



**Agenda
for the Meeting
of the
Management Committee**

Tuesday, 9th April, 2024

At

6.30 pm

RBFRS Headquarters
Lynda Kenyon Suite
Newsham Court
Pincents Kiln
Calcot
Reading
Berkshire
RG31 7SD

For further information regarding this meeting, please contact:

Committee Team

0118 938 4611

E-Mail at committeeteam@rbfrs.co.uk

Headquarters, Newsham Court, Pincents Kiln, Calcot, Reading, Berkshire RG31 7SD



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DATE AND TIME: Tuesday, 9th April, 2024 at 6.30 pm

VENUE: Lynda Kenyon Suite
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Pincents Kiln
Calcot
Reading, Berkshire RG31 7SD

S U M M O N S

You are hereby summoned to attend the meeting of the Royal Berkshire Fire Authority at the time, date and venue indicated above, when it is proposed to deal with the business set out in the enclosed Agenda.

A handwritten signature in black ink, appearing to read 'Graham Britten'.

GRAHAM BRITTEN
Monitoring Officer

To: Members of the Management Committee:

Councillor Wendy Griffith	Councillor Jeff Brooks
Councillor Tina McKenzie-Boyle	Councillor Paul Gittings
Councillor Ishrat Shah	Councillor Pauline Helliard-Symons
Councillor Mike Smith	Councillor Rachelle Shepherd- DuBey
Councillor Helen Taylor	Councillor Simon Werner
Councillor Peter Frewer	

Copy to: Senior Leadership Team (SLT), Royal Berkshire Fire and Rescue Service

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AGENDA

1. Representative Bodies

Purpose:

The Chair may, at his discretion, invite the Representative Bodies present to address the Management Committee once on any Part I item, on the prerequisite that the Representative Bodies advise the Chair at the commencement of the meeting of those Agenda items they wish to speak to.

2. Apologies for Absence

3. Declarations of Interest

Purpose:

To receive Declarations of Interest from Members relating to items to be considered at the meeting, in accordance with the provisions of the Fire Authority's Local Code of Conduct, and any from Officers.

4. Minutes of the meeting held on 6 February 2024 (Pages 7 - 22)

Purpose:

That the Minutes of the meeting and any recorded actions held on 6 February 2024, be confirmed as a correct record and signed by the Chair.

5. Receipt of Announcements

Recommendation:

To receive announcements from the Chair and / or Chief Fire Officer.

6. Issues arising from the Audit and Governance Committee

Recommendation:

That it be noted that no reports have been referred by the Audit and Governance Committee.

7. Recommendation from Committees

Recommendation:

To note Item 8 was recommended from Thames Valley Fire Control Service (TVFCS) Joint Committee on Monday 18 March 2024.

8. Multi-Agency Incident Transfer (MAIT) Adoption (Pages 23 - 28)

Purpose:

To agree the MAIT contract and note the initial implementation costs will be recovered through Thames Valley Fire Control Service (TVFCS) revenue recharges aligned to the stipulations of the Inter-Authority Agreement.

9. Cultural Development Update (Pages 29 - 34)

Purpose:

To note the Cultural Development Update report.

10. Statutory Powers (Pages 35 - 68)

Purpose:

To note the Statutory Powers report (Appendix A).

11. Discipline and Complaint Effectiveness Assessment (Pages 69 - 90)

Purpose:

To note the details of the Discipline and Complaints Effectiveness Assessment report.

12. Forward Plan (Pages 91 - 92)

Recommendation:

To note the Forward Plan.

13. Date of next meeting

Monday 22 July 2024, 6.30pm at RBFRS Headquarters, Newsham Court, Pincents Kiln, Calcot, Reading RG31 7SD.

14. Exclusion of the Public (*Pages 93 - 94*)

Recommendation:

To Resolve that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following Agenda Items on the grounds that they involve the likely disclosure of exempt information, as defined in the Paragraph 3 of Part I of Schedule 12A of the said Act indicated and is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Categories of 'Exempt Information' under Schedule 12A of the Local Government Act 1972.

