

**AVON FIRE AUTHORITY
AUDIT, GOVERNANCE & ETHICS COMMITTEE
8 MARCH 2019**

NOTES OF INQUORATE MEETING

PRESENT: Councillors Butters and Shelford (left at 11.30am)

The meeting started at 10.25am.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Davies (D), Goggin, Morris and Williams.

Councillors Butters and Shelford agreed to proceed with the inquorate meeting as far as possible, with all formal business to be deferred.

2. EMERGENCY EVACUATION PROCEDURES

The Chair explained the emergency evacuation procedures.

3. DECLARATION OF INTERESTS

The Chair drew attention to the requirements of the Code of Conduct as set out in the agenda. There were no declarations of interest.

4. CHAIR'S BUSINESS

There was no Chair's business.

5. MINUTES

42.1 Adjourned Ordinary Meeting of 27 July 2018 held on 21 September 2018

42.2 Ordinary Meeting held on 21 September 2018

42.3 Ordinary Meeting held on 7 December 2019 (inquorate)

42.4 Extraordinary Meeting held on 31 January 2019

As the meeting was inquorate, it was agreed that approval of the minutes would be deferred until an extraordinary meeting of the Audit, Governance and Ethics Committee, to take place immediately prior to the next meeting of the Avon Fire Authority on 26 March 2019.

6. PUBLIC ACCESS

None received.

7. EXTERNAL AUDIT 2018/19 – INTERIM REPORT

Members noted the update report and went on to query the risks in relation to Brexit. The representative from Deloitte, the Fire Authority's External Auditor, confirmed that organisations were advised to plan for a 'no deal' Brexit due to continued uncertainty. Key areas of risk for the Fire Authority included the potential for falling property values and also interruptions to supply chains for goods. The Assistant Chief Fire Officer (Service Delivery Support (ACFO (SDS))) provided assurances that all necessary steps were being taken, and added that issues around community cohesion was another area of concern.

8. INTERNAL AUDIT REPORT – GENERAL DATA PROTECTION REGULATION (GDPR) COMPLIANCE ADVISORY REVIEW AND IT SECURITY

Members commented on the style and format of the report, requesting that the cover note be more explicit about what the Committee were being asked to approve.

9. UPDATED INTERNAL AUDIT STRATEGY 2018 - 2021

The Internal Auditor advised that a piece of work would be undertaken to assess the Fire Authority's governance and structures. Members suggested that this include additional focus on the health of employees due to ongoing issues with sickness absence.

10. ANNUAL STATEMENT OF ASSURANCE

Members considered the information provided in the report and asked for additional clarification in a number of areas. The responses from Officers were as follows:

- The Annual Statement of Assurance was retrospective in line with statutory requirements, but there was a section on page 24 of the report that detailed the organisation's Future Plans.
- The decision to change the sign off arrangements of the Statement of the Assurance (from the Chair of the Avon Fire Authority to Chair of the Audit, Governance and Ethics Committee (see paragraph 3.7)) had been made as part of the Constitutional changes that had been adopted in June 2016, in order to strengthen accountability and oversight.
- The Fire Authority was assessing capability around Chemical, Biological, Radiological, Nuclear and Explosives (CBRNe) as part of national resilience arrangements. The exercise included review of all relevant areas such as training and equipment records. Only key capability

assurance test dates were listed in the report but others had taken place throughout the year.

- There were currently 45 wholetime firefighters with secondary on call contracts to support the on call provision.

Following a request from Members, it was agreed that a document setting out the links between the Fire Authority's Corporate Risk Register, Service Plans and Risk Assurance would be provided as soon as possible, ideally for the next meeting of the Audit, Governance and Ethics Committee on 24 May 2019.

11. CORPORATE RISK REGISTER

The Assistant Chief Fire Officer (Service Delivery (ACFO (SD)) advised that a review of the Corporate Risk Register had recently taken place to ensure it reflected best practice. The Register was updated on a monthly basis with any areas of concern being referred to the Service Leadership Board. Four of the risks currently ranked as 'red' were due to move down to 'amber' or 'green' during the next year.

Members were advised that some of the findings associated with Technical Fire Safety of the Fire and Rescue Service Inspection conducted by Her Majesty's Inspectors were considered unduly harsh since they focussed on the quantity of outputs rather than the quality. Furthermore, following the fire at Grenfell Tower in 2017, we had assessed the safety of 58 high rise blocks in the Avon area, which had not been taken into consideration. The public inquiry regarding Grenfell Tower was still ongoing and findings were not expected until the end of 2019. In the meantime, Fire and Rescue Authorities were committed to reviewing safety in any buildings over 6 floors.

A point of clarification regarding the 'transfer' of risks was provided by Officers, setting out that in some instances the risk was not owned by the Fire Authority, meaning that other organisations, for example the owner of a building, must ultimately be responsible for carrying out required measures. Officers confirmed that the Fire Authority made an average of 6 prosecutions per year for safety breaches and had a 100% success rate. Work was taking place at national level to review the safety arrangements in respect of 'Air bnb' properties, which were currently largely unregulated.

It was confirmed that risks CRR12 and CRR13 were both assessed at 'tolerate' level, which was not reflected consistently in the report due to technical issues.

Members thanked officers for the update, commenting that the quality of the Risk Register had improved considerably.

12. NEW CONSTITUTION – REFERRAL FROM THE FIRE AUTHORITY

Members were invited to provide any observations on the draft revised Constitution. They commented as follows:

- The Constitution was a large, complex document and may be better reviewed in smaller sections.
- There was concern that the procurement guidance contained within did not need to be included in the Constitution, although the Clerk confirmed that was standard practice for all local authorities.
- It was possible that the decision to delegate financial issues to the Chief Fire Officer placed that individual at risk and may need to be revised.

