and processes as the recommendations from this review are implemented.

Recommendation 8

To support the recent changes in SAW priorities, consider the benefits of the creation and publication of good practice guidance for operational middle and supervisory managers to support them to monitor and manage performance and quality assurance. This should include consideration of the benefits of the introduction of buddy schemes and champions to support delivery.

Recommendation 9

To support the provision of a consistent and national approach to SAW and continue to implement the 8 core components of the NFCC Person Centred Framework for Home Fire Safety Visits including the:

- standardised data set
- training package
- evaluation framework

Recommendation 10

Continue to develop the SAW Membership arrangements and onboard partners who work with service users that the CRMP identifies as being at risk and vulnerable to fire in order to:

- improve performance management of referral pathways through the provision of resources for partners to identify risk and refer to WMFS for SAW
- enhance data sharing arrangements with SAW partners in line with GDPR
- enable sharing of risk for service users with referring partners
- create opportunity for two-way referrals into SAW and from SAW for ongoing support

- enable feedback and data sharing between partners to evidence the impact that SAW has on reducing risk and vulnerability to fire and improving health, wellbeing and quality of life
- improve partner engagement in the Serious Incident Review process and the implementation of the learning that results

Next Steps

If the recommendations in this report are agreed, the next steps are to create the action plan with milestones and to agree dates for progress reports to be brought to Scrutiny Committee.

6 EQUALITY IMPACT ASSESSMENT

In preparing this report an initial Equality Impact Assessment not required and has not been carried out. The matters contained in this report do not currently relate to a policy change. Initial Equality Impact Assessment(s) will be completed for changes to policy, process or practice resulting from the implementation of the recommendations from the review.

7. LEGAL IMPLICATIONS

There are no known legal implications arising from this report.

8. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

9. ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this report.

BACKGROUND PAPERS

Scrutiny Review of SAW report presented at Scrutiny Committee on February 2022



Scrutiny%20Committee%20Report%20-%20February%202022

Scrutiny Review of SAW report presented at Scrutiny Committee on 23rd May 2022



Scrutiny%20Committee%20Report%20-%2023rd%20May%202022

[Fire Standards Board Fire Standard for Prevention Prevention Policy](#)
[Changes to SAW priorities](#)
[Prevention Partnerships & vulnerability Team MESH Site](#)

The contact name for this report is Strategic Lead – Prevention – Pete Wilson telephone number 07973 810 262

PHIL LOACH
CHIEF FIRE OFFICER

Learning and Recommendations from Scrutiny Review of Safe & Well (SAW) Blank



Original Purpose of Scrutiny Review of SAW

- As a result of the withdrawal from the non injury falls response contracts (Coventry, Dudley, Wolverhampton):-
- Impact on SAW for at risk individuals
- Analysis of SAW referral pathways identified that all 3 falls services are referring high risk individuals for SAW
- Broadened scope as agreed in May 2022



Methodology

The proposed methodology for the review was to facilitate 4 themed, focused and interactive workshops aligned to the purpose of the review and these were:-

1. risk stratification including referrals and relationships with partners
2. record keeping
3. delivery including training and development,
4. performance management, quality assurance and evaluation

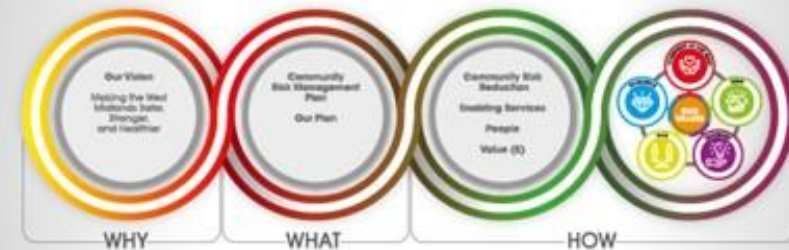
Interdependencies identified between them = more appropriate to hold one event – round robin participation across the themes.

Workshop held 7/7/22 with a Microsoft Form questionnaire for those unable to attend.



Learning – Risk Stratification

- Varying levels of understanding about risk stratification
- There are low and no risk referrals in the system
- Need to be proportionate in responding to the risk at referral
- Complex Needs Officer referrals are often in appropriate
- Limited understanding about resources to support delivery of SAW and work with partners
- Trying to manage too many pathways – quantity rather than quality
- WMFS hold all the risk once referrals made by partners
- Limited opportunity for feedback to partners
- No revisit programme for high risk individuals
- Appointments not being made in a timely manner or prioritising those at high risk
- No process to record resources and effort applied to manage and review SAW referral pathways



Learning Record Keeping

- Limitations of Activity Assistant (AA)– legacy system & not mobile 1st
- Duplication of recording – paper based notes followed by entry to AA
- Limited understanding of how PowerBi can support SAW
- Nervousness about information gathering and sharing – linked to understanding of policy
- Restrictions in AA to provide further contextual information
- Not person centred records based on address not person(s)
- Limited understanding of why records are created – linked to understanding of how risk is stratified and what creates risk
- Quality assurance highlights opportunities to improve record keeping



Learning Training & Development

- Comprehensive guidance and resources are available on MESH
- Operations are supported through face to face and virtual engagement
- Prevention survey highlighted MESH is the place people go to for guidance however, review highlighted this isn't always the case
- More training for record keeping, softer communication skills, signposting and referrals
- elearn does not always provide quality training
- National training package would be an advantage



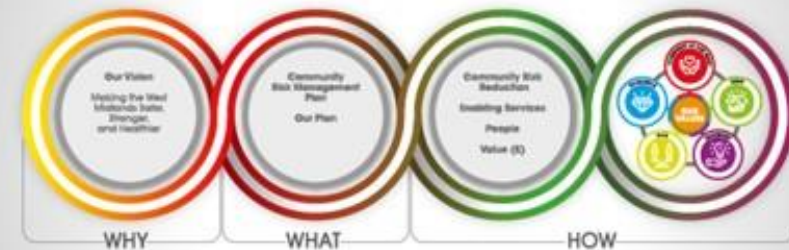
Learning – Performance Mgmt, Quality Assurance & Evaluation

- HMICFRS identified delivery based on resources rather than risk
- SAW priorities changed as a result of HMICFRS feedback 4.8.22
- Target driven culture with a focus on quantity rather than quality
- Good work and reduction of risk through SAW should be recognised
- Awareness of quality assurance, people do not routinely receive feedback
- Little knowledge of PowerBi and the service user feedback survey data – people don't understand the impact of a good SAW



Learning from COVID

- Mixed views about the use of remote SAW (RSAW) – how it can be incorporated into a proportionate suite of interventions for lower risk referrals



Learning – Culture & Equity

- Performance managed differently in different commands
- There is a target driven culture that drives performance on quality rather than quality
- Limitations of current systems, processes and knowledge can create barriers which hold people back from performing at a high level
- Good work and risk mitigation actions are not always celebrated
- Not everyone is comfortable in asking sensitive questions
- Everyone's learning styles are different, and the current opportunities for learning and development for SAW may not suit everyone's needs e.g. considerations for neurodiversity
- People do not believe they have the softer skills to be able to communicate with SAW service users in a person centred way
- There is limited opportunity to learn from good practice and areas highlighted for improvement



Recommendation 1

Continue to develop and implement the Tymly system and supporting automated business processes which already includes the following functionality :-

- Improvement of administration, communication, and onward referral tasks through automated processes
- Prioritises appointments for those most at risk
- Triages lower risk to proportionate interventions
- Broadens the data collection to include all risk and vulnerability
- Eliminates the need for paper records
- Records risk and vulnerability at an individual and household level
- Multiple search options including name and DOB
- Mandatory answer requirements for key questions
- Information buttons embedded in the record that provide guidance and support conversations about risk and vulnerability
- Triages CNO case referrals
- Introduces revisit scheduling based on risk remaining after SAW
- Supports two way referral processes into and from SAW
- Self-service for referring partners to obtain feedback on their referrals compliant with GDPR and enables 'sharing ownership of risk'
- Performance management is based on the work done to reduce risk and vulnerability i.e. the impact of the SAW



Recommendation 2

Continue to review, improve, update, and raise awareness of the guidance, and support available on MESH. This should include:-

- Quality assurance and evaluation
- Good practice for information sharing
- Purpose and use of the Organisational Performance PowerBi dashboard for SAW
- Links to relevant organisational policies

Where elearn is the learning tool, consider how this can facilitate shared group rather than individual input to enhance understanding and knowledge.



Recommendation 3

Identify, develop, and implement solutions to address the training gaps identified in paragraph 4.3 of the report and detailed below:-

- Record keeping
- Softer skills for communicating in a 'person centred' way risk stratification and links between fire and health inequality
- Need for further support / training to be able to signpost for further support

Consideration should be given to the role that development plans for trainee firefighters, firefighters, supervisory and middle managers has within this.



Recommendations 4 & 5

Recommendation 4

Explore the option to quality assure SAW delivery alongside the current quality assurance of records through 'observed practice' in the form of 'standardised assessments'

Recommendation 5

Continue with the implementation of RSAW as a means of providing SAW to those who are identified as low risk at the point of referral. Ensure that there is a clear escalation process to SAW where risk identified at RSAW requires this.



Recommendation 6

To enhance risk stratification and opportunities to improve delivery, explore and implement opportunities for raising awareness of the learning from:-

- Serious incident reviews to increase awareness of those in our communities who are overrepresented, and therefore at risk of being a serious or fatal casualty in an accidental dwelling fire.
- Station Prevention Evaluation sessions

Consideration should be given to the use of Organisational Intelligence debriefs and the role that the prevention teams, and operational middle and supervisory managers have for this.

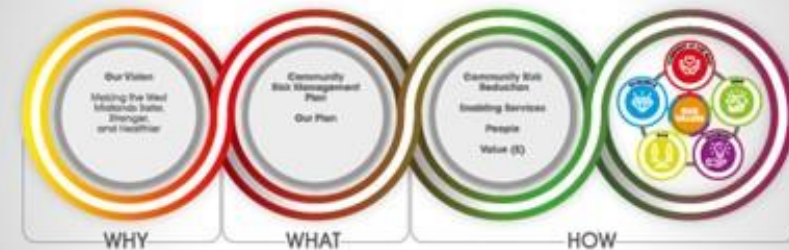


Recommendation 7

The organisation has an independent internal Service Peer Assessment process(SPA). The purpose of which is to enable feedback, check understanding and application of processes and policy.

Consider how this process can evidence:-

- Levels of understanding and application of current processes and policy
- Improvement in understanding and application of new systems and processes as the recommendations from this review are implemented.



Recommendations 8 & 9

Recommendation 8

To support the recent changes in SAW priorities, consider the benefits of the creation and publication of good practice guidance for operational middle and supervisory managers to support them to monitor and manage performance and quality assurance. This should include consideration of the benefits of the introduction of buddy schemes and champions to support delivery.

Recommendation 9

To support the provision of a consistent and national approach to SAW and continue to implement the 8 core components of the NFCC Person Centred Framework for Home Fire Safety Visits including the:-

-
- Standardised data set
- Training package
- Evaluation framework



Recommendation 10

Continue to develop the SAW Membership arrangements and onboard partners who work with service users that the CRMP identifies as being at risk and vulnerable to fire in order to:-

- Improve performance management of referral pathways through the provision of resources for partners to identify risk and refer to WMFS for SAW
- Enhance data sharing arrangements with SAW partners in line with GDPR
- Enable sharing of risk for services users with referring partners
- Create opportunity for 2 way referrals into SAW and from SAW for ongoing support
- Enable feedback and data sharing between partners to evidence the impact that SAW has on reducing risk and vulnerability to fire and improving health, wellbeing and quality of life
- Improve partner engagement in the Serious Incident Review process and the implementation of the learning that results.