15. Part II Minutes of the meeting on 6 February 2024 (*Pages 95 - 98*)

Purpose:

That the Part II Minutes of the meeting and any recorded actions held on 6 February 2024, be confirmed as a correct record and signed by the Chair.

16. Whitley Wood Firehouse Contract Cost Waiver (*Pages 99 - 102*)

Purpose:

To approve the aggregated costs waiver for the operationally critical works carried out on the Whitley Wood Training Centre firehouse facility.

17. Retrospective Report on a Contract Waiver for Sage 1000 Support and Maintenance (*Pages 103 - 108*)

Purpose:

To note the report and waiver to Contract Standing Orders for Sage 1000 Support and Maintenance.

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MINUTES OF THE MEETING OF THE MANAGEMENT COMMITTEE

Held on Tuesday, 6th February, 2024 at 6.30 pm

RBFRS Headquarters, Pincents Kiln, Calcot, Reading RG31 7SD.



- Members:**
(*present)
- * Councillor Jeff Brooks
 - * Councillor Paul Gittings
 - * Councillor Pauline Helliars-Symons
 - Councillor Peter Frewer
 - * Councillor Wendy Griffith
 - Councillor Tina McKenzie-Boyle
 - * Councillor Ishrat Shah
 - * Councillor Rachelle Shepherd-DuBey
 - * Councillor Mike Smith
 - Councillor Helen Taylor
 - Councillor Simon Werner

- In Attendance:**
- Mark Arkwell (Deputy Chief Fire Officer, DCFO)
 - Wayne Bowcock (Chief Fire Officer, CFO) - *Virtual*
 - Paul Bremble (Head of Corporate Services, HCS)
 - Graham Britten (Monitoring Officer, MO)
 - Paul Brooks (Head of Assets, HoA)
 - Conor Byrne (Head of Finance and Procurement, HF&P)
 - David Crease (Area Manager Prevention & Protection, AM P&P)
 - Becci Jefferies (Head of Human Resources & Learning & Development, HHR&L&D)
 - Katie Mills (Assistant Chief Fire Officer, ACFO)
 - Jim Powell (Area Manager Collaboration & Policy, AM C&P)
 - Nikki Richards (Deputy Chief Executive, DcHEX)
 - Fayth Rowe (Democratic Support Lead, DSL)
 - Michaela Smith (Democratic Support Assistant, DSA)
 - Lukasz Wrona (Head of Business Information Systems, HBIS)

48. REPRESENTATIVE BODIES

There were no questions received from Representative Bodies on any of the agenda items.

49. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Frewer, McKenzie-Boyle and Werner.

Apologies for lateness was received from Councillor Shah.

Action

50. DECLARATIONS OF INTEREST

There were no Declarations of Interest from Members in accordance with the provisions of the Fire Authority's Local Code of Conduct. There were no Declarations of Interest received from Officers.

51. MINUTES OF THE MEETING HELD ON 4 DECEMBER 2023

There were no recorded actions.

RESOLVED that the Minutes of the meeting on 4 December 2023, be approved as a true record to be signed the Chair.

52. RECEIPT OF ANNOUNCEMENTS

Passing of Wayne Brown, Chief Fire Officer of West Midlands Fire and Rescue Service

It is with great sadness that we learnt of the passing of Wayne Brown, Chief Fire Officer of West Midlands Fire and Rescue Service. Wayne dedicated his life to the fire service, having served 28 years in London Fire Brigade before joining West Midlands Fire and Rescue Service in 2019.

The Service has offered its condolences to Wayne's family, friends and colleagues at West Midlands Fire and Rescue Service.

On behalf of Royal Berkshire Fire Authority, the Chair expressed his deepest condolences to Wayne's loved ones, friends and colleagues. As a sign of respect, Members were invited to stand in observing a minute's silence.