The Clerk advised that the final draft version of the Constitution would be available shortly after the Constitution Working Group meeting on 18 March 2019. Members were asked to submit any amendments to the Constitution, in writing, before 26 March 2019, so they could be formally moved and debated at the next meeting of Avon Fire Authority. The relatively short timetable was noted and the Clerk agreed to discuss with the Constitutional Review Group the draft Constitution by chapter being shared as soon as possible.

13. DATE OF NEXT MEETING – FRIDAY 24 MARCH 2019 (10.30am) AT BATH FIRE STATION

It was noted that that due to the proximity of the local elections the membership of the Committee may not be finalised before the next meeting. If problematic, the Annual Governance Statement could be signed off by Members remotely.

14. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that the public be excluded from the meeting during the following items of business on the grounds that they contained exempt information pursuant to Schedule 12A, Part I of the Local Government Act 1972 and that in accordance with Schedule 12A, Part II, paragraph 10 of the Local Government Act 1972 the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

15. CONFIDENTIAL NOTES OF THE ORDINARY MEETING HELD ON 7 DECEMBER 2019 (INQUORATE)

Deferred

16. CONFIDENTIAL MINUTES OF THE EXTRAORDINARY MEEING HELDON 31 JANUARY 2019

Deferred

17. PROVISION OF IT HELPDESK AND SUPPORT SERVICES – IMPLEMENTATION PROGRESS

The Deputy Director of Corporate Services provided an update advising that work was underway to enable transition to the new IT Helpdesk Contractor to take place in April 2019, which included relevant data sharing arrangements.

18. AUDITOR'S DUTIES AND LIABILITIES – NEXT STEPS

It was agreed that the matter be referred to the next meeting of Fire Authority for discussion.

The meeting closed at 11.44pm.

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Chair

14 MARCH 2019

PRESENT: Councillors Butters, Davies (D), Davis and Johnson,

The meeting started at 10.33am.

19. APOLOGIES FOR ABSENCE

Apologies had been received from Cllrs Lake and Pomfret.

20. EMERGENCY EVACUATION PROCEDURES – The Assistant Chief Fire Officer (Service Delivery Support) (ACFO (SDS)) drew attention to the emergency evacuation procedures as set out in the Agenda.

21. DECLARATION OF INTERESTS – The Chair drew attention to the requirements of the Code of Conduct as set out in the Agenda.

22. CHAIR’S BUSINESS

As Cllr Lake had sent apologies, it was agreed that Cllr Davies (D) would take the Chair.

23. MINUTES OF THE MEETING OF THE DIVERSITY, INCLUSION, COHESION AND EQUALITY COMMITTEE HELD ON 6 DECEMBER 2018

The Inclusion & Diversity Manager (IDM) requested the following corrections to the minutes:

1) Minute 15

That the words “and a plan developed” should be added to the first bullet point, so that the minute reads as follows:

“The outcomes of the Cultural Review of the Fire Authority were being considered and a plan developed.”

2) Minute 15

In the ninth bullet point, the words “support the race equality strategic leaders group” should replace the words “launch a Strategic Plan”, so that the minute reads as follows:

“A jointly funded co-ordinators post was being created in order to support the Race Equality Strategic Leaders Group.”

3) Minute 16

In the third paragraph the word “Equalities” should be replaced by the word “Equality”, so that the minute reads as follows:

“The Diversity & Inclusion Manager responded by confirming that the findings would be taken into account when developing the Diversity, Inclusion, Cohesion and Equality Strategy.”

4) Minute 16

In the ninth paragraph the word “Network” should replace the word “Forum”, so that the minute reads as follows:

“Cllr Pomfret went on to mention the Staff Engagement Network, requesting clarification regarding the membership.”

5) Minute 16

In the tenth paragraph the words “Three candidates” should be replaced by the work “Two candidates”.

With the amendments detailed above, the minutes were approved as an accurate record of the meeting.

24. PUBLIC ACCESS – None.

25. DIVERSITY, INCLUSION, COHESION AND EQUALITY (DICE) UPDATE AND CULTURAL FRAMEWORK

The IDM presented a report which updated Members on the key work streams taking place within the DICE work area.

It was explained that work was taking place in the following areas:

- A draft plan to improve the culture of the organisation had been produced and would be published later in the year.
- Planning for the next HQ Open Day was underway.
- A cultural awareness tour has taken place with five Members in attendance.
- DICE team have contributed to the action plan to answer HMICFRS concerns.
- DICE staff had contributed to the LGA Peer Review.
- Consultation events have been run in the community about the draft Service Plan.
- Talking Menopause workshops have been conducted with the Police.
- Two members of staff have been accepted on to the Stepping Up programme.
- Training events on “Building leadership for inclusion” have taken place.
- The long-term approach to recruitment is being reviewed through a cross-organisational team.
- The DICE Project Initiation Document (PID) should be completed by the end of April 2019.
- Meetings to discuss the possibility of setting up a Disabled Staff Network will take place in March 2019.
- Connections with South West Office of Guide Dogs have been made leading to home fire safety visit referrals and training for Fire Authority staff on sight loss awareness.

The ACFO (SDS) said that the HQ Open Day would be used to promote the Fire Authority as the employer of choice to local young people. It was explained that the HQ Open Day was a very popular event, attended by 7,000 people each year. In addition to the Police, other partners from the Avon and Somerset area also attended.