Next Steps

If the recommendations in this report are agreed, the next steps are to create the action plan with milestones and to agree dates for progress reports to be brought to Scrutiny Committee.





WHY



WHAT



HOW



SCRUTINY COMMITTEE

1. **FIRE CONTROL PERFORMANCE REPORT – Q1 and Q2 2022/23**

Report of the Chief Fire Officer

RECOMMENDED

THAT Scrutiny Committee note the operational performance of Fire Control for Q1 & Q2 2022/2023.

2. This report is submitted to provide the Committee with an update of the operational performance of Fire Control. The report covers a 6-month period.

3. **BACKGROUND**

3.1 **Emergency Calls Received and Incidents Attended**

Fire Control receives the emergency calls and effectively manages the resources for both Staffordshire and West Midlands Fire and Rescue Services.

Staffordshire and West Midlands Fire Control received 47,347 emergency calls between 1 April 2022 and 30 September 2022.

This was split 33,957 calls for the West Midlands (72%) and 12,041 calls for Staffordshire (25%).

The remaining 1,349 calls (3%) were taken on behalf of other FRS.

The table below show the breakdown of calls received for West Midlands Fire Service (WMFS) and Staffordshire FRS across a 3-year period.

Period	WMFS			SFRS		
	2020/21	2021/22	2022/23	2020/21	2021/22	2022/23
Q1 Apr - Jun	12,514	13,005	14,273	5,569	7,123	5,431
Q2 Jul – Sep	13,168	12,871	19,684	5,330	7,149	6,610
Q3 Oct – Dec	9,996	11,613	X	4,578	6,231	X
Q4 Jan - Mar	9,349	11,467	X	4,593	6,126	X

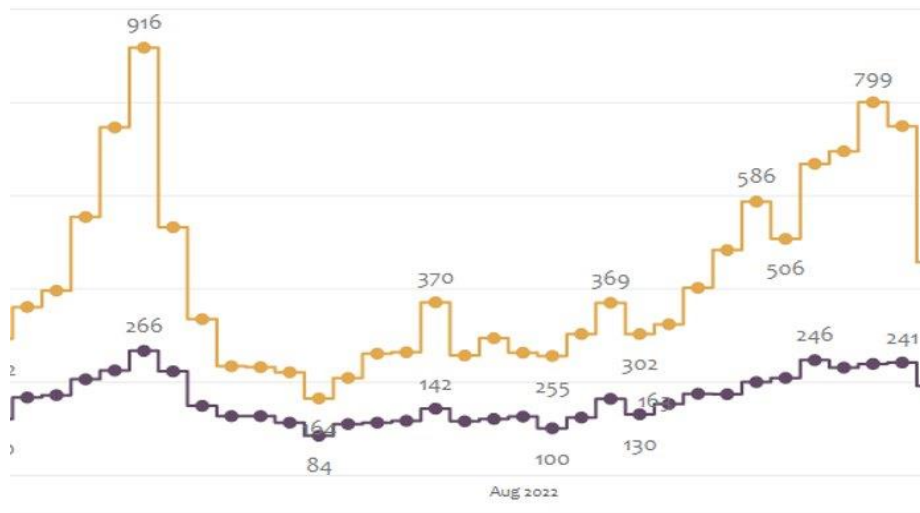
Of the 33,957 emergency calls received for WMFS across the reporting period; Fire Control mobilised to 16,698 (49%) incidents.

Of the 12,041 emergency calls received for Staffordshire FRS across the reporting period, Fire Control mobilised to 5,757 (48%) incidents.

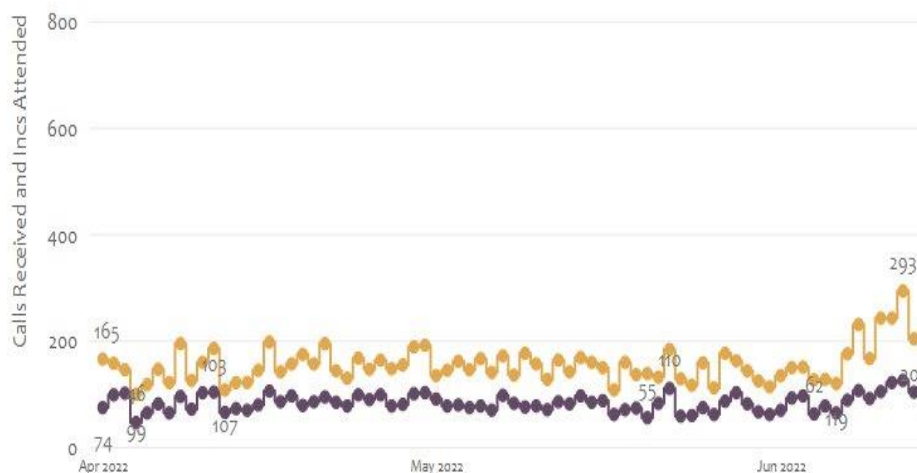
The data presented on the two graphs below represent calls received in yellow against incidents attended in purple. The first graph shows data captured in Q2 during the heat wave period, 14th July to 14th August 2022.

Within this period Fire Control dealt with a high volume of calls within the West Mids and Staffordshire. Fire Control also assisted Fire Services in taking calls for London, Thames Valley and Warwickshire.

Across a 4-day period, 17th July to 20th July, Fire Control received a total of 2,745 calls, 916 of those calls were all in one 24-hour period on the 19th July 2022.

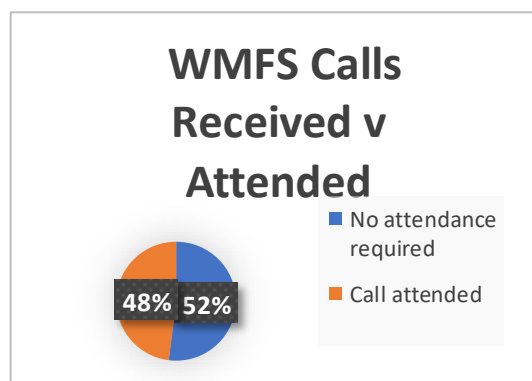
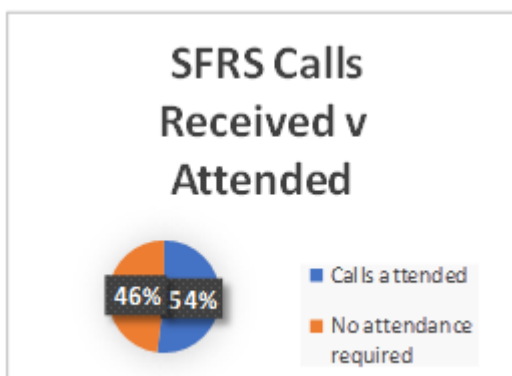


The data presented in the graph below is from Q1, 1st April to 14th June, which shows a constant demand on Fire Control with the most significant demand totaling 293 calls within a 24-hour period.



This mobilisation to calls received ratio is because of several factors including –

- call challenging automated fire alarms (AFAs)
- call challenging special service calls which were deemed non-emergency
- repeat 999 calls
- use of 999eye footage and imagery



3.2 Call Handling

A key performance indicator for Fire Control is the length of time from answering a 999 call to mobilising appliances to category 1 (life and property) incidents. For these critical incident types, we aim to mobilise in under 80 seconds.

The data below shows the median average call handling times for life and property incident across Q1 with incident types broken down for both Staffordshire and West Midlands.

The 'count' column indicates the number of calls received of that nature:

brigade	SFRS		WMFS		Total	
	Call Handling	Count	Call Handling	Count	Call Handling	Count
FIRE	88	72	87	277	87	349
FIRE PR	101	2	81	7	81	9
HOUSE FIRE	77	44	66	191	67	235
HOUSE FIRE PR	106	7	78	27	79	34
RTC PR	77	52	81	118	79	170

For the above reporting period captured in the table, Fire Control have maintained an average mobilisation time of 83 seconds. Fire Control's continued focus on mobilising with the required urgency is a key factor in survivability and limiting damage to property.

We have seen an increase in the median call handling time for Q2. The median call handling time for Q2 was 99 seconds. The increase in call handling time could be due to several factors, including the number of new entrants joining the Fire Control team, the introduction of Vision 4, our new command and control system, and enhanced questioning to support proportionate and appropriate mobilising of resources.

It should be noted that the table above is not currently available for Q2 due to some missing data. This is being reviewed.

3.3 **Dynamic Mobilising**

Dynamic mobilising involves using resources flexibly and efficiently in our approach to emergency call management and mobilising, resulting in a proportionate and appropriate initial incident response. The approach enables Fire Control to reduce and increase an incident response to achieve the best match for the incident needs, which includes selecting the most appropriate number and type of resource.

Fire Control continue to utilise several tools to support decision making including –

- Dynamic emergency call handling
- Information gathered at the time of call
- Location of the incident, both geographically and demographically
- Repeat calls
- Footage and images from 999eye
- Number and type of incidents in progress
- Weather
- Time of day

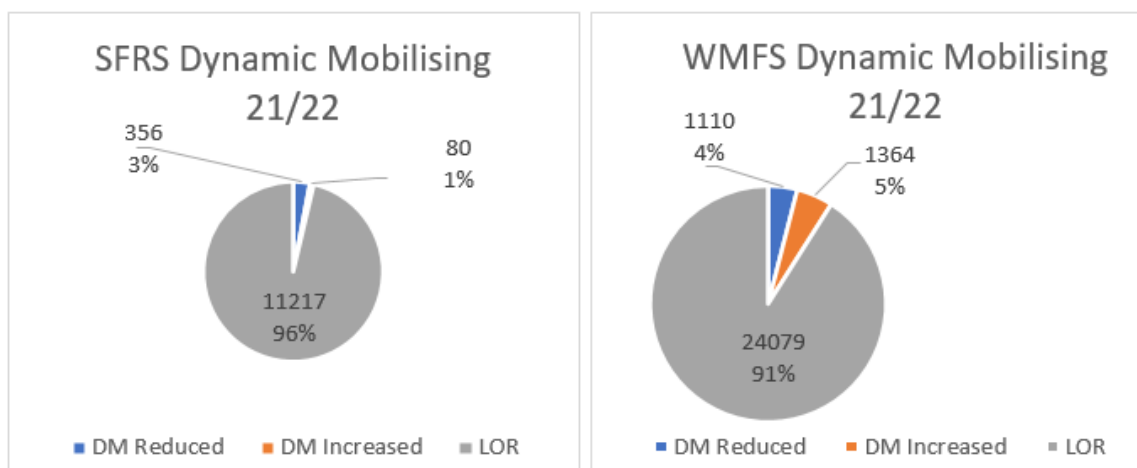
The following charts show dynamic mobilising data captured for the period, Q1& Q2 2022/23 for both organisations.

Fire Control dynamically amended the initial level of response 1,286 times throughout the 2 quarters, increasing the attendance 710 times and reducing the attendance 576 times.

These totals are either an increased or decreased attendance from the standard pre-determined levels of response.

On the occasions Fire Control reduce the attendance, this results in an increased number of appliances being available for category 1 incidents and to support prevention and protection activities, thereby increasing the effectiveness of our resources.

On the occasions Fire Control increased the attendance, this supported the speed and weight of attack allowing for safe systems of work to be implemented leading to effective and efficient resolution of incidents.