Culture Update

At the beginning of the year, the Independent Culture Review into South Wales Fire and Rescue Service was published. Since then, the Senior Leadership Team has been reviewing the report to ensure any relevant learning is captured.

As the report is very comprehensive and detailed in nature, we want to make sure that we balance taking the appropriate time to thoroughly review it in order to identify the relevant learning for the Service. The Senior Leadership Team will ensure this learning is fed back into the Service and the plans that underpin our culture and values. The Chair reassured Members he would continue to keep them updated as this report is explored in relation to its implications on both the Service and the sector.

Incident in Reading

Following an incident that occurred in Reading last week, the Chair updated Members on some of the outstanding work undertaken by several crews.

On the evening of 1 February, firefighters from Caversham Road, Wokingham Road, Whitley Wood and Theale were sent to an incident on Southcote Road, Reading alongside one Officer. There they discovered a fire on the first and second floor of a block of flats.

Firefighters rescued five people using smoke hoods and placed them into the care of South-Central Ambulance Service before extinguishing the fire. The use of smoke hoods allowed crews to evacuate residents through areas of the building affected by smoke and into clear air.

The Chair congratulated crews who acted decisively to ensure that this incident did not become a tragedy. The speed, efficiency and professionalism of their response is reflective of the quality of service provided in Berkshire.

January Floods

Following a period of heavy rain at the start of January, the Service was called to respond to severe flooding caused by Storm Henk across the County.

Working alongside partners, our teams dealt with a series of challenging incidents, including flooding in properties, water rescues and evacuations. Areas in West Berkshire and around Wraysbury were particularly hard hit and firefighters worked closely with Local Authorities, Berkshire Lowland Search and Rescue, and our Blue Light Partners to support those worst affected.

During the flooding, Thames Valley Fire Control Service (TVFCS) also played a key role in supporting response. Control Staff operated a triage system for calls and ensured that incidents were filtered and responded to in an effective manner.

The Chair thanked everyone who supported the response to the floods. He stated the collective efforts of everyone involved in the response to the adverse weather highlights how our teams work well together.

Recruitment of New Wholetime Apprentices

Throughout the winter, the Service has been hard at work recruiting the next generation of firefighters in Berkshire. Earlier this month, we welcomed 18 new Wholetime Firefighter Apprentices. These Apprentices began their journey to becoming firefighters back in the summer and underwent a rigorous selection process before being chosen to join the Service.

Currently, our newest cohort of recruits are away on a training course at the Fire Service College in Gloucestershire. However, they will return to Berkshire next month to complete the final few weeks of their training, before graduating in early May.

Over the Christmas period, we also launched another wholetime recruitment drive. These applicants were going through the selection process.

On behalf of the Authority, the Chair thanked everyone who has worked hard in supporting the recruitment and training of our newest recruits and requested Members to join him in wishing our new Apprentices the best of luck as they embark on the first steps of their new careers.

Launch of Summer Internship Scheme

The Service has recently began recruiting our next cohort of interns as part of our Summer Internship Scheme. Now in its third year, the Scheme aims to encourage young people who may not have considered a career in the Fire and Rescue Sector to explore some of the many roles available to them.

The Service is looking for five interns who are 18, live in Berkshire and from groups that are underrepresented in our Service to join the Scheme for five weeks in the summer, from Thursday, 4 July to Friday, 9 August.

Each intern will have the opportunity to gain valuable real-world work experience and transferable skills that they can take with them into their future careers or academic pursuits. During the Programme, interns will take part in learning and development workshops to enhance their skills, as well as visits to fire stations across the County.

The application window is open until Sunday, 25 February. The Chair expressed his best wishes to those applying to this year's Scheme.

Post meeting note: applications were extended to Sunday, 24 March 2024 and the age range of applicants was broadened to 17 – 18 years old.

South Wales Fire and Rescue Authority

Wayne Bowcock, Chief Fire Officer reported four government appointed commissioners will take over the powers of South Wales Fire and Rescue Authority and this change in governance was possibly linked to the recent findings in the South Wales Fire and Rescue Service Culture Review.