Cllr Davies (D) was concerned that Portishead was not a central location for the Fire Authority, and that the event was dominated by the Police. He asked the Fire Authority to consider having its own open day in a more central location, and felt that the Fire Authority was failing to reach groups who may not have considered the Fire Authority as an employer.

The ACFO (SDS) explained that there were many open days run in local Fire Stations in addition to the HQ Open Day. We were taking a more active role in running the HQ Open Day in 2019, and it was hoped that this would give the Fire Authority more profile during the event. Further information was given about local open days which were well-attended, popular events. The ACFO (SDS) said that other central locations would present different accessibility challenges to other local residents.

Cllr Davies (D) suggested that there should be an official annual launch of local fire station open days to encourage local people to put the dates in their diaries and visit local fire stations.

The ACFO (SDS) said he would pick this suggestion up with the events team. He said that he was mindful that there was just one marketing / events person on the staff of the Fire Authority.

Cllr Butters asked how tickets were allocated to the HQ Open Day, and it was explained that the Police tickets were allocated on a first-come first-served basis, most of the attendees were North Somerset residents, and that the tickets were all taken very quickly. Last year the Fire Authority's tickets were allocated to schools, and transport provided, to encourage those from other areas to attend and consider a career with the organisation.

Cllr Davis stated that local youth clubs would be interested in visits from firefighters and suggested that local fire station staff would be well placed to know where to find "hard to reach" young people.

The Diversity, Inclusion, Cohesion and Equality Officer indicated that discussions with Temple Fire Station staff would begin soon regarding involvement in forthcoming events such as Pride and the St Paul's Carnival.

Cllr Johnson asked for more information about the Fire Authority's use of Ujima Radio, which celebrated African and Caribbean cultures in Bristol. The ACFO (SDS) responded that Ujima Radio and BCfm were used to deliver community safety messages and other matters such as. It was the intention of the Fire Authority to build sustainable relationships with such organisations.

Cllr Johnson stated that she felt that these radio stations could really help the Fire Authority reach different audiences and that by having regular contact with them it would remind the presenters to naturally include references to the work of the Fire Authority in their day-to-day presenting. Cllr Johnson noted

that historically people from some communities had not felt that they were included and stated that all parts of the community need to know that the Fire Authority is talking to them.

With reference to the Cultural Awareness Tour, Cllr Johnson stated she had recently attended a tour and, having been initially sceptical about the lack of inclusion of Christianity in the tour, she now understood why the tour took the approach it had done. She had found the tour to deliver more than expected, including not just religion but a whole range of life experiences. She had therefore learned things and acquired a different perspective.

The IDM said that it would be helpful to include awareness of the Jewish community in future events.

Cllr Butters stated that time may be a constraint as the tour already occupied a full day. He noted the learning he had acquired about the problems faced by the Gypsy and Traveller community. Cllr Butters stated that it had been a fascinating day and that he felt that Stand Against Racism & Inequality (SARI) must be a leader in the country in the work of providing support and education in diversity and ethnic awareness.

Cllr Butters asked if SARI were involved in Fire Authority recruitment. It was explained that SARI have been helpful in distributing recruitment material.

Cllr Davis contributed that it was helpful to understand more about the problems that people in different communities faced, he realised that religion was often a secondary factor.

Cllr Johnson stated that religion was just one aspect of life and that the SARI tour had introduced people who had spoken of the whole experience of life, for this reason it had been an extremely positive and useful day. She noted that keeping Jewish people safe was important.

The IDM stated that DICE work was not an optional add-on but was integral to keeping people safe in the community.

Cllrs Johnson and Butters noted that the Chinese community were significant ethnic minorities in the Bristol and Bath areas.

The ACFO (SDS) supplied an update about recruitment to full time firefighter roles, making the following points:

- The team met fortnightly to look at the staffing profile of the organisation. Vacancies, transfers and promotions were examined during this meeting.
- A longer term view was taken of the need for firefighter recruitment, looking a year in advance at planned retirements.
- Retirement has become more difficult to predict since changes in the pension scheme have allowed firefighters to work until 60 years of age (although pensions can still be taken from age 55 years).
- The strategy for new entrants is regularly reviewed. Training school dates must be agreed in advance with the Severn Park Fire Training

Centre in September for a training school planned to begin the following spring or summer.

- The recruitment process for the May 2019 training school had very recently been completed.
- Two spaces this year had been allocated to those transferring from the on-call duty system to the full-time duty system. These spaces were filled by a competitive process within the Fire Authority.
- A further 17 spaces had been filled by general recruitment from local residents.
- Of the 17 recruits:
 - Three were already firefighters (either within other Fire and Rescue Authorities (FRAs) or in the Fire Authority's own on-call duty system).
 - Three were female, one of whom was Eastern European.
 - Fourteen were male, one of whom was Eastern European.

Cllr Johnson asked for confirmation that none of the recruits were black and it was confirmed that none were.

The ACFO (SDS) confirmed that:

- There would be an analysis of the recruitment process.
- It was not likely that a group had been disadvantaged during the process.
- All scores were moderated.

Cllr Johnson asked questions about why East Europeans were considered an ethnic minority. In response the ACFO (SDS) and the IDM confirmed the following:

- Eastern Europeans could be removed from ethnic minority categories if so determined by the organisation.
- Black and Minority Ethnic (BME) includes those from white minority ethnic communities.
- It was acknowledged that what the public think of as BME would not necessarily include Eastern Europeans.
- The organisation was planning to look at the categorisation, and would explore bringing this work forward sooner.