3.4 **999Eye**

Intelligence led mobilisation and resource management enables Fire Control to send the most appropriate number and type of resource based on the level of risk, this directly contributes to the achievement of our risk-based attendance standards.

999eye is enhancing the quality of intelligence and information that is received within Fire Control, thereby enabling Fire Control personnel to make more informed dynamic mobilisations using this technology; further supporting our key aim of sending the right level of resource to the right incident type.

The table below shows the recorded use of 999eye across the reporting periods.

Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23	Q2 22/23
3004	2219	2397	2653	3690

Fire Control are now able to share images or footage received with responding personnel to enhance their situational awareness whilst en route to the incident.

3.5 **Vision 4 Command and Control System Upgrade**

Staffordshire and West Midlands Fire Control has now gone live with their new Command and Control mobilising system, Vision 4.

Vision 4 provides greater resilience and security, has enhanced mapping functionality enabling more accurate incident location, provides advanced mobile location information, considers road closures when proposing resources and provides efficiencies for emergency call management through automatic population of new incident screens due to integrated telephony systems.

The existing functionality and future capabilities of the mobilising system are an integral part of keeping the communities of Staffordshire and West Midlands safer, stronger, and healthier.

4. **EQUALITY IMPACT ASSESSMENT**

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

5. **LEGAL IMPLICATIONS**

There are no legal implications arising from this report.

6. **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

BACKGROUND PAPERS

The contact name for this report is Samantha Burton, Strategic Enabler Fire Control and Business Continuity.

PHIL LOACH
CHIEF FIRE OFFICER

WEST MIDLANDS FIRE AND RESCUE AUTHORITY
Item 6

SCRUTINY COMMITTEE

7 NOVEMBER 2022

1. **DIVERSITY INCLUSION COHESION EQUALITY (DICE)
UPDATE**

Report of the Chief Fire Officer

RECOMMENDED

THAT Scrutiny Committee note the ongoing progress made by the Service in relation to Diversity, Inclusion, Cohesion, Equality (DICE).

2. **PURPOSE OF THE REPORT**

To provide an update to Scrutiny Committee to review and consider the ongoing progress being made by West Midlands Fire Service (WMFS) in advancing DICE. This activity supports our equality objectives as well as our statutory requirements of the Public Sector Equality Duty and Equality Act 2010.

3. **BACKGROUND**

3.1 DICE objectives fulfil our legal duties as a public-sector organisation under the Equality Act 2010.

3.2 This report details our continued progress towards achieving our objectives and provides an update in relation to DICE activity.

4. **LEADERSHIP, PARTNERSHIP AND ORGANISATIONAL
COMMITMENT**

4.1 **Stakeholder Groups**

Activity across all our Stakeholder groups continues to gather momentum following the relaxing of restrictions during the Covid 19 pandemic.

Neurodiversity Group

The aims of the group are to raise awareness of neurodiversity within the Service and support neurodivergent employees. The group provides a platform where discussion around neurodiversity can take place, providing a 'safe space' where staff can talk in confidence.

The group is having an extremely positive impact on our staff. It has enabled open discussions around neurodiversity and raised awareness around the different aspects of neurodivergent conditions. This has resulted in a more open environment where staff feel able to talk about their conditions and where other staff feel able to come forward and ask for support and screening.

The group has been influential in various consultations and development of training programmes, online learning and new employee ICT systems to ensure it meets the needs of all staff.

Inspire

The group continues to influence and educate all levels within the Service and engage as role models in the community acting as ambassadors for the Service as an inclusive employer. Members have attended a variety of community-based events including the Windrush Commemorative event in Birmingham in June and the Simmer Down festival in July. Several of the leads have been filmed as part of the BBC We Are England series scheduled to begin on BBC1 in October. The Remembrance Day Parade, Birmingham, will be attended with a flag bearer highlighting the role of BAME servicemen and women in the world wars.

Members of Inspire are actively involved in recruitment activity, attending positive action sessions with potential applicants, as well as attending new entrant passout events.

AFSA

AFSA's aim is to support and promote inclusivity across the organisation, nurturing an environment that champions diversity. AFSA provides exceptional services, events and support to their members and associates, through clear leadership and support. This promotes effective delivery of equality, diversity and inclusion and reduces inequalities that staff and communities experience.

AFSA has supported and encouraged members to attend various national workshops and events including a winter conference in Liverpool, a WMFS hosted event focused on Women's advancement and empowerment in the workplace and a Spring conference in Kent.

AFSA locally helps raise awareness and encourage development and progression among Asian heritage staff.

FireOut

Our LGBTQ+ networking group supports staff and their families across the organisation who identify as LGBTQ+ as well as allies.

The group creates networking opportunities in a safe space for like-minded colleagues across the organisation and challenges prejudice, enhances understanding and creates opportunities for learning through education, mentoring and community engagement.

Fireout provides confidential support for LGBT+ employees and organising WMFS attendance at Pride which includes a Pride Breakfast networking event. The group has supported the refresh of our transitioning policy as well as a recent survey on staff understanding and attitudes towards gender neutral toilet facilities. On an individual level they have supported our first operational member of staff who is transitioning in the workplace and have actively engaged with our Brave Space talks promoting understanding and awareness.

The Group has helped raise awareness across the organisation helping to create an environment where any employee can bring their whole self to work, LGBT+ issues are openly discussed and normalised within the organisation.

Affinity

The group continues to support women in the Service via the provision of a platform for networking, advocacy, influencing and socialising. The group provides an opportunity to share experiences, utilise peer support to develop, build confidence and help each other navigate crucial conversations.

Members of the group have attended AFSA events, Women in the Fire Service, developed themselves via courses promoted on the site and applied for progression opportunities.

The group membership is no longer solely female as the importance of wider engagement to support understanding and the benefits of male allies has been recognised. To support female only discussion, a 'safe space' channel has been created that enables female members to discuss more sensitive/personal issues such as menopause and maternity.

Members of the group have been stakeholders for review of policy, equipment and uniform.

The group also influences via promoting benefits of networking, workshops and building confidence via new friends/peer support and encouraging personal development.

4.2 Equality Impact Assessments

Since January 2022, 33 Initial Equality Impact Assessments have been completed. Of these, 7 progressed to a Full Equality Impact Assessment.

Of the 7 that progressed to Full EIA, 4 have been completed:

- 3 x Continue with the activity with no major change needed
- 1 x Adjust the activity to remove or mitigate any adverse impact

Work is ongoing in the development of an Equality Impact Assessment PowerBi dashboard.

4.3 Buddy Scheme

The Buddy scheme was introduced in 2019 and the scheme has continued to grow over the last few years. Workplace buddies make a huge difference to the speed in which new employees manage to settle into their new role in a new organisation.

All of our workplace buddies have received appropriate training for the role and have ongoing development and support from the DICE team. We have increased the number of workplace buddies adding specific specialisms for LGBT+ and dyslexia, as well as adding menopause buddies for all of our staff, not just new starters, ensuring all staff feel supported.

4.4 Mission to Mars

The 'Mission to Mars' was launched in June, which recognises that our new values need to be alive in the Service every day. Our staff were asked to nominate people across the Service who they believe embody our core values, have the highest level of credibility with their peers and demonstrate the highest level of competence in their role. Over 130 nominations were received from people wanting to highlight their colleagues for recognition.

4.5 Period Power

Period Power are a charity with the aim to ensure period dignity in the workplace, as well as in schools. WMFS, FBU and Unison have coordinated the delivery of sanitary products from Period Power. These are now available at all WMFS premises, accessible to both employees and visitors.

5. **UNDERSTANDING AND WORKING WITH OUR COMMUNITIES**

5.1 Safeguarding

Safeguarding data for quarter 1 provides some points of note:

- Gender is still reported as male or female. 47% of safeguarding concerns are about males, 52% female and 1% not stated;
- 29% of safeguarding concerns are about children and 71% about adults. This is an increase in child safeguarding concerns from 18%;
- Ethnicity is now recorded in the Fire Control data using the Home Office categories in place of the previous free-text;
- Mental health and poor housing or living conditions are the most frequent recurring themes in reported safeguarding concerns.

A Safeguarding toolkit has been produced to help our staff with safeguarding. The toolkit is used alongside the safeguarding policy and procedures and the NHS safeguarding app. The

MESH site for Safeguarding provides information for our staff on related topics including:

- People in Position of Trust, social media and safeguarding.
- Whistle Blowing.
- Safeguarding Oversight and Assurance.

Staff engagement is being planned with watches and middle managers to provide an overview of key developments in safeguarding.

5.2 Gang Violence

Members of our Stakeholder Groups have been working alongside colleagues from West Midlands Police in their initiative to reduce gang violence. They have volunteered to be trained as mentors to young people in the community to inspire them to have greater aspirations and career goals.

5.3 Safe and Well Priorities

The Reducing Health Inequalities CRMP project is supporting WMFS to be the most effective as possible at reducing risk and vulnerability. Through the project we identify, prioritise and evolve our prevention activities to the most vulnerable. To assist with this, we have seen changes to the Prevention performance management targets set for Safe and Well visits for 2022/2023. The prioritisation of our Prevention activity is based on risk and we know that effective referral pathways from partner organisations will generally identify people at greater risk than self-referrals from individuals, their families or friends.

There is now a target related to the percentage of Safe and Well visits that result from a referral from a partner organisation. Our staff are encouraged to make visits to riskier households, therefore targeting higher risk and consequently more able to reduce health inequalities. The most effective way of identifying higher risk households is by nurturing referral pathways with partner organisations that already have contact with those individuals.

5.4 Armed Forces Day

WMFS is committed to treating our serving personnel, veterans and their families with fairness and respect. In June, all of our stations and locations were asked to fly the 'Armed Services Show Your Support' flag to show our support to not only those within the Service who are reservists but to all of those who make up the Armed Forces Community.

5.5 PRIDE Month

All our stations once again flew the Pride flag during June to show support for the LGBTQ+ community. Information about LGBTQ+ history was issued on MESH before and during the month to highlight a wide range of LGBTQ+ issues and history. Middle managers discussed the flag during online meetings and FAQ's for managers was issued in preparation. Our Communications team, working alongside FireOut, managed public comments, with adverse comments being challenged respectfully, but firmly. Flying the flag was described as an expectation in all staff briefings and healthy debate held on why it was important for us to do so.

6. **DIVERSE AND ENGAGED WORKFORCE**

6.1 Workforce Profile

As at 1 October 2022 WMFS employed a total of 1854 employees of which:

- 1359 (73%) are uniformed, 425 (23%) non-uniformed and 70 (4%) Fire Control.
- 13% of uniformed staff are female compared to more than half (54%) of non-uniformed staff and 86% Fire Control staff. 50% of the working population of the West Midlands are female.
- 14% of all employees are from a Black, Asian or Minority Ethnic (BAME) background. 30% of the working population of the West Midlands are from BAME communities.

- Declaration rates remain high with 90% of all employees having made a declaration regarding disability. 4% have stated they have a disability.
- 85% of all employees have made a declaration regarding sexual orientation. It should be noted however that 11% (199) employees have declared the 'prefer not to state'.
- The average age of our employees is 43 years.

6.2 Grievance

During the reporting period from 1 January 2022 to 30 June 2022, 5 grievances were lodged. Out of the 5 grievances, there was 1 collective grievance which involved 3 employees.

Of the 7 employees who raised a grievance:

- Gender – 3 males and 4 females
- Ethnicity – 5 White British, 1 Asian, 1 PNTS
- Sexual Orientation – 5 Heterosexual, 2 PNTS
- Disability – 6 none, 1 PNTS
- Religion or Belief – 4 none, 1 Christianity, 1 Islam, 1 PNTS

3 grievances were raised by employees on Grey Book T&C's.