The Chair requested for an update at the next Management Committee meeting in April.

CFO

Reading Incident

In referring to the Reading incident discussed earlier in the Chair's Announcements, the Vice-Chair, Councillor Paul Gittings congratulated the crews that attended. He stated the flats were difficult to access and concurred the incident was another example of the efficiency of our Service.

The Chair requested that it be passed onto the relevant Watches that the Fire Authority were grateful for their teamwork and efforts.

53. ISSUES ARISING FROM THE AUDIT AND GOVERNANCE COMMITTEE

There were no issues arising from the Audit and Governance Committee.

54. DRAFT ANNUAL BUDGET

Councillor Mike Smith, Budget and Income Generation Lead Member introduced the report and thanked Conor Byrne, Head of Finance and Procurement (HF&P) and the Budget Working Party (BWP) for their hard work in planning a viable financial future and delivering value for money and resilience, in line with the Authority's principles. He highlighted the following:

- 2.99% precept – which equates to an increase of £2.36 per Band D property.
- Several unknowns to date – including business rate figures from three Unitary Authorities
- 5% increase to base budget
- Improvements on ways of working – recruitment of 10 Firefighters, balanced by reducing overtime
- Strategic Asset Investment Framework (SAIF): new Training Centre, major refurbishments at Slough and Langley Fire Stations and ICT improvements largely funded from the sale of Dee Road Fire Station
- Self-imposed limit on financing costs to 2.5% of revenue budget in the short term

He advised he would be happy to support the recommendations to the Fire Authority for approval.

Conor Byrne, HF&P reported the budget papers were still in draft as there were still outstanding business rates figures from three Unitary Authorities. He stated, this information should be received in time for the Fire Authority meeting on 15 February 2024. In answer to a question from the Chair, Councillor Mike Smith confirmed there would be no need to amend the recommendation as the precept would remain the same as set out in the report as 2.99%.

Conor Byrne (HF&P), reported the final settlement figures from central government included minor changes to Home Office Pension grant and stated the overall reduction was £3K.

In referring to the Medium-Term Financial Plan (MTFP) on page 12 of the Budget pack, Conor Byrne reported the proposed increase in Council Tax precept of 2.99% for 2024/25, and 1.99% in subsequent years. He added, 2.99% was the maximum permissible under government principles and it equated to an increase of £2.36 per Band D property.

The Council Tax base would increase by 1.1% in 2024/25. Page 13 of the report detailed funding streams and showed council tax increases totalling £1.182 million, however based on business rates to date, there was a deficit of £369K

which was partially offset by additional £255K Business Rates Section 31 grants.

The Revenue support grant (RSG) will increase by 6.7% and Pension Top-up grant had been rolled into RSG for 2024/25. Business Rates Top Up grant increased by 5.7%. A negative was that the government will reduce the services grant by 84%, and the funding guarantee was now £769K not £750K. The overall budget was £45,843.

Efficiencies and Savings were updated annually, and further efficiencies will be identified during the year.

Conor Byrne listed some of the budget pressures. He stated the Grey Book pay award assumption in 2024/25 was 3.75% (currently below inflation), Green Book unbudgeted pay award in 2023/24 was 5.4% against an expected 4%. 3.75% in 2024/25 had been budgeted for both pay awards (Grey and Green Book).

Overtime costs were also a budget pressure and stated the Budget Working Party (BWP) recommended the recruitment of 10 additional Firefighters to increase resilience but would also have the benefit of reducing overtime spending by £160K. Staff turnover has increased resulting in additional training and recruitment costs of £275K. ICT and HR required additional monies to cover licensing costs, pension and admin support.

Conor Byrne made a small amendment to the table on page 16, due to confirmation from the Home Office that the Pension Grant was £27K lower. The above factors had increased budget pressures to £4.814m rather than £4.787m (as stated in the report).