Cllr Johnson was concerned that by including Eastern Europeans as BME the Fire Authority was able to claim there was diversity which was not the reality in the organisation. She stated that she was glad that the Fire Authority was being open about this but was concerned that the categories were misleading and potentially deceptive.

Cllr Davis agreed that the public seeing a fire appliance go past with all white faces in it would assume that there was no BME representation in the Fire Authority.

It was explained that:

- Applications were tracked through the process, based on protected characteristics, and that no one group had been disproportionately likely to fail any particular test, except for female applicants who were more likely to fail the strength test.
- It was felt that the solution was to increase the size of the pool of applicants at the beginning of the process.
- Overall there had been fewer applicants and no significant increase in the percentage of BME applicants overall, but the quality of all applications had been better in the recently completed recruitment strategy.
- Female applicants had been given additional input to support them to prepare effectively for the strength test.
- Further analysis would follow.

A further discussion on the definition of BME took place with Cllr Butters and Johnson seeking clarification. Information provided indicated that:

- There was no single agreed definition of BME.
- Members of the Eastern European communities also suffered from racism and bigotry.
- Members of the black and Asian communities faced specific challenges.
- Categorisation was based on self-identification.
- It was good to be transparent and continue to work to ensure that these issues are tackled.

Cllr Johnson stated that it appeared that the “White British” category was the supreme category and everyone else was “Other”. She felt that non-white people had a particular experience and was concerned that the Fire Authority could continue to staff itself with white firefighters who were from Latvia and France for example, which could appear to indicate that the Fire Authority was integrated when it was not.

In response Officers explained that the workforce breakdown gave a more accurate reflection of the background of staff. Officers stated that they understood Members’ concerns, it was explained that in the 2018 recruitment round three BME firefighters had been recruited and that in the next one another different outcome would be the expected. The team would be examining the issue and bringing forward plans in due course, these would be included in the DICE Strategy.

The Chair noted that in his ward Eastern Europeans were the largest ethnic minority group, he felt it was important to be sensitive to their needs and concerns. He stated further concerns about the recruitment strategy of the Fire Authority, saying that:

- All lead inspectors are ex-military or ex-Fire Authority senior staff.
- FRAs were ignoring the potential of graduate recruitment to attract those in search of an organisation with a strong career structure and good promotion opportunities.

- Those with aspirations towards leadership may be put off by the current recruitment strategy.

The Chair asked if the Fire Authority should think about:

- Recruiting to an accelerated programme which would identify talent and fast track relevant people through the ranks to leadership positions.
- Whether it was recruiting the right people.
- Whether it was reflecting the community well.
- Whether it needed to do things differently.

The ACFO (SDS) responded saying:

- The Fire Authority used a skills, behaviour and values based assessment process which was transparent.
- Young people's aspirations have changed over the years.
- Recruitment focus has been on demonstrating the full range of career and leadership opportunities not solely the firefighter roles.
- Particular tests are necessary to fill operational roles but this does restrict some aspects of recruitment.
- Nationally there is single-tier entry into FRAs, and the firefighter role is the only one which is promoted. There is a need to promote the whole set of career options which are available in the Fire Authority by changing marketing.
- The recruitment process is compliant with the law and the Fire Authority was constantly learning and tweaking its processes to ensure it developed greater diversity.

The Finance Manager suggested that it would be helpful if parents also had greater awareness of the opportunities available within the Fire Authority so that when they were guiding young people towards careers and employers they were more likely to recommend the Fire Authority.

Cllr Butters asked what percentage of the new recruits could be expected to have been promoted within the next five years. It was confirmed that the Fire Authority did not have the information available regarding promotions within a five year window. However, the Home Office was leading a campaign to promote the work of firefighters, and direct entry was possible into a higher level within FRAs. For example, Members were informed that the Chief Fire Officer of the Kent Fire Service was a former Human Resources Director who had applied for the post of CFO and subsequently been trained to be a Gold Commander.

Other information provided to Members was as follows:

- The Fire Authority had the option in the future of advertising operational roles at all ranks externally; in this way it might be possible to recruit in a greater level of diversity.
- The next recruitment round will begin in early 2021. Work would take place in advance of that date to improve the processes and outcomes.

- In the past there had been up to 1,000 applicants for every place, so although the process is very competitive, the number of applicants per place has fallen greatly to approximately 50 applicants for every place.
- In more recent years the number of applications for many local authority jobs had reduced, but very recently the Fire Authority had noticed an increase in the number of applicants for some corporate staff roles.

RESOLVED to note the report.

26. ANNUAL REVIEW OF EMPLOYMENT CASES 2018/19

The ACFO (SDS) explained that the HR Manager sent her apologies as she was not able to attend. The ACFO (SDS) would be presenting the report in her absence. During the presentation the following key points were made:

- From 1 April 2018 to 28 February 2019 there were three grievances registered, this was a significant reduction compared to 11 in the previous whole year.
- The grievances all related to culture, working relationships and / or bullying and harassment. Two of the grievances had been registered by female operational personnel and one was a collective grievance about management style / culture.
- Investigations of grievances were seldom quick, and it was important to make sure that the investigation kept moving and was also thorough and robust. It was recognised that lengthy periods of time taken to investigate grievances were not good for any of those involved.
- The Cultural Review finding that there was a strong command and control style which included bullying behaviours and the dominance of the wholetime, primarily male, workforce was acknowledged.
- Overall the number of grievances was low for an organisation with over 800 employees, however female operational staff were more likely to raise a grievance than their male counterparts. There was awareness that there were few female managers within the Fire Authority and therefore a decision had been taken to appoint independent external investigators when appropriate to ensure that the process was free from bias.
- With regard to discipline, there had been 12 disciplinary cases from 1 April 2018 to 28 February 2019, in the previous whole year there had been 16.
- Seven of the cases had been recently instigated and therefore investigations were ongoing. Three of the disciplinary cases involved bullying and harassment, all these involved female staff.
- The cases highlighted the need to develop leaders and managers.