4 grievances were raised by employees on Green Book T&C's.

The details of each grievance are presented below:

- 1 x grievance received under bullying and victimisation. Due to the lack of information presented by the employee, there was no investigation carried out and the grievance was closed.
- 1 x grievance received under bullying, victimisation and sexual harassment. The appeal outcome was that there was satisfactory support provided to the employee.
- 1 x grievance received, extension to temporary contract during resignation period. The outcome was that annual leave payment was given as goodwill gesture. Appeal was not upheld.
- 1 x collective grievance received, under bullying, harassment, disability discrimination. The outcome was

part upheld with adjustments and recommendations for management to work in line with policies.

- 1 x grievance received, under terms and conditions of employment around long service leave entitlement. The outcome was not upheld as the policy applied correctly.

6.3 Discipline

During the reporting period from 1 January 2022 to 30 June 2022, there were 7 disciplinary cases. 5 were Gross Misconduct and 2 Misconduct.

Of the 7 employees subject to disciplinary action:

- Gender - 6 males and 1 female
- Ethnicity – 4 White British, 2 Black Caribbean, 1 Mixed White/Asian
- Sexual Orientation – 6 Heterosexual, 1 not stated
- Disability – 7 none
- Religion or Belief – 3 none, 2 Christianity, 2 not stated

The details of each disciplinary are presented below:

5 x gross misconduct disciplinary cases:

- Inappropriate language used at work, outcome was no case to answer.
- Criminal charges/safeguarding, case is still ongoing (court proceedings).
- Rude gesture made to a member of public. Outcome resulted in demotion.
- Inappropriate behaviour displayed by a trainee FF. This case is still ongoing.
- Arrested for driving under the influence of alcohol, 18-month final written warning.

2 x Misconduct disciplinary cases:

- Damage to brigade vehicle 12-month written warning.
- Employee chooses to leave early without consent. Case ongoing.

6.4 Occupational Health and Wellbeing

Our Occupational Health and Wellbeing team continue to provide a range of support for our staff.

Employee Assistance Programme (EAP)

The EAP provision has been expanded and new support is available including:

- Assistance with the cost of living crisis, financial and debt advice.
- A new App for mental health, MyMindPal has been launched.
- Self-referral to free telephone counselling. The provision is also available to family members.

Wellbeing Programme

In April we saw the launch of our Wellbeing Programme, with a clear focus on everyone's health and wellbeing. There has been an increased level of activity and engagement including a range of provisions which are easily accessible to support, promote and improve health and wellbeing.

Partnering with the Firefighters' Charity there are webinars taking place each month on a wide variety of topics. These include Wellbeing Leadership, Mental Health and Physical Health, Understanding and Managing Back Pain, Musculoskeletal Injury Prevention, Management and Rehabilitation.

Men's Health Week

In June, WMFS celebrated Men's Health Week. The overall aims of the week are to:

- Heighten awareness of preventable health problems for males of all ages;
- Support men and boys to engage in healthier lifestyle choices/activities;
- Encourage the early detection and treatment of health difficulties in males.

Our Occupational Health and Wellbeing team provided information around Men's Health, promoting the Wellbeing pages targeting our male colleagues.

6.5 Menopause in the Workplace

Our Brave Space talk in June 'Let's talk about the Menopause' enabled our staff to discuss the wide ranging and varied impact that the menopause has on many of our female staff and indirectly on many of our male staff.

Our Occupational Health and Wellbeing Team, in conjunction with Affinity, are working alongside colleagues from across the Fire Sector, to further raise awareness, share good practice and influence the provision of support for employees.

An 'Understanding the Menopause' workshop was held in July which focused on menopause, premature menopause and perimenopause, exploring the psychological and physical symptoms and impact on both body and mind. The session was delivered using group discussion as well as providing self-help strategies and information on accessing further support.

6.6 Firefighter Recruitment

- Between April 2022 and October 2022 WMFS will employ 52 new entrant firefighters, of which 16 (31%) are women and 13 (25%) BAME.
- WMFS expectations during 2020/2021 for new entrants was 50% of all trainee firefighters to be female and 35% to be from a BAME background. This was adversely affected during the pandemic and highlighted the positive impact that face to face positive action has upon the diversity of new entrants.
- In order to address this a programme of events has been built into the current recruitment process that offers focused support at appropriate stages of the recruitment process for every female and BAME candidate. The support is already starting to give us very positive and encouraging results.

Since November 2021, 42% of BAME males who have engaged with the positive action programme are either now employed or in the final stages of the recruitment process. At the last phase of behavioural assessments, BAME

males had a 72% success rate. The picture is even more encouraging for the female candidates who have engaged with the positive action programme with 60% either now employed or in the final stages of the recruitment process. The last two phases of practical selection tests have seen a 90% success rate for female candidates.

- A new social media campaign has been developed alongside our partners at Thinkology. Our careers pages have a fresh new look and feel, and our application portal is being refreshed with new diverse imagery. We have produced a new range of videos featuring members of our stakeholder groups to support our positive action activity.
- Taster days are being developed following a pilot session at Canley Fire Station in May. Taster days will be run at our community fire stations and will offer the opportunity to those who may not have considered the role of a firefighter before. Potential applicants will have the chance to engage with local crews and carry out some physical activities that relate to the role of a firefighter as well as have input around the role, the Service and the recruitment process.
- The DICE team, in conjunction with our Workforce Analyst, are currently scoping surveys to capture candidate experience at each stage of selection. The workforce analyst is also working alongside Thinkology to implement an effective candidate tracking facility enabling tracking of candidate success from recruitment through to the Trainee Firefighter Development Programme and beyond.

6.7 Progression

- 41% of uniformed posts are Crew Commander or above. 26% of female uniformed staff hold positions of Crew Commander or above, compared to 43% of male staff.
- 27% of BAME uniformed staff hold positions of Crew Commander or above, compared to 44% of white staff.

- 66% of non-uniformed posts are grade 9 or above. 53% of female non-uniformed staff hold positions of grade 9 or above, compared to 81% of male staff.
- 60% of BAME non-uniformed staff hold positions of grade 9 or above, compared to 69% of white staff.

Our coaching pool is used to support internal development and progression to provide confidence for staff to put themselves forward for promotion opportunities. This is also supported by the Buddy scheme.

7. **EQUALITY IMPACT ASSESSMENT**

This report responds directly to the General and Specific Duties of the Equality Act and considers DICE issues that are pertinent to the needs of the Service. In doing so, a range of equality data has been analysed and considered regarding all protected characteristics.

8. **RISK IMPACT ASSESSMENT**

The objectives identified in this report support the organisation in mitigating its risk regarding claims of unlawful discrimination.

9. **LEGAL IMPLICATIONS**

The recommendations outlined in this report assist us to fulfil our duties under the Equality Act 2010 particularly to advance equal opportunities and eliminate behaviours that are unlawful under the Act.

10. **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

11. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

The contact officer for this report is Karen Gowreesunker, Strategic Enabler for DICE, contact number 07973 810338

Phil Loach
Chief Fire Officer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY
Item 6

SCRUTINY COMMITTEE

7th NOVEMBER 2022

1. **DISPUTE RESOLUTION REPORT**

Report of the Chief Fire Officer

RECOMMENDED

1.1 THAT the contents of the Dispute Resolution Report for the below period is noted:

- 01/01/2022 – 30/06/2022 (6-month reporting period)

2. **PURPOSE OF REPORT**

To inform the Scrutiny Panel regarding the number, type and outcomes from discipline and grievance hearings and other dispute resolution activity, including Employment Tribunals that have occurred during the period outlined above.

3. **BACKGROUND**

3.1 This report provides a summary of the number, type and outcomes of disciplinary, grievance alongside any reported failures to agree or failures to consult. The report also provides detail around Employment Tribunals that are lodged or progressed within the reporting time.

3.2 The report also identifies lessons learned from relevant cases alongside improvements made as a result.

3.3 Ongoing discussions and feedback are encouraged at Joint Consultative Committee and Joint Working Party meetings around the application of the policies relevant to this report.

4. **SUMMARY OF CASES**

4.1 **Grievances**

During the 6-month reporting period the service has received 5 grievances. Out of the 5 grievances, there was 1 collective grievance which involved 3 employees.

4.1.1 **1: Grievance G1 Bullying and Victimisation:**

The employee made allegations to the Brigade doctor and a Group Commander, of experiencing bullying and discrimination. During the investigation the individual refused to disclose any specific information or provide any details to confirm these allegations. The individual was advised without any information, the Service would be unable to fully investigate.

The individual refused to disclose any further details and the grievance was closed.

The grievance was not upheld due to no further evidence provided to support the allegations.

Length: 53 days

4.1.2 **2: Grievance G10 Bullying, Victimisation and Sexual Harassment:**

The employee alleged being subjected to bullying and treated unfavourably by some colleagues following a disciplinary case.

There was a thorough investigation into all aspects of the grievance however, the allegations regarding bullying, victimisation and sexual harassment could not be further investigated, due to the individual not being prepared to share any names or specific information about the events. The investigation team attempted to seek further information on several occasions.

Due to not providing names, locations, dates or any further details the investigation team were unable to investigate further.

The outcome: the Service was satisfied that all policies and procedures were followed and had fulfilled our duty of care; without additional information we were unable to fully investigate.

Length: 68 days

4.1.3 **3: Grievance G11 Extension to temporary contract during resignation period:**

An employee resigned but during the resignation period changed position and felt that commitments were made to find alternative employment. There were no further roles for the individual to apply for, which had been explained during the notice period. The individual was also aggrieved due to inaccurate leave payment for the previous financial year.

Outcome:

- Part upheld: Leave payment was given as goodwill gesture
- Not upheld: extension of contract
- Appeal outcome: not upheld
- Employment Tribunal has been submitted

Length: 45 days

4.1.4 **4: Collective Grievance G14 bullying, harassment, disability discrimination by line manager:**

3 employees raised concerns around the behaviours of their line manager. It was alleged that comments were made which were discriminatory in nature relating to disability. They felt they were treated less favourably compared to other departments in terms of working hours and application of the agile working policy.

Outcome: Part upheld:

- Adjustment to working hours and recommendations were made to work in line with Service policy.
- Development plan and ongoing monitoring of the line manager to understand how her behaviour has impacted others.

Length: 55 days

4.1.5 **5: Grievance G15 Terms and conditions of employment:**

A grievance around leave entitlement following return from a career break. The individual was returning sooner than planned and believed an entitlement existed for long service leave. However, this was not the case as there was a break in service as outlined within the policy that supports this.

Outcome: Not upheld as the Service applied the policy correctly.

Appeal: Not upheld

Length: 56 days

	Position	Green or grey book	Gender reassignment	age	ethnicity/Race	Disability	Sexual Orientation	Marital Status	Religion or belief
Grievance	FF	Grey	Male	36	Asian - Pakistani	No	Heterosexual	Single	Islam
Grievance	FF	Grey	Female	33	White British	No	Heterosexual	Married	None
Grievance	Manager 1C	Green	Male	56	Prefer not to say	Prefer not to say	Prefer not to say	Divorced	Not Stated
Collective Grievance	Admin 2C	Green	Female	55	White British	No	Heterosexual	Married	Christianity
	Admin 2C	Green	Female	55	White British	No	Prefer not to say	Married	None
	Admin 2C	Green	Female	63	White British	No	Heterosexual	Married	None
Grievance	FF	Grey	Male	35	White British	No	Heterosexual	Married	None

Following analysis of the equality data there has been no adverse impact on any specific group. The above table provides a full breakdown of the equality data for each case.