Moving on to Impact of Capital Investment, Conor Byrne stated the capital programme in 2024/25 was over £9 million, additional revenue funding of capital had been added to the budget for this financial year only. The maximum ratio of financing costs to net revenue stream had decreased over the past few years however, it will increase in 2027/28. Conor Byrne confirmed a balanced budget for 2024/25 and reported no bids had been built into years 2 to 4 which will need to be funded from efficiencies.

In answer to a question from the Chair, Conor Byrne confirmed he was comfortable for Fire Authority to approve the budget, even if outstanding business rates information from three unitary authorities were not received by that date.

Councillor Smith introduced the Efficiency & Productivity Plan. Conor Byrne reported the Service had undertaken an annual exercise to identify where savings could be made over the medium term. He stated this included how the Service might respond to Automatic Fire Alarms (AFAs), deployment of new technologies throughout the organisation and business processes. This was a rolling programme led by Katie Mills, Assistant Chief Fire Officer (ACFO) and will be developed over time.

Councillor Smith introduced the Strategic Asset Investment Framework (SAIF) and highlighted the Authority's investment in a new training centre, the upgrade of Langley fire station and other investments in sustainability and Information, Communications and Technology (ICT). There was a slight increase in the cost of the training centre however, it was within 12.5% contingency plan. In addition, the investment in fleet meant the Authority will no longer have the second-oldest fleet in the country.

Conor Byrne reported the SAIF outlined the Service's plan to reduce its carbon footprint, capital expenditure on fleet, ICT and its estate. The SAIF was building on work done previously in particular, urgently needed replacement and refurbishment programmes to ensure the Authority's estates meet its workforce delivery requirements now and into the future.

Councillor Shepherd-DuBey listed the planned equality, diversity and inclusion (EDI) improvements and upgrades to fire stations (in particular Langley) in 2024/25 and 2025/26. In terms of sustainability, de-carbonising the Service's heating systems, improved solar efficiencies on roofs and renewing fleet. She stated that the Authority were setting an example to the rest of the country. The training centre was a modular construction which was environmentally friendly and the upgrade to ICT will support the overall organisational goals to minimise costs.

The Chair stated he was proud of what the Authority had achieved thus far and what it intends to do. In response to a question from the Chair, Paul Brooks, Head of Assets (HoA) explained the methodology being used to construct the Training Centre was known as 'modern methods of construction' (MMC), which was a modular approach built to a high standard and relatively quickly.

In referring to the Treasury Investment Strategy, Councillor Smith outlined how the Authority intend to invest through enhanced ethical standards. He stated, it was an ambitious investment plan of nearly £10m, 70% funded from the sale of Dee Road fire station and highlighted the Authority had maintained its under-borrowing position.

Conor Byrne reported the capital programme table outlined on page 66 of the report was affordable. It also detailed expenditure over the next 4 years. He reported the Authority were planning to do a lot in 2024/25 compared to other years within the 10-year expenditure programme and reported that the impacts were captured within MTFP. He reiterated the Authority does not need to borrow until 2025/26 to finance capital expenditure.

Conor Byrne explained that the expected level of investments will fall from 2024/25 as the Authority will have lower levels of reserves in years 2025/26 and 2026/27. In terms of borrowing, outstanding loans were £8.9 million.

The Authority's Ethical Investment Strategy included approved countries for investment as determined by Freedom House and CCLA counterparty list. Countries approved for investments were outlined on page 83.

In introducing the Reserve policy, Councillor Smith reported the Authority had a Revenue deficit of £733K in the previous year. He added, last year the deficit was covered by drawing down funds from the Budget Contingency Reserve and then replenished in 2023/24 by £573K, however it was unlikely to be replenished again. The general reserve is set at 3% of the Authority's budget, and this may need to be adjusted when considering other pressures such as the pay award.

As of 31st March 2024, it was estimated that reserves would be over £15 million, although reserves will halve over the years as projects commence. This will still leave an estimate General Reserve of around £2.3 million.