Members were asked if the information provided to them was what they required.

The Chair said:

- That it would be good to know the outcomes of the cases in due course.
- Members had to stay focussed on strategic matters rather than operational matters.
- It was disappointing, but not surprising, to learn that female staff were more likely to raise grievances and to be subject to bullying and harassment.
- It was disappointing to note the lack of female managers and it was important that all managers in the Fire Authority were capable of leadership.
- Better leadership should resolve many of the grievance and disciplinary cases at an early stage, making a better experience for all involved.

The ACFO (SDS) acknowledged the validity of the Chair's comments, and added the following information:

- At the end of each investigation the organisation considered the case to ensure that learning points were noted and acted upon.
- It had been recognised that all the investigation work had been carried out by a small group of uniformed staff, rather than by managers across the whole organisation.
- If more managers were involved then there would be reduced personal bias and the organisation would benefit from different viewpoints and empathy.
- The Cultural Survey had indicated that middle managers were feeling overworked and there was overlap with the same narrow group of people conducting investigations, therefore it was hoped that involving some additional external investigators would help.

Cllr Davis agreed with Cllr Davies, and noted that better communication at an early stage would help deal with problems more effectively and also save money.

Cllr Johnson acknowledged that it was hard work to change the culture of any organisation. She offered her sympathy to those pushing the organisation to change and encouraged them to keep going. She said that speaking as a black female she felt that breaking down stereotypical attitudes towards women may be harder than breaking down stereotypical attitudes towards BME people. Cllr Johnson also noted that there could be a connection between high stress workplaces and bullying, where people who experience a great deal of stress become bullies. She therefore felt it was important that the Fire Authority was proactive in accessing counselling for those that needed it.

The ACFO (SDS) catalogued the range of support available to employees of the Fire Authority who were experiencing stress at work or at home. This included:

- A welfare officer allocated to those involved in particular events.
- Trauma Risk Management (TRiM) – a trauma-focused peer support system.
- Blue Light Mind Champions throughout the organisation at all levels.
- Occupational Health
- Confidential Counselling
- Employee Assistance Programme
- Mental Health and Welfare Officer
- Health and Fitness Advisor
- Support offered to those who were returning to work.
- Wellbeing spaces to provide quiet space within and outside stations.
- Promoting the values of empathy and communication within the organisation to encourage all colleagues to support each other.
- Signposting towards support phone lines including the MIND Blue Light Infoline and the Samaritans

Cllr Johnson suggested that the Bristol Crisis Service for Women might be a useful further resource.

Cllr Butters asked what kind of sanctions would be applied where a bullying and harassment case was proven. He asked how many dismissals were made for this kind of behaviour. The ACFO (SDS) answered that there were few dismissals. Each case was different and it was difficult to generalise.

Cllr Butters stated that it was good to avoid dismissals but that sometimes if employees cannot learn to behave more appropriately it may be the only answer.

Cllr Davis stated that the purpose of the disciplinary process was to improve the person and the organisation.

RESOLVED to note the report.

27. DATE OF NEXT MEETING – TO BE CONFIRMED.

Meeting closed at 12:15 pm.

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Chair

**AVON FIRE AUTHORITY
PERFORMANCE REVIEW AND SCRUTINY COMMITTEE
14 MARCH 2019**

PRESENT: Councillors Davies (D), Davis (Chair), Phipps and Shelford.

The meeting started at 1.30pm.

35. APOLOGIES FOR ABSENCE

Apologies were received from Cllrs Eddy and Ashe. Cllr Williams was absent.

36. EMERGENCY EVACUATION PROCEDURES – The Assistant Chief Fire Officer (Service Delivery Support) (ACFO SDS) set out the emergency evacuation procedures.

37. DECLARATION OF INTERESTS – None.

38. CHAIR’S BUSINESS - None.

39. MINUTES OF THE MEETING OF THE PERFORMANCE REVIEW AND SCRUTINY COMMITTEE HELD ON 15 FEBRUARY 2019

RESOLVED that the minutes of the Committee should be signed by the Chair as an accurate record of the meeting.

40. PUBLIC ACCESS - None

41. PERFORMANCE REPORT

The Corporate Performance Manager (CPM) presented the report quantifying that as the last meeting had taken place in February, there have not been any substantial changes in the data. The report outlined data for the period from April 2018 to January 2019.

The CPM pointed out that there has been a delay in obtaining the incident benchmarking data which is collated externally. He confirmed that all efforts will be made to obtain the data as quickly as possible.

The CPM drew Members’ attention to the sickness absence data which was still off target but improvement had been made. The CPM mentioned that he has written to several other Fire and Rescue Authorities (FRAs) who are performing well in respect of sickness levels, to ask them to share their best practices. At present, our current level is 9.23 days lost per employee against a target of 7.5 days.

The current completion levels for Staff appraisals are 89% against a target of 95%. The CPM commented that by targeting the relevant line managers, it is anticipated that this could increase to 90% by the end of February 2019.

Cllr Phipps commented that unfortunately there was still an ongoing issue with staff sickness.

The CPM advised that that a proportion of the other FRAs do not submit sickness information so we need to understand best practices and make sure that we are reporting our sickness data correctly.