4.2 **Disciplinary Cases**

There were 9 disciplinary cases in total for this 6-month reporting period.

7 cases were at the level of Gross Misconduct and 2 were Misconduct

4.2.1 **Gross Misconduct cases:**

1. **Disciplinary 1 (D2-22)** Inappropriate and offensive language used by an employee in the workplace. There was acknowledgment of the inappropriate nature of the language during the investigation. Due to mitigating factors presented by the individual it was decided that this case would not proceed to a hearing and an informal outcome was appropriate.

Outcome: No formal action

Length: 31 days

2. **Disciplinary 2 (D3-22)** Criminal charges/safeguarding. Employee was arrested as a result of allegations of domestic violence. The Service began the investigation immediately alongside considering the progress of the criminal case. Following attendance at Magistrates Court the individual pleaded guilty, and the case has been submitted to Crown Court. The individual remains suspended from work.

Position: Hearing scheduled for 8th September 2022

Length: Ongoing

3. **Disciplinary 3 (D4-44)** Employee made a rude hand gesture to a member of the public whilst riding on an appliance. The employee accepted responsibility for their actions and offered a full apology.

Outcome: demotion to a firefighter with a 12-month development plan

Length: 37 days

4. **Disciplinary 4 (D5-22)** Bullying and inappropriate behaviour by an employee. Following investigation, the Commissioning Manager downgraded the level to misconduct. The hearing was postponed twice at the Fire Brigades' Union request due to unexpected circumstances (funeral of a retired employee and death of a trainee Firefighter).

Outcome: Final Written warning 18 months alongside a development plan

Length: 86 days

5. **Discipline 5 (D6-22)** Employee arrested and charged for drink driving whilst off duty, the employee informed their line manager immediately. The employee was removed from driving duties for the Service whilst the police completed their investigation, and this continues for the period of the driving ban received from court.

Outcome: 18 months final written warning

Length: 58 days

6. **Discipline 6 (D8-22)** An employee is alleged to have demonstrated inappropriate behaviours, some of which could be deemed as sexual in nature towards another employee. Investigation is currently ongoing.

Outcome: Hearing 26th August 2022

Length: Ongoing

7. **Discipline 7 (D9-22)** An employee charged with dangerous driving whilst away from work duties. This case went to court and the outcome was a 15-month driving ban and a fine. The individual was removed from all driving activities for the Service which will continue whilst the ban is in place.

Outcome: Investigation report has been submitted; hearing decision being considered by Commissioning Manager.

Length: Ongoing

4.2.2 **Misconduct Cases:**

1. **Discipline 1 (D1-22)** Damage to brigade vehicle the employee drove the van into the station gate but did not inform the Service and instead it was identified through CCTV footage. The investigation found that the employee had admitted liability.

Outcome: 12-month written warning

Length: 52 days

2. **Discipline 2 (D7-22)** Employee left work 1 hour early to attend a religious meeting without permission from their line manager.

Position: Employee remains off sick with impact on timescales

Length: Ongoing

GROSS MISCONDUCT	Position	Green or grey book	Gender reassignment	age	ethnicity/Race	Disability	Sexual Orientation	Marital Status	Religion or belief
	Tech 2B	Green	Male	56	White British	No	Heterosexual	Single	Not Stated
	WCdr B	Grey	Male	35	White British	No	Heterosexual	Married	None
	CCdr	Grey	Male	48	White British	No	Heterosexual	Married	None
	FF	Grey	Male	38	Black Caribbean	No	Heterosexual	Single	None
	TFF	Grey	Female	41	Prefer not to say	Prefer not to say	Prefer not to say	Prefer not to say	Prefer not to say
	FF	Grey	Male	44	White British	Not Stated	Heterosexual	Married	Not Stated
	FF	Grey	Male	39	Black Caribbean	No	Heterosexual	Single	Christianity
MISCONDUCT	Position	Green or grey book	Gender reassignment	age	ethnicity/Race	Disability	Sexual Orientation	Marital Status	Religion or belief
	FF	Grey	Female	32	Mixed - White an	No	Heterosexual	Single	Not Stated
	Technical 1C	Green	Male	54	White British	No	Not stated	Married	Christianity

Following analysis of the equality data there has no adverse impact on any specific group. The table above provides the full breakdown of equality data.

5. **EMPLOYMENT TRIBUNALS**

5.1 2 new employment tribunals submitted within the reporting period:

- March 2022 Constructive Dismissal & Age Discrimination (Claimant failed to secure promotion and claims being asked when they'd retire.)
- June 2022 Wrongful dismissal and discrimination. (Linked to the grievance outlined above regarding an individual not being reappointed following resignation.)

1 employment tribunal was settled within this reporting period.

3 employment tribunals previously updated on have been given dates of hearing over the next 12 months:

- Unfair Dismissal/age discrimination (starts November 2022)
- Unfair Dismissal/Disability Discrimination (awaiting exact dates but will be in 2023)
- Unfair Dismissal/Race Discrimination (starts 2023)

6. **DEBRIEFS AND LEARNING OUTCOMES**

Organisational Intelligence manage the debrief process following the conclusion of disciplinary and grievance case. If there is a requirement for a structured debrief, this will be arranged and managed by Organisational Intelligence and People Support Services.

During the reporting period Organisational Intelligence has debriefed 5 cases (3 Disciplinary cases and 2 Grievance Cases).

A structured debrief was held following a Gross Misconduct case that took 7 months to conclude, the purpose of this meeting was to identify and capture learning and areas of good practice:

- The investigation identified there was a requirement for an ICT specialist to explain the context/timelines of these images being uploaded which was provided at the hearing. The debrief feedback suggested that this technical support could have been provided earlier and avoid entering a formal process.
- The debrief identified that better engagement could have been maintained with the employee throughout the disciplinary process to help support health, well-being and mental status.
- The debrief identified that the process took 7 months and 22 individuals were interviewed. However, the technical data identified evidence that could have been established during the fact-finding stage

Organisational learning:

1. Early engagement with key stakeholders to identify timescales, resources and expectations. These changes have been proposed within the policy that is currently being consulted on.
2. The employee 'Welfare Officer role' is defined in the Disciplinary policy and toolkit and needs to be applied consistently.
3. Clarity of individual roles and responsibilities should be set out in the Terms of Reference and communicated at the start of the process.
4. The investigation should be managed proportionately, and this will be monitored more directly by People Support Services in future.

7. **POLICIES AND PROCEDURES**

The Disciplinary and Grievance policies are available for all employees on MESH. These policies are reviewed every 3 years unless there are any changes that could require an earlier review.

Following feedback, the Service plans to proactively propose some changes to the disciplinary process around:

- the level of investigation (eg. Misconduct or Gross Misconduct)
- agreeing timelines at the commissioning phase
- introducing target dates for completion
- exploring an 'agreed outcomes' approach to some disciplinary cases

These proposals for changes to policy are currently under consultation through JCC members, which includes all recognised Trade Unions.

8. **EQUALITY IMPACT ASSESSMENT**

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

9. **LEGAL IMPLICATIONS**

There are no direct legal implications arising from this report.

10. **FINANCIAL IMPLICATIONS**

There are no financial implications to this report.

BACKGROUND PAPERS

Disciplinary Policy 2/1

Grievance Policy 2/2

Previous Scrutiny reports Dispute Resolution Reports 0-19 and Review of Case Management Debriefs.

The contact officer for this report is Simon Barry, Assistant Chief Fire Officer, Strategic Enabler (People Programme) 07973 810 657.

PHIL LOACH
CHIEF FIRE OFFICER

OFFICIAL

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY
SCRUTINY COMMITTEE WORK PROGRAMME 2022/23**

Date of Meeting	Item	Responsible Officer	Completed
2022			
7 November 2022	Dispute Resolution Report – 1 st January 2022-30 June 2022	ACFO Strategic Enabler - People	7 November 2022
	Diversity, Inclusion, Cohesion and Equality Update	ACFO Strategic Enabler - People	7 November 2022
	Review of Safe and Wells	Strategic Lead – Prevention	7 November 2022
	Business Cont. Review	Clerk to the Authority	7 November 2022
	Fire Control Performance Report	ACFO Strategic Enabler	7 November 2022
	Consideration of Scrutiny Committee Work Programme	Clerk to the Authority / Chair of Scrutiny Committee	7 November 2022
2023			
Date of Meeting	Item	Responsible Officer	Completed

23 January 2023	Fire Control Performance Report Dispute Resolution Report Scrutiny Committee Work Plan 2022-23	ACFO Strategic Enabler - People ACFO Strategic Enabler – People Democratic Services Officer	
24 April 2023	Dispute Resolution Report Diversity, Inclusion, Cohesion and Equality Update Fire Control Performance Report Annual Report of the Scrutiny Committee Scrutiny Committee Work Plan 2022-23	ACFO Strategic Enabler - People ACFO Strategic Enabler - People ACFO Strategic Enabler – People Chair of Scrutiny Committee Democratic Services Officer	

To report as appropriate:

- Updates on reviews

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

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**SCRUTINY COMMITTEE****7 NOVEMBER 2022****1. SCRUTINY COMMITTEE WORKING GROUP – BUSINESS CONTINUITY ARRANGEMENTS**

Report of the CLERK

RECOMMENDED

- 1.1 THAT the Committee review the two options proposed to provide appropriate business continuity arrangements to mitigate the risk posed to the Fire Authority.
- 1.2 THAT the Committee submits its recommendation to the Fire Authority.

2. PURPOSE OF REPORT

This report is submitted to support the Committee in its review of the two options proposed to provide appropriate business continuity arrangements for the Service.

3. BACKGROUND

- 3.1 The Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004 outline the legal and statutory duties of a Fire and Rescue Authority (FRA) in relation to provision for responding to incidents and the maintenance and management of the provision of business continuity plans to ensure that an FRA can deliver key services in the event of an emergency. Such emergencies include periods of Industrial Action.
- 3.2 The National Framework outlines that FRA's are required to assess the risk of emergencies occurring and use this to inform contingency planning.

- 3.3 The Community Risk Management Planning (CRMP) process continually identifies risk locally, regionally and nationally, and this includes the scenarios identified in the National Security Risk Assessment. These identified risks are delivered through the FRA Strategy.
- 3.4 The Chief Fire Officer (CFO) is accountable to the FRA and community for ensuring the Service delivers against the requirements of the Fire and Rescue Act, The Regulatory Reform (Fire Safety) Order, Civil Contingencies Act and the National Framework in an assertive, effective and safe way.
- 3.5 Corporate Risk 6.1 concerns a situation where “The Fire Authority is unable to provide business continuity arrangements, to maintain delivery of core functions, as a result of extensive disruption to normal working arrangements, including national and international deployments, significant and major events, resulting in increased community risk; reduced confidence; increased reputational damage; and external scrutiny.”
- 3.6 In June 2022, Corporate Risk 6.1 was reviewed, and the potential of industrial action increased the likelihood from 3 to 4. This resulted in the overall risk rating of Corporate Risk 6.1 increasing from 12 to 16 (the highest possible rating). Corporate Risk 6.1 currently remains at 16. This was verbally reported to Audit and Risk Committee in July 2022 and again in the form of a formal report in September 2022.
- 3.7 The Audit and Risk report brought to the attention of the FRA the significant risk of the FRA being unable to meet its statutory duties of providing provision for responding to incidents during a period of a business continuity event, particularly a period of Industrial Action, based on the current business continuity arrangements which are reliant exclusively on non-striking volunteers.
- 3.8 The report contained the rationale for the increase in Corporate Risk 6.1, relating to the increased likelihood of Industrial Action, and a range of mitigation measures. The mitigation measure was specifically related to reducing the impact of a period of Industrial Action.