Conor Byrne reported the General Reserve should be used at 5% level for unexpected events and emergencies and advised the difficulty would be in replenishing this reserve. Therefore, a minimum of £1m will be kept in the Development Fund. The Budget Contingency reserve would be replenished and transferred from the Development Fund. He highlighted the uncertainty around Pension Funding and stated the Home Office Pension was only guaranteed for one year. He concluded, Earmarked Reserves will decrease due to Emergency Service Mobile Communication Programme (ESMCP) and Thames Valley Fire Control Service (TVFCS) renewal fund.

In response to a question from the Chair, Conor Byrne reported he was comfortable with the Budget Contingency Reserve was slightly over 3%.

The Chair commented that the Authority could have achieved more if additional funding was received (£5 for fire) from the precept. He added, the budget reflected all what the Authority intend to do within 2.99% and stated the remaining tasks will have to wait.

In response to a question from Councillor Shah, Mark Arkwell; Deputy Chief Fire Officer (DCFO) confirmed the approximate cost of the reimbursement of Slough Fire Station and stated the cost was not included in SAIF (Appendix C, of Budget pack), as the refurbishment of Slough Fire Station was within 2023/24 budget.

The Vice-Chair reported 2.99% was below the rate of inflation and thanked the BWP and Conor Byrne for the budget report. He added he was in support of the report.

Councillor Helliars-Symons stated she was pleased savings had been made and the proposed was a good and fair budget despite inflation. She requested to see a greater focus on safe and well visits and making better use of our ICT. She reported the additional 10 Firefighters would reduce the overtime costs and was happy to support the recommendations of the report.

Councillor Smith stated that in response to any concerns over the budget, interest rates should almost halve over next period, as detailed on page 65.

On being put to the vote, the Chair moved the recommendation which was seconded by Councillor Smith.

RESOLVED that:

- 1) The report be noted and recommended to the Authority:
 - i) An increase in the Band D precept of 2.99%;
 - ii) The Medium-Term Financial Plan (Appendix A);
 - iii) The Efficiency and Productivity Plan (Appendix B);
 - iv) The Strategic Asset Investment Framework (Appendix C);
 - v) The Treasury Strategy (Appendix D); and
 - vi) The Reserves Policy (Appendix E).

55. AUTOMATIC FIRE ALARM CONSULTATION

Paul Bremble; Head of Corporate Services (HCS), reported the recommendation was seeking Members to agree a public consultation on how the Service respond to Automatic Fire Alarms (AFAs).

He explained the Service was looking to reduce the number of call outs to these type of incidents in order to increase crew productivity. Both the Home Office and recent findings from His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) inspection recommended the Service reduce its number of AFAs.

He reported the Community Risk Management Plan (CRMP) Priority 5 has tasked the development of Fire Protection service to support the resilience of businesses, to ensure the safety of all people using buildings.

Paul Bremble stated call outs to AFAs account for 45% (2,300) of total calls per year and 99.3% result in no action required by the Service – i.e. no fire on arrival. Officers have reviewed 20 fire and rescue services (FRSs) and found their responses to this type of incident varied. AFAs cause disruption to safe and well visits and critical training for the crews, resulting in planned tasks being rescheduled leading to further delays and disruptions.

He reported the reduction of AFA's would increase the Service's productivity. There were three options to consult the public on, he stated option three would bring the Service in-line with the national level of 39% of incidents. The proposals were related to premises that fall under the Regulatory Reform (Fire Safety) Order 2005. This Order is aimed at commercial premises only.

Paul Bremble reassured members there were no plans to change the response to domestic alarms, and confirmed the Service will always respond to any call

where a fire is present. He reiterated the recommendations outlined in the report.

The Vice-Chair stated the need to reduce the number of calls was a sensible policy, mentioning that 99% was a staggering statistic. He urged Members to support the recommendation and thanked everyone who worked on this.

The Chair stated it was critical for the public to understand the Service were not going to stop answering fire calls and requested whether the average number of calls per incident could be recorded in the consultation document. Jim Powell, Area Manager Collaboration and Policy (AM C&P) stated he would update the consultation document prior to submission to the Fire Authority.