The CPM advised Members' that we were taking part in a benchmarking exercise with 5 other FRAs. The purpose of this will be to compete against the other FRAs to reduce overall energy consumption at station level over the winter period.

Cllr Davies (D) enquired as to which FRAs would we be benchmarked against, as this could make a difference to the results. The CPM advised that we were in Family Group 4, which contains similar sized FRAs and was based around the size of population served.

Cllr Shelford noted from Appendix 1 that there had been 42 at-fault vehicle incidents. He asked for further information regarding whether these had occurred whilst on the way or on the way back from an incident. The Health, Safety and Welfare Manager (HS&WM) confirmed that this data was contained in the Annual Health and Safety Report.

Cllr Shelford commented that he would be interested to see if the results highlighted any common themes. For example, if a crew were full of adrenaline on the way to an incident or tired on the way back and subsequently risks were taken. The HS&WM confirmed that it was a split between both scenarios but more likely on returning to station. He pointed out that these incidents do also occur when appliances have to negotiate narrow streets and poor parking.

Cllr Shelford asked whether consideration had been given to:

1. Whether the additional paperwork required after these small incidents affects our operational output and ability to attend the next call out.
2. Providing another driver, who had not been involved in the incident, to collect the appliance which may reduce the likelihood of an incident

In addition, Cllr Shelford enquired whether there was a theme to these incidents and asked if any proved fatal whether we could be confident that we had taken steps to prevent this.

The ACFO (SDS) explained that the numbers of incidents reported were very low compared to the large number of vehicle movements made each year, and the majority were slow speed incidents. In addition, all front line vehicles have been fitted with cameras.

The HS&WM confirmed that this data is reported within the Health & Safety report and he would be able to drill down further if necessary. Cllr Shelford confirmed that he would like to have some further information. The HS&WM confirmed that the report was issued within the papers for the previous committee meeting which are available online.

Cllr Phipps asked whether the Fire Authority had signed up to the 'Time to Change' Mental Health Charter. The ACFO (SDS) confirmed that this had been signed around 18 months ago. A number of other initiatives have also been signed up to including the Blue Light and Oscar Kilo Programmes. Cllr Phipps mentioned that the Fire Authority had not been mentioned in a list of sign-ups that she had recently seen. The Chief Fire Officer / Chief Executive (CFO) advised that this would be looked into and we would sign up if required.

42. IMPROVEMENT PROGRAMME – RECOMMENDATIONS FROM THE IMPROVEMENT WORKING GROUP

The Area Manager (Internal Improvement Team) (AM (IIT)) advised Members that Recommendations 5 (2), 5 (3), 17, 23, 24, 37, 36, 57 and Work Packages 10 (8), 10 (12), 25 (1) and 25 (4) were presented to, considered and signed off by Members at the earlier Improvement Working Group today. All the documents are on Basecamp.

RESOLVED to confirm that the recommendations and work packages mentioned would be considered by the Fire Authority for approval at their next meeting.

43. OSHENS (WELLWORKER) - DEMONSTRATION

Following an action at the last meeting, the HS&WM gave a demonstration of the OSHENS system to Member'. The demonstration included how an incident is recorded onto the system and how the information is collected and progressed until closure.

Cllr Shelford thanked the HS&WM for the demonstration and that he had gained a better understanding of the system.

Cllr Shelford asked who would normally input the details of an incident into OSHENS. The HS&WM responded that all staff were able to add and update details and that this is not limited to a Watch or Crew Manager.

Cllr Shelford enquired how long it takes to log an incident and the HS&WM responded around 10 minutes. Cllr Shelford expressed concern about the numerous actions/activities that must be completed after a shout and asked for further details. The CFO advised that although this was dependent on the incident, the crew would be required to arrange the kit ready for the next shout, and the Watch Manager would be required to produce a fire report plus other reports if necessary. For serious incidents the Duty Principal Officer would be informed and actions instigated, for instance to obtain witness statements and key information.

The CFO explained that along with logging details onto OSHENS, depending on the seriousness of the incident there were other protocols to follow. An investigation may follow with involvement of other agencies such as the Police and Health & Safety.

Cllr Shelford agreed that processes and procedures needed to be in place.

The HS&WM mentioned that the information keyed into OSHENS has been invaluable when fighting legal cases and has saved money in the long term, along with the footage from CCTV on the appliances.

Cllr Phipps asked about the root cause analysis for incidents as they are not always as they initially appear. The HS&WM agreed that sometimes the cause is more obvious. If colleagues are unsure Health & Safety will help users to complete OSHENS to ensure consistency around root causes.

The Assistant Chief Fire Officer (Service Delivery) (ACFO SD) commented that training had been introduced to minimise these incidents, along with reviewing and updating policies. For example, training sessions for driving at slow speeds (when returning from an incident) and guidance when reversing an appliance.

The CFO commented that organisational learning is provided from the data stored in OSHENS. In addition, if there is learning from an incident de-brief, these will be shared nationally to ensure we are learning and sharing best practices.

The HS&WM provided an update on the proposed Business Case to provide an in-house physiotherapist. He confirmed that the current Fitness Adviser's role does not include physiotherapy as he does not hold the necessary qualifications. However, he added that the shortlist for the Health and Wellbeing Advisor role contained several applicants who are trained physiotherapists. Interviews will take place on 25 and 27 March 2019.