- 3.9 In August 2022, a survey was commissioned by the Home Office (HO), discharged through the National Resilience Assurance Team (NRAT), on preparedness for Industrial Action, utilising a RAG (Red, Amber, Green) rating of Fire and Rescue Service preparedness according to the resilience of their Business Continuity Arrangements.
- 3.10 The Home Office provided their outcomes from the survey in September 2022. They determine that WMFS are unable to provide information about the number of staff that would be available during a period of firefighter industrial action and consequently no information about the number of fire & rescue response assets expected to be maintained to respond to incidents during Industrial Action. Without clarity and detail in respect of these areas the Home Office is unable to conclude at this time that WMFS arrangements to maintain an effective emergency response in the event of firefighter industrial action are suitable and sufficient and therefore conclude that WMFS arrangements would be considered **red, high risk**.
- 3.11 **The HO has indicated that following this rating, they will be writing to the Chair of the Fire Authority and Chief Fire Officer to arrange a meeting to both discuss the rating provided and what measures are required to mitigate the risk from their perspective.**
- 3.12 On 10 October 2022, a Chief Fire Officer report was presented to Fire Authority recommending:
- That the Authority note the increase in Corporate Risk 6.1 relating to Business Continuity, as reported verbally to Audit and Risk Committee on 18 July 2022 and further discussed at Audit and Risk Committee on 26 September 2022.
 - That the Authority considers the potential impact of Industrial Action on business continuity given the increase in Corporate Risk 6.1.
 - THAT Authority approve steps, set out in section 7 of the Fire Authority Report (see appendix 1), to mitigate Corporate Risk 6.1, specifically in relation to Industrial Action and the additional funding required, following the procurement process, to secure an external provider.

3.13 The Fire Authority requested that the business continuity options be brought before the Scrutiny Committee to:

- Review the two proposed options for the business continuity arrangements.
- Provide recommendations to the Fire Authority on the business continuity arrangements.

3.14 A resolution was agreed that any mitigation should be considered as part of a specific Scrutiny Review. Scrutiny will provide recommendations to Fire Authority on 12 December 2022.

3.15 A Terms of Reference (ToR) for the Scrutiny Committee to review Business Continuity Arrangements was agreed. (Appendix 2)

3.16 The presentation provided an overview of the Service's level of assurance regarding its business continuity arrangements and Members were informed of the options for revising its arrangements.

3.17 The Scrutiny Committee is arranged for 7 November 2022, with an additional Scrutiny Committee Working Group to consider in more detail:

- A review of the business continuity information.
- Working Group discussions, aligned to questions posed by Members.
- A timeline for the review and next steps.

4. **WORKING GROUP REVIEW OF BUSINESS CONTINUITY ARRANGEMENTS**

4.1 The Scrutiny Committee Working Group are asked to consider and review the two options proposed to provide appropriate business continuity arrangements for the Service during periods of disruption. Each option highlights the implementation timeframe. All options are part of a suite of options that enable the Fire Authority to provide appropriate business continuity arrangements.

The options are:

- 1a. An internal resilience workforce.
- 1b. An external resilience workforce.
2. An external provider.

4.1.1 Option 1(a) Internal Resilience Workforce

An internal resilience workforce to support appropriate business continuity arrangements that is able to be implemented in the short term, 2 - 4 months, and subsequently provide resilience arrangements alongside other options in the long term.

An internal resilience workforce is recruited from internal staff that are competent in core skills, and can be extended to non-operational staff to carry out specific roles during a period of disruption.

The health and safety, competence, training of an internal resilience workforce remains with the WMFRA. This approach can be in conjunction with all options to provide appropriate business continuity arrangements.

4.1.2 Option 1(b) External Resilience Workforce

An external resilience workforce to support appropriate business continuity arrangements can be adopted in various models. The resilience workforce can be recruited from members of the public, retired and/or previously employed people and be implemented alongside all other business continuity arrangements.

An external resilience workforce is often restricted in the role they can carry out. WMFRA are responsible for the ongoing employment and health and safety requirements regarding maintenance of competence and supervision of the external resilience workforce. This can take around 4 months to implement due to timeframes for recruitment and training.

WMFS has the option of reviewing the 4 R's policy to incorporate the option to retain staff in a capacity that maintains their skills, in readiness for a period if business continuity arrangements were required.

4.1.3 Option 2 External Provider

In 2019, a recommendation was made to Fire Authority, which was referred to Scrutiny Committee, to engage with external providers and instigate a procurement process, to provide appropriate business continuity arrangements if required. The Fire Authority determined that volunteering non-striking staff would provide sufficient business continuity arrangements if required.

- 4.2 Following Fire Authority on 10 October 2022, we have confirmed that, whilst a procurement process can commence immediately for a medium to long term solution, in the short term, up to 4-6 months, an external provider would not be an option to provide appropriate business continuity arrangements. This is due to procurement timeframes.
- 4.3 Whilst this approach will take up to 3-6 months to implement, it does provide high levels of assurance that WMFRA will meet its statutory requirements through business continuity arrangements with less on-going management.
- 4.4 Upon the request of the Committee, representatives from a range of stakeholders will be requested to provide information for consideration by Members.
- 4.5 Additionally, a legal advisor and Officers of the Service are available in an advisory capacity to provide information for consideration by Members.
- 4.6 The information provided by the stakeholders and Officers, in addition to the information that Members have already received via the September 2022 Audit and Risk Report and the October 2022 Fire Authority Report outlining 'Business Continuity Arrangements', will provide the evidence base for the Committee to come to a decision on the two options that have been put forward by the Service.
- 4.7 Following agreement by Members, the Committee is to submit its recommendation regarding the two options to the Fire Authority at the next scheduled meeting of the Authority on 12 December 2022. The recommendation of the Committee will be submitted in addition to the report on the business continuity arrangements (which had been previously deferred on 10 October 2022).
- 4.8 Members should note that, in accordance with the Committee's terms of reference, '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.'

5. **EQUALITY IMPACT ASSESSMENT**

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.

6. **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.

7. **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

8. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

BACKGROUND PAPERS

Audit and Risk – Business Continuity Arrangements 26 September 2022
Fire Authority 10 October 2022 – Business Continuity Arrangements Report
(report deferred)
Scrutiny Committee Terms of Reference

The contact name for this report is Wayne Brown, Deputy Chief Fire Officer, telephone number 0121 380 7742.

KAREN GOWREESUNKER
CLERK TO THE AUTHORITY

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

10 October 2022

1. BUSINESS CONTINUITY ARRANGEMENTS

Report of the Chief Fire Officer

RECOMMENDED

1.1 THAT Authority note the increase in Corporate Risk 6.1 relating to Business Continuity, as reported verbally to Audit and Risk Committee on 18 July 2022 and further discussed at Audit and Risk Committee on 26 September 2022.

1.1.1 Corporate Risk 6.1 concerns a situation where “The Fire Authority is unable to provide business continuity arrangements, to maintain delivery of core functions, as a result of extensive disruption to normal working arrangements, including national and international deployments, significant and major events, resulting in increased community risk; reduced confidence; increased reputational damage; and external scrutiny.”

1.2 THAT Authority considers the potential impact of Industrial Action on business continuity given the increase in Corporate Risk 6.1.

1.3 THAT Authority consider options to mitigate Corporate Risk 6.1 outlined in section 7 in order to decide on next steps.

2. PURPOSE OF REPORT

2.1 To provide Fire Authority with further information regarding the increase in Corporate Risk 6.1 to 16 (Red) based on an increased likelihood of Industrial Action, as detailed in section 3 of the report.

2.2 To bring to the attention of Fire Authority the significant risk for the Fire Authority being unable to meet its statutory duties to provide provision for responding to incidents, as outlined in the Fire and

Rescue Service Act 2004 and the Civil Contingences Act 2004, during a period of Industrial Action based on current business continuity arrangements, which are reliant exclusively on volunteers.

3. **BACKGROUND**

- 3.1 The National Framework outlines that Fire and Rescue Authorities (FRA) are required to assess the risk of emergencies occurring and use this to inform contingency planning.
- 3.2 The Fire and Rescue Services Act 2004 and the Civil Contingences Act 2004 outline the legal and statutory duties of an FRA in relation to provision for responding to incidents and the maintenance and management of the provision of business continuity plans to ensure that an FRA can deliver key services in the event of an emergency. Such emergencies include periods of Industrial Action.
- 3.3 In line with the National Framework every FRA must assess foreseeable risks that could affect their communities and states that regard must be had to Community Risk Registers (CRR) produced by Local Resilience Forums (LRF).
- 3.4 The Community Risk Management Planning (CRMP) process continually identifies risk locally, regionally, and nationally, and this includes the scenarios identified in the National Security Risk Assessment. These identified risks are delivered through the FRA Strategy. The Chief Fire Officer (CFO) is accountable to the FRA and community for ensuring the Service delivers against the requirements of the Fire and Rescue Act, Regulatory Reform (Fire Safety) Order, Civil Contingencies Act and the National Framework in an assertive, effective, and safe way.
- 3.5 All risks are recognised and managed through the WMFS Corporate Risk Register and reported monthly to the CFO, and a quarterly and six-month review to the Fire Authority via the Audit and Risk Committee.
- 3.6 Both the Fire Authority and Officers provided a response to 'Reforming Our Fire and Rescue Service' White Paper published by the Home Office earlier this year. The response provided by the Fire Authority indicated that it had confidence that business continuity arrangements were satisfactory, which is in direct

contrast with the officer-led service response which indicated a lack of confidence in these arrangements.

4. **CORPORATE RISK 6.1**

- 4.1 Corporate Risk (CR) 6 relates to Business Continuity and Preparedness. CR 6.1 concerns a situation where “The Fire Authority is unable to provide business continuity arrangements, to maintain delivery of core functions, as a result of extensive disruption to normal working arrangements, including national and international deployments, significant and major events, resulting in increased community risk; reduced confidence; increased reputational damage; and external scrutiny.”
- 4.2 In September 2019, the Strategic Enabling Team as part of the review of Corporate Risk and to enhance business continuity resilience arrangements, engaged with third party providers. The recommendations were presented to the Fire Authority through a scrutiny process, by the CFO.
- 4.3 In November 2019, the CFO presented to the Fire Authority a recommendation to engage an external provider to enhance business continuity and resilience arrangements, to enable the Fire Authority to meet expected resilience level. It was also recommended that the Fire Authority approve the funding to implement the required business continuity option. The recommendations were not approved by the Fire Authority based on the resolution of the Scrutiny Committee, which recommended that the Fire Authority continues to use existing arrangements for business continuity arrangements using volunteers from existing staff.
- 4.4 As a consequence of this decision, Corporate Risk 6.1 was raised to 12 (Impact 4, Likelihood 3) in December 2019. This was as a result of the impact rising from 3 to 4 due to the limited capability offered by the agreed business continuity approach.
- 4.5 In June 2022, Corporate Risk 6.1 was reviewed again, and the likelihood of industrial action increased from 3 to 4. This resulted in the overall risk rating of Corporate Risk 6.1 increasing from 12 to 16 (the highest possible rating). Corporate Risk 6.1 currently remains at 16. This was verbally reported to Audit and Risk Committee in July 2022 and again in the form of a formal report in September 2022.

- 4.6 The likelihood rating was increased in June 2022 from 3 to 4 due to the increased likelihood of limited capability of business continuity arrangements.
- 4.7 There is growing discontent regarding fire service staff pay given high level of inflation and its subsequent impacts on cost of living. Wage growth within the fire and rescue service has been below inflation for several years, but the recent high level of inflation has increased the gap significantly.
- 4.8 The above is coupled with concerns about the overall industrial relations environment in the public sector, where several unions have balloted for or begun strike action over pay.
- 4.9 The “Reforming our Fire Service” - White Paper presented in May 2022 outline the desire of Government to have greater assurance around business continuity arrangements and for them to be independently assured.
- 4.10 In July and August 2022, National Employers and Representative Bodies failed to reach agreement on the 2022/23 pay offer, and the Fire Brigades Union (FBU) rejected a 2% pay offer. In early September 2022 the FBU announced their intention to ballot their members for Industrial Action in October 2022 on the issue of pay.

5. NATIONAL RESILIENCE ASSURANCE TEAM SURVEY

- 5.1 In August 2022 a survey was commissioned by the Home Office and undertaken by the NRAT on preparedness for Industrial Action, which will be used to RAG rate (Red, Amber, Green) Fire and Rescue Services according to the resilience of their Business Continuity Arrangements in the event of industrial action.
- 5.2 WMFS responded to the survey in August 2022 and have subsequently shared this survey response with the Audit and Risk Committee. The survey collected detail of current Business Continuity plans, planning assumptions, expected appliance availability and crewing numbers.
- 5.3 Within the response, it is made clear that **“Resilience arrangements for industrial action rely on non-striking operational staff [and] there is currently limited confidence or understanding of the predicted cover that might be achieved for future periods of Industrial Action.”**

- 5.4 The Home Office provided their outcome to the survey in September 2022. They acknowledge that WMFS are unable to provide information about the number of staff that would be available during a period of firefighter industrial action and consequently no information about the number of fire & rescue response assets, we expect to maintain available to respond to incidents during Industrial Action. Without clarity and detail in respect of these areas the Home Office is unable to conclude at this time that WMFS arrangements to maintain an effective emergency response in the event of firefighter industrial action are suitable and sufficient and therefore must conclude that WMFS arrangements would be considered **red, high risk**.
- 5.5 The Home Office have also confirmed the next steps will be outlined in due course in correspondence to the Chair of the Fire Authority and the Chief Fire Officer.

6. **CURRENT POSITION**

- 6.1 Current business continuity arrangements for loss of staff due to industrial action involve the use of non-striking operational and support staff (including Fire Control). Appliances are then strategically placed across the West Midlands, using tools such as the Dynamic Cover Tool (DCT). Some appliances are 'dual staffed' to ensure National Resilience capabilities are maintained during industrial action i.e., DIM capability, USAR and MTA (light).
- 6.2 Analysis has previously been completed of business continuity arrangements based on two previous periods of industrial action as a result of the West Midlands trade dispute that was registered on 11th April 2018. Pre-planned coverage for a scheduled period of industrial action (30th July 2018) demonstrated WMFS were not able to meet the Home Office target of 30% appliance availability.
- 6.3 Through implementing business continuity arrangements, a request for volunteers was made to WMFS non-striking operational staff. Whilst not eventually needed, a minimum of 12 PRLs and 1 BRV was achieved (representing 26% of total staff availability and 22% total appliance availability). It is unknown what additional staff and resources may have been made available during the industrial action period.

- 6.4 This analysis was based on actual volunteer numbers from 2018, however, several factors have changed since then. The profile of the workforce has changed considerably since 2018, the current level of communications and feedback from staff is one of growing dissatisfaction regarding national pay, therefore, we can reasonably assume these figures will reduce for future periods of industrial action.
- 6.5 It is the view of the Chief Fire Officer and Strategic Enabling Team that the current business continuity approach in the event of industrial action does not provide sufficient assurance that the Authority can meet its statutory obligations under the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004.

7. **POSSIBLE MITIGATION ACTION**

- 7.1 Below are two actions the authority could take to mitigate CR6.1. Further commercially sensitive information regarding these options will be provided in a separate paper to be discussed in closed session.

7.2 **Retention of external resilience provider**

7.2.1 On 30 August 2022, the Strategic Enabling Team recommended, given the status of CR 6.1, that the Chief Fire Officer seek to engage the services of an external provider to provide 25 resilience staff (able to crew five PRLs) to provide support in addition to whatever capability is provided by non-striking volunteers.

7.2.2 This option could be implemented relatively quickly, with external providers maintaining the competency of contingency workers on an ongoing basis and therefore requiring only seven days' notice to provide the resources. Contingency workers would utilise WMFS equipment and appliances.

7.2.3 This approach would provide high levels of assurance for WMFRA to meet the statutory requirements through business continuity arrangements with less ongoing management. External contractors have been used during previous periods of industrial action by other FRS.

7.3 Contingency or resilience contracts

7.3.1 Existing staff operating on “resilience” contracts or contingency staff trained by the service and employed on a retainer are already used by a number of other fire and rescue services to provide business continuity.

7.3.2 This would enable WMFS to ensure standards of training and competence directly but would take longer to implement than using an external provider and staff would need to be recruited and trained from scratch.

7.3.3 If implementing resilience contracts for existing staff, training and skills would not be an issue but there is no guarantee as to how many would agree to sign such contracts and they could choose to withdraw from them.

8. EQUALITY IMPACT ASSESSMENT

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

9. LEGAL IMPLICATIONS

9.1 The WMFRA have a legal duty as detailed in Part 2, section 7-9 of the Fire and Rescue Services Act, 2004, the FRA must make provision for responding to fires, road traffic accidents and emergencies.

9.2 The Civil Contingencies Act (CCA), 2004 also requires Category 1 responders to maintain business continuity plans to ensure that they can continue to deliver key services in the event of an emergency.

9.3 Under the CCA, CFOs have target duties to mitigate community risk and if, having taken all available steps, the arrangements are not satisfactory then CFOs have a legal duty to declare this position via the Local Resilience Forum.

10. FINANCIAL IMPLICATIONS

10.1 Both options 7.1 and 7.2 outlined above would require additional expenditure. In the case of option 7.1 this would constitute

spending above the current £250,000 limit identified under the scheme of delegations as requiring Authority approval.

10.2 Any additional costs of implementing potential mitigation measures outlined in section 7 are not currently included within the agreed service budget for 2022/23, so these costs would be in addition to existing expenditure plans. As it stands no additional funding is available from central government in the event of strike action.

10.3 A separate report will be considered in closed session that contains commercially sensitive details of the potential costs associated with measures outlined within section 7.

11. **ENVIRONMENTAL IMPLICATIONS**

11.1 Environmental implications would be considered as part of the tendering process for the measures outlined in section 7.

BACKGROUND PAPERS

None.

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Phil Loach
CHIEF FIRE OFFICER

Scrutiny Review of Business Continuity Arrangements - Terms of Reference Item 8

1. Purpose of the review

To review proposals designed to mitigate Corporate Risk 6.1 by considering appropriate Business Continuity arrangements for West Midlands Fire Service.

2. Background

A similar set of proposals were considered by the Scrutiny Committee in October and November 2019, and ultimately neither option presented at that time was recommended to the authority by the committee. These options have been brought back to the authority as a result of the increased assessed likelihood and impact of industrial action in the short to medium term.

In June 2022, the Strategic Enabling Team increased Corporate Risk 6.1 to 16 from a rating of 12 (**4 likelihood & 4 impact**), its highest level, as a result of the changing national Industrial Relations environment and ongoing cost-of-living pressures. This indicated a significant risk to the authority being able to fulfil its statutory duties in the event of industrial action.

As a result, a report was presented to the Authority's Audit and Risk Committee on 26 September 2022 outlining the rationale for the increase in CR 6.1, and its potential impacts. It was agreed a report would also be presented to the Fire Authority on 10 October 2022 with proposals to mitigate CR 6.1 and alter the service's Business Continuity arrangements. To support the Fire Authority's consideration of these recommendations it was agreed at the Fire Authority meeting on 10 October that these proposals would be considered by the Authority's Scrutiny Committee, through a 'pre scrutiny' review. This will enable a decision of the recommendations made of the 10 October to be made at the next Fire Authority meeting.

3. Terms of Reference

The Scrutiny Committee are to review two options to provide appropriate business continuity arrangements for the Service, designed to mitigate Corporate Risk 6.1:

- a) Contingency contracts for existing firefighting staff
- b) An external provider

It should be noted that option b) is that recommended by the Chief Fire Officer, as outlined in the report to Fire Authority on 10 October 2022.

Scrutiny Committee are to consider the financial, governance, legal and operational impacts of each option, and produce a report, including recommendations, for decision by the Fire Authority.

4. Scrutiny Process

The Review will be undertaken by the members of the Scrutiny Committee in a public session on 7 November 2022, following the completion of the other business of the Committee.

The Assistant Chief Fire Officer (People) as lead officer for the Committee, the Deputy Clerk and Democratic Services Officer will support the Committee. Only elected Scrutiny Committee members will be entitled to ask questions as part of the review.

All participating stakeholders will be invited to submit written evidence to the committee ahead of their oral evidence session. This will be shared with Scrutiny Committee members ahead of the meeting, although Scrutiny Committee members may choose to ask questions outside of the scope of the submitted written evidence.

Stakeholders providing oral evidence will do so separately, starting with a brief presentation of key points from their written evidence followed by questions from committee members. As the session will be held in public meeting, stakeholders will be entitled to observe the rest of the session but will not be able to raise questions.

If stakeholders wish to provide evidence that is commercially sensitive or should otherwise not be in the public domain, then the Committee will meet in closed session at the end of the oral evidence session to hear such evidence and question stakeholders on those matters.

Upon completion of the oral evidence sessions, Scrutiny Committee will meet privately to consider the evidence presented and formulate recommendations to the Fire Authority.

Following this session, members will be supported to develop a scrutiny report to be presented to the Fire Authority. This will be shared virtually with authority members and formally presented to the December Authority meeting. Any urgent actions that are necessary as a result of the Scrutiny Review report may be addressed under the Arrangement to Act in Matters of Urgency through the process outlined within the Authority Constitution.