44. DATE OF NEXT MEETING – to be confirmed.

45. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that the public be excluded from the meeting during the following items of business on the grounds that they contained exempt information pursuant to Schedule 12A, Part I of the Local Government Act 1972 and that in accordance with Schedule 12A, Part II, paragraph 10 of the Local Government Act 1972 the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

46. CONFIDENTIAL MINUTES OF THE ORDINARY MEETING OF THE PERFORMANCE REVIEW AND SCRUTINY COMMITTEE HELD ON 15 FEBRUARY 2019

RESOLVED that the minutes of the Committee should be signed by the Chair as an accurate record of the meeting

The meeting closed at 2.20pm.

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Chair

MEETING:	Fire Authority
MEETING DATE:	26 March 2019
REPORT OF:	The Clerk
SUBJECT:	Report from the Constitutional Review Working Group – Supplementary Report

1. SUMMARY

The purpose of this report is to present to the Fire Authority the final proposals of the Constitutional Review Working Group (CRWG) following its meeting on 18 March 2019.

2. RECOMMENDATIONS

The Fire Authority is asked to:

- a) Approve the New Constitution after having considered any amendments submitted by Members in accordance with the timetable agreed with the Chair of the Fire Authority.
- b) Approve the revised committee structure for the Municipal Year 2019/20.

3. BACKGROUND

Introduction

- 3.1. The CRWG met for the 7th time on 18 March 2019 to consider feedback received from Members on the draft New Constitution considered at the Fire Authority’s meeting on 20 December 2018.
- 3.2. This report is supplementary to the report at Item 11 on the agenda which Members have already received.

Proposed New Constitution

- 3.3. The **Appendix** contains the amendments that the CRWG will move to the draft Constitution at the meeting.
- 3.4. In terms of Chapter 5 (Contract Procedure Rules) Members were advise at the December meeting that new procurement rules had been developed via

the Procurement and Transport Improvement Board (PTIB). However, following staff consultation it became clear that the organisation was not equipped in the short term to implement the new rules. It was reported that due to operational resources and capacity within the Procurement & Supplies Team in particular, and the wider organisation in general, it was not considered feasible to undertake this level of organisational change until staff concerns had been addressed. This is still the position. Therefore, the current rules are set out in Chapter 5 (Contract Procedure Rules) with one proposed amendment relating to the removal for the requirement for bids for purchases under £10,000.

- 3.5. The CRWG is also proposing that Employer Representatives on the Local Pension Board should be paid a special responsibility allowance to reflect the additional training and expertise they need to acquire to fulfil that role.

Revisions to the Committee Structure

- 3.6. The CRWG has reviewed the current committee structure and believes that after over 2 years of operating the current system a change is appropriate.

- 3.7. The CRWG has identified from the current terms of reference 9 functions that the committees oversee:

- Audit
- Employment issues
- Equalities
- Strategy
- Governance
- Risk Management
- Finance
- Performance Review
- Ethics

- 3.8. In order to increase the effectiveness and Member engagement the CRWG is proposing a reduction in the number of committees from 5 to 3 as follows:

1. Performance and Audit – covering audit, risk management, governance and performance review. 7 Members with a quorum of 3.
2. People – employment issues and equalities. 9 Members with a quorum of 4.
3. Finance, Strategic Direction and Ethics – financial monitoring, strategy development and ethics. 7 Members with a quorum of 3.

- 3.9. It is proposed that the terms of reference for the new committees be presented to the Annual Meeting of the Fire Authority in June 2019.

4. CONSIDERATIONS

4.1. Contribution to Key Policy Priorities

These are set out in the main report.

4.2. Financial Implications

None identified.

4.3. Legal Implications

None identified.

4.4. Equality & Diversity Implications

None identified.

4.5. Corporate Risk Assessment

None identified.

4.6. Environmental/Sustainability Implications

None identified.

4.7. Health & Safety Implications

None identified.

4.8. Crime & Disorder Implications

None identified.

4.9. Data Protection Implications

None identified.

5. BACKGROUND PAPERS

None

6. APPENDIX

None

7. REPORT CONTACT

Guy Goodman, the Clerk, extension 231.

Disciplinary Procedure

1 Application

- 1.1 This policy applies where there is a complaint and/or allegation of improper conduct and/or inadequate capability against a Principal or Statutory Officer, including the Chief Fire Officer (**CFO**) (an **Officer**).
- 1.2 This policy does not form part of any employee's terms and conditions and does not have contractual effect. There may be occasions when the Authority considers it appropriate to change or omit parts of this procedure.

2 Preliminary Investigation

- 2.1 If a complaint is made regarding, or evidence exists of improper conduct by, or inadequate capability of an Officer, the CFO and/or the Chair of the Fire Authority ("the Chair") will request another senior officer to undertake a preliminary investigation into the matters alleged. In the case of the CFO, the Chair will request that the National Fire Chief Council provide an officer from another Fire and Rescue Service to undertake the preliminary investigation.
- 2.2 The officer who undertakes the preliminary investigation (the **Preliminary Investigator**) will act as expeditiously as possible to determine whether a prima facie case of misconduct or inadequate capability exists.
- 2.3 The Officer will be notified of the allegations being investigated as soon as possible, and will be able to make brief representations to the Preliminary Investigator.
- 2.4 If, following the Preliminary Investigation, the Preliminary Investigator considers there is a prima facie case to answer against the Officer, he or she will report to an Employment Committee Panel (**ECP**). Where the Preliminary Investigator considers there is no case to answer, he or shall report to the ECP accordingly.
- 2.5 The ECP shall determine whether to take any further action, or to appoint an independent investigator to undertake a full investigation (the **Independent Investigator**) of the matter. The decision of the ECP shall be communicated to the Officer as soon as reasonably practicable.
- 2.6 Where it is determined that full investigation is required, the ECP shall approve written Terms of Reference for the Independent Investigator.