5. Invited Stakeholders

The following stakeholders will be invited to provide both written and verbal evidence to the committee:

- WMFS Officers
- Internal Auditors
- Representative Bodies
- The Home Office – regarding their assessment of WMFS BCP
- Potential External Resilience Providers

- Other fire and rescue services with experience of implementing identified options

6. Background papers

- [Business Continuity Arrangements: Fire Authority Paper, October 10 2022](#)
- [Update on Corporate Risk 6.1 – Business Continuity Arrangements: Audit and Risk Committee Paper, September 26 2022](#)
- [Business Continuity Arrangements: Scrutiny Committee Working Group, 21 October 2019](#)
- [Business Continuity Arrangements: Scrutiny Committee Working Group, 4 November 2019](#)
- [Business Continuity Arrangements: Scrutiny Committee Working Group, 11 November 2019](#)

Scrutiny Review 07 November 2022 - Written Evidence – Other FRS Models

Fire Service name	Description of industrial action approach	Any further comments/notes
South Wales Fire & Rescue Service	<p>External Contingency Workforce trained by service</p> <p>Very strong Union membership in South Wales - during the last period of industrial action only one member of operational staff worked (excluding the Principal Officers). Therefore, all planning does not rely upon crewing any appliances with either wholetime or on call staff.</p> <p>Due to these circumstances, decided to train and maintain cadre of Auxiliary Firefighters. They were used and deployed successfully during the last industrial action led by Military Serco Fire Officers.</p> <p>Auxiliary Cadre - which currently stands at 80 - has received ongoing maintenance of competence training since the last period of industrial action, the only difference being that they will be managed by Securitas Officers going forward.</p> <p>To achieve this, SW contract the services of 16 Securitas Officers. A number of which would be deployed as riding ICs in the eight appliances available, one would be mobile in a car as a support officer and one would be alongside a Principal Officer in the Control/Command room.</p> <p>In the situation where Fire Control staff were also undertaking industrial action, SW are in the fortunate position where they share a Joint Services Control Room with the Police and they would take calls.</p>	<p>Aim for 80 Auxiliary FFs but currently the number is less than that, we have a course running next week (24/10/22) and a fresh recruitment campaign ongoing.</p> <p>There are several issues with this method – It is not clear how many Auxiliaries will turn in when needed due to primary work commitments, holidays, and other commitments (although this is managed to a degree by an Auxiliary manager), and the attrition rate is quite high, hence ongoing recruitment campaigns.</p> <p>They need to provide pre-deployment training which puts a burden onto training school along with initial courses – this can be managed but does increase training school workload.</p>
Lincolnshire Fire & Rescue	<p>Using existing retained staff and a degradation model</p> <p>Lincolnshire has 38 Stations, 29 of which are operated wholly by On Call Firefighters. Current Plan is based on core planning assumptions founded on best available information and previous experience of IA, it identifies the level of fire cover that could be provided based on these assumptions and describes, in principle, how assets will be deployed to meet our statutory obligations. In summary LFR's current approach to any IA is to instigate a fire</p>	<p>Current working group being established to look at IA – and review plan.</p>

	cover degradation plan based on current risk and number of staff available. The risk associated with assuming numbers of staff available has previously been accepted as reasonable within the 'Lincolnshire' context.	
Leicestershire Fire & Rescue Service	<p>External Contractor A contract is in place with a third-party provider to supply resilience contingency crews</p>	
Humberside Fire & Rescue Service	<p>Resilience Fire Crew Existing IA arrangements are focussed on the provision of Resilience Fire Crew as the primary emergency response capability augmented by available non FBU or non-strike full time/on-call personnel. The number of available RFC personnel has reduced significantly since the 2013 dispute to the position where a review of the arrangements is currently being carried out. RFC are employed on zero hours contracts & paid appropriate remuneration for training & operational commitment.</p> <p>IA plans provide a framework that will enable the Fire Authority to discharge its statutory duties through the provision of:</p> <ul style="list-style-type: none"> • An effective Control Room and Communications infrastructure • Proportionate Command & Control arrangements • An appropriate disposition of resources relative to the risk profile of the Service area • Appropriate and sufficient equipment, procedures and personnel to implement safe systems of work commensurate with operations undertaken with minimal resource availability • A supporting infrastructure to support front-line operations <p>Emergency call handling & dispatch will continue from the primary control room with the option to relocate to a fall-back location or Police control should there be need.</p>	<p>Service is currently in process of recruiting for additional RFC staff to sustain a single & two shift option in the event of protracted IA periods.</p> <p>Medical & fitness testing will be conducted (in-line with that of on-call recruitment) for all applicants to a 42 Voc standard appropriate to BA wearer.</p> <p>Firefighting training courses will be provided to cover Core skills – 4 day BA Wearer – 5 day RTC – 2 day IEC – 1 day</p>

	<p>Command & control arrangements are provided by a Fire Silver (fire control) responsible for confirming mobilising decisions & resource levels appropriate to incident type, supported by Fire Bronze(s) who responsible for managing response resources in 2 command areas. IA core emergency response resilience fire engines are crewed in the main with RFC supervised by non-strike service managers as appliance OIC. Additional fire appliances above the core capability are crewed by available non-strike full-time personnel & on-call personnel operating in their own communities.</p> <p>Emergency response is provided from risk based strategically sited locations – predominantly MoD Barracks, rather than use of full-time stations. Where crewing available On-Call response is maintained from local station unless this is a dual full time/on-call site.</p> <p>Reserve fleet & driver training fire engines are used in the first instance for IA purposes with the withdrawal of specified front-line fire engines as available non-strike personnel permit.</p> <p>Revised Mobilising & PDA’s are enacted with an emphasis on ‘threat to life’ & statutory duties. Some incident types may be suspended from normal attendance or passed to another agency – dependent on the availability of operational personnel.</p>	
<p>South Yorkshire Fire & Rescue</p>	<p>Combination Contingency Crews and External Providers</p> <p>Contingency crews in place (made up of operatives and drivers) and a contract with an external provider for operational incident commanders (OICs).</p> <p>Contingency crews are required to attend maintenance of skills sessions throughout the year (minimum of four sessions) with 10 days of consolidation training leading up to a period of industrial action.</p>	



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Fire Brigades Union Submission Scrutiny Review 7th November 2022

The Fire Brigades Union (FBU) has serious concerns around the potential for West Midlands Fire Authority (WMFRA) agreeing to any form of contingency arrangements as set out in the paper which is subject to this scrutiny review. It cannot be stressed enough how damaging, if agreed, this would be to Industrial Relationships, and below is set out our areas of concern and reasons why these proposals should not be agreed. It is laid out in number order to assist at review and for referencing purposes.

1. Management it is expected within this review to set out the rationale for use of such a workforce as a requirement under The Fire Services Act 2004 and Civil Contingencies Act 2004. The Fire Services Act sections 7,8 and 9 explain the role of responding to fires and road traffic collisions, and that services need to make provisions to provide coverage. The Civil Contingencies Act Section 2 (1) (C) explains quote- 'maintain plans for the purpose of ensuring, so far as is reasonably practicable, that if an emergency occurs that person or body is able to perform his or its functions.' The key to the legislation is 'so far as is reasonably practicable,' with what is set out below, and considering the cost involved and risk to safety if implemented, this proposal is not reasonably practicable.
2. The cost of these proposals would be expected to be extortionate; the initial outset is reported as a quarter of a million pounds, it would also be likely to cost far far more than this, and the money should not be spent on something that may never be used and instead be spent on increasing ridership numbers of Firefighters and Firefighters Control which in turn would increase resilience, a much more ethical model than the one proposed by management. The costs if implemented and used will rise and rise.
3. Private companies are advertising huge salaries to entice people to provide this so-called cover, whilst workers are campaigning for better pay due to austerity and a cost-of-living crisis, these companies would be paying people 50% more and possibly even higher than that of Firefighters. The FBU do not believe that these companies have the capacity to deliver what they promise, with them advertising to all brigades there will not be the capacity to deliver across the fire sector.



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4. The competence of these private companies is a serious concern, the Fire Service Act section 7 (2) (1) (b) states- 'secure the provision of training for personnel.' What this means is that WMFRA are responsible for delivering the training, sub-contracting this out with the below lack of competencies is a risk to WMFRA.
5. The private companies will not provide Firefighters capable of carrying out the role safely and in turn put themselves, other Firefighters and the public at risk. They advertise 12 days training, this is wholly inadequate and dangerous, if used they will have no local knowledge of our area and risk which is vital, they will not have used our safety critical equipment before as fire services use many different varieties, they will have no understanding of our operational procedures and may breach or put WMFRA at risk of the Health and Safety at Work Act.
6. These providers have fared poorly in the past and not delivered upon their promises, an example is Surrey in 2012 when they could not deliver the service they had promised.
7. The FBU have consulted our members (of which there are more members than operational Firefighters) and the feedback is strong and consistent that they oppose this proposal, if implemented it is likely to antagonise our workforce which could exasperate any potential dispute and even result in more Firefighters taking industrial action if it took place.
8. If implemented there are almost certainly going to be many operational issues such as Firefighters refusing to work with non-trained, not-safe-to-ride private company employees; under the Employment Rights Act 1996, section 44 it gives the ability for employees to remove themselves from the workplace if dangerous practices that put them at risk are taking place. Firefighters respond to a wide range of incidents which takes a lot of dedicated training and experience to keep them safe, some of these incidents such as house and factory fires are incredibly dangerous incidents and therefore there is the potential that section 44 may be used. We would also believe it reasonable to assume that if industrial action did take place these private employees would not return safety critical equipment such as breathing apparatus to Firefighters in an appropriate and safe manner, again this is risk critical.
9. Industrial action has taken place both locally and nationally within Fire Services for decades, WMFRA have never implemented these proposals before and have coped



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with Industrial action before. There is no requirement to agree to these proposals by management and there is no need, there would be the facility for Firefighters to not take part in industrial action, the use of overtime, an already agreed recall to duty system and locally like in all previous disputes an agreement will be made about a recall to duty agreement for Firefighters if industrial action takes place.

10. Finally, if these management proposals are agreed, the FBU we reiterate and cannot stress enough how damaging this would be to industrial relationships, we have worked hard since settling the last trade dispute (without taking strike action) and with the findings of the cultural review are on a path to improve the culture, this if implemented would have very negative implications, it is likely that if any action took place the use of these private workers would amplify and make any dispute worse.

The FBU is speaking on behalf of the vast majority of uniformed staff within our service, and we urge the scrutiny review elected members to recommend to West Midlands Fire and Rescue Authority a rejection of these proposals, and to continue with the traditional way of providing fire cover if industrial action takes place and not waste significant amounts of public money on something that is not and may not ever be needed.

The Home Office/National Fire Chiefs Council Industrial Action Business Continuity Survey Item 8

Background

Fire and Rescue Authorities are required under the Civil Contingencies Act 2004 and the Fire and Rescue National Framework to maintain and test Business Continuity Plans (BCPs) in preparation for industrial action.

The governance for the survey and evaluation of Business Continuity arrangements of English Fire & Rescue Services during Firefighter industrial action is contained within a Memorandum of Understanding (MOU) between the Home Office and the National Fire Chiefs Council (NFCC). This process is discharged on behalf of NFCC by the Fire & Rescue National Resilience (NR) Team. The MOU was developed to ensure continuity of the monitoring, coordination and reporting process during national industrial action by firefighters when the Chief Fire & Rescue Advisor role was removed following the formation of the NFCC. The MOU has been in place since 2017 and is subject to periodic review.

Within the MOU there is a requirement for the assessment of FRAs BCPs annually and following formal notification or the anticipated likelihood of national strike action as per the arrangements laid out in the Home Office Industrial Action Concept of Operations. NFCC (NR) on behalf of Home Office evaluate FRA's BCPs against a range of criteria.

The outcomes of the survey process are utilised to inform Ministerial submissions in relation to Fire & Rescue Services ability to comply with the requirements Civil Contingencies Act 2004 and the Fire and Rescue National Framework to maintain and test Business Continuity Plans (BCPs) in preparation for industrial action.

Current Position

The 2022 Industrial action business continuity survey was opened in August 2022. West Midlands FRS provided their submission and Initial evaluation was concluded in September 2022. West Midlands FRS were asked follow up questions in order to clarify a number of areas of their submission relating to testing and exercising of industrial Action business continuity plans, arrangements to maintain fire control arrangements. We also sought to clarify West Midlands planning assumptions for the number of personnel and fire appliances that would be available during IA.

Additional information was provided in respect of testing and exercising of the IA and Fire Control resilience however no information has been provided about personnel and appliances.

Without the requested clarity and detail in respect of staffing and appliances we are unable to complete the evaluation of the West Midlands plans. Consequently, we have been unable to confirm that West Midlands FRS have arrangements in places to maintain an effective emergency response in the event of firefighter industrial action.

Based on the gaps in the information provided West Midlands FRS arrangements for the provision of fire cover during industrial action are rated Red, High Risk.