3 Suspension

- 3.1 The Authority has the right to suspend the Officer in appropriate circumstances.
- 3.2 In most circumstances any decision to suspend will be taken when the outcome of the preliminary investigation is reported to the ECP. In cases involving the need to take urgent action, the decision to suspend may be taken by the Chair and CFO jointly, pending reference to an ECP. Where the

complaint/allegation/s relate to the CFO, the Chair, in conjunction with the Vice Chair and the Chair of the ECP (or their nominees) will make the decision to suspend as an ad hoc ECP.

- 3.3 Suspension is a neutral act and on full pay. The suspension will be kept under regular review by the ECP and shall be no longer than reasonably necessary in the circumstances.

4 **Independent investigation**

- 4.1 The Independent Investigator shall be a person not employed by the Fire Authority or Service and who does not have prior knowledge or involvement in the issue/s to be investigated.
- 4.2 The Independent Investigator shall be experienced and qualified HR Professional with experience of in undertaking HR investigations.
- 4.3 The Independent Investigator shall act as expeditiously as possible, and in accordance with the written Terms of Reference. The Independent Investigator shall undertake a reasonable and fair investigation in order to determine, on the balance of probability, whether in his or her view, there is a case to answer.
- 4.4 The Independent Investigator shall make a full written report setting out his or her investigation and recommendations (the **Investigation Report**) to a differently constituted ECP (the **Disciplinary Panel**). The Disciplinary Panel shall determine whether a disciplinary hearing is appropriate in the circumstances.

5 **Disciplinary hearing**

- 5.1 Where it is determined that a disciplinary hearing is appropriate, suitable arrangements shall be made for the allegations to heard by the Disciplinary Panel at a disciplinary hearing.
- 5.2 The Officer shall be invited to the hearing and shall be provided with sufficient notice of the hearing and, in any event, no less than 7 calendar days' notice. The Officer has the right to be accompanied to the hearing by a colleague or trade union official (**Companion**).
- 5.3 The invitation to the hearing shall set out the allegations to be considered and the potential outcomes/sanctions. The Officer shall be provided with a copy of the Investigation Report and any supporting evidence in good time before the hearing.
- 5.4 The Chair of the Disciplinary Panel shall have conduct of the hearing and shall outline the procedure to be followed at the outset of the hearing.
- 5.5 The Independent Investigator shall attend the disciplinary hearing to present their report and respond to any questions of the Disciplinary Panel, the Officer and/or the Companion regarding the Investigation Report.
- 5.6 Both the Officer and his or her Companion shall have the right to address the Disciplinary Panel. However, the Companion is not entitled to respond to questions addressed to the Officer.

- 5.7 The disciplinary hearing may be adjourned by the Chair at any stage if this appears necessary or desirable. The Officer may also request an adjournment for the purpose of consulting with their Companion. If the adjournment is for the purpose of enabling further information to be obtained, the Chair will specify the nature of the information. Any adjournment will normally be for a specified period of time.
- 5.8 Once all of the evidence has been heard, the Disciplinary Panel shall retire to make its decision. The Disciplinary Panel shall give an indication of the timeframe for the communication of the decision which shall not normally exceed 7 calendar days. Neither the Officer nor the Companion shall be present during the Disciplinary Panel's deliberations.
- 5.9 The Disciplinary Panel shall be advised by the Monitoring Officer (or an alternative suitably qualified nominee) and/or the Head of Human Resources (or nominee). In appropriate circumstances the Disciplinary Panel may also appoint an independent adviser to help and facilitate their decision and advise on questions of procedure.

6 **Sanctions**

- 6.1 The Disciplinary Panel will decide upon the appropriate disciplinary sanction including dismissal after full consideration of the Independent Investigator's report, and any representations from the Officer and/or the Companion.
- 6.2 The Disciplinary Panel will determine the procedure to be adopted at any disciplinary hearing.
- 6.3 The sanctions available may include:-
- 6.3.1 Recommendation for undergoing training
 - 6.3.2 Oral warning
 - 6.3.3 Written warning
 - 6.3.4 Demotion or change to duties
 - 6.3.5 Dismissal with or without notice

7 **Appeal**

- 7.1 If a sanction is imposed by the Disciplinary Panel, the Officer will have the right to appeal against the decision to a differently appointed ECP (the **Appeal Panel**).
- 7.2 The Officer must exercise their right of appeal in writing within 21 days of receipt of written confirmation of the Disciplinary Panel decision.
- 7.3 The notice of appeal should be addressed to the Chair of the Disciplinary Panel and should set out the grounds of appeal.
- 7.4 The Appeal hearing may either be a review hearing or a re-hearing, depending on the circumstances, including the grounds of appeal.

- 7.5 The Appeal Panel shall consider the evidence, the original Disciplinary Panel decision and any representations of the Office and/or the Companion as appropriate. The Appeal Panel may choose to order further investigation of the matter, and/or hear from any witnesses they see fit.
- 7.6 The sanctions available to the Appeal Panel are the same as for those of the Disciplinary Panel. The Appeal Panel may uphold the decision of the Disciplinary Panel or it may decide to vary the decision of the Disciplinary Panel. Unless there are exceptional circumstances (for example, evidence of further misconduct), the Appeal Panel will not usually impose a more severe sanction on the Officer than that imposed by the Disciplinary Hearing.
- 7.7 The outcome of the Appeal shall be communicated to the Officer as soon as reasonably practicable. There is no further appeal against the Appeal Panel's decision.