In response to a question about flexible business hours from Councillor Griffith, Paul Bremble confirmed the hours would depend on the individual business. Jim Powell stated the Service reviewed high-risk sites through the risk information team, however unless the solution was simple, we will not see the benefits.

The Vice-Chair stated it would be useful if Thames Valley FRS partners aligned their policies across the three counties. Jim Powell confirmed they were working on this and stated Oxfordshire FRS was running a similar consultation, whilst Buckinghamshire FRS was dependent on their CRMP cycle.

In response to a question from Councillor Shah, Jim Powell reported there was a mechanism where the Service could charge a business if they were 'serial offenders'. However, this would be a relatively small number of businesses, therefore it would not be financially viable to implement this process due to the restriction on the amount the Service could charge.

Katie Mills, Assistant Chief Fire Officer (ACFO) reported in terms of AFAs, it was the responsibility of the business owner to ensure they have appropriate fire safety in place.

The Chair asked whether the Service had a consultation Focus Group to consult with. Paul Bremble confirmed the AFA consultation will be published via RBFRS website, as well as Protection Officers will request businesses to participate in the consultation as part of their audit of businesses.

Councillor Helliard-Symons requested pros and cons to be included in the consultation document and gave a scenario of a nighttime fire at a school. She discussed the social and logistical challenges to pupils, staff and parents if a fire incident occurred at night at a school.

The Chair asked whether there were any data relating to AFAs in schools across the county. Jim Powell stated there were over 100 property types, therefore pros and cons for each type would not be feasible. He reassured Members by confirming the consultation was not saying the Service would not attend a fire, it was seeking ways to reduce AFA attendance.

The Chair requested Councillor Helliard-Symons to make her concerns known to the CRMP Lead (Vice-Chair), prior to the submission of the consultation report to the Fire Authority.

RESOLVED that:

- 1) It be agreed to recommend to the Fire Authority to commence a 10-week public consultation in March 2024, at a specified date to be confirmed at the Chief Fire Officer's discretion, to inform a future decision on how it responds to Automatic Fire Alarms;
- 2) It be agreed to recommend to the Fire Authority the draft consultation document, subject to delegating responsibility for any minor amendments to the consultation document to the Chief Fire Officer, in consultation with the Chair of the Fire Authority and CRMP Lead Member.

56. HOME OFFICE RESPONSE TO FIRE REFORM WHITE PAPER

Wayne Bowcock, Chief Fire Officer (CFO) delivered a presentation and explained the UK Government published a Fire Reform White Paper consultation which closed in July 2022. The White Paper laid out proposals to reform FRSs in England and improve public safety over three principles areas of People, Professionalism and Governance.

In December 2023, the Government published its response to the Fire Reform White Paper consultation, which were:

- *People*
Talent and inclusion – support the development of staff and widen the talent pool, ensuring our workplaces are open and inclusive.
Pay and role – a modern, fair pay system that constructively enables role reform in England.
- *Professionalism*
Creating a College of Fire and Rescue – proposed to strengthen the development of individuals and overall professionalism of fire and rescue services, setting the direction on data, research, leadership, ethics and professional standards.
Raising standards – creation of a statutory code of ethics
- *Governance*
Governance Change – The mandatory transfer of Fire and Rescue Authorities function to Police and Crime Commissioners (PCCs), Mayors or single elected individuals will not be taken forward at this stage.

Operational Independence – set out plans to clarify the responsibilities of fire authorities and chief officers. The Government will seek to legislate for chief officers to have operational independence.

In discussing operational independence, Wayne Bowcock stated he felt appropriate delegated authority was within the Authority’s Scheme of Delegation. The recommendation of the report was seeking members to agree to take no action until further detail and information was forthcoming from the Government. Appendices A and B was the Home Office consultation and Home Office response to the consultation documents.

RESOLVED that it be agreed to take no action until further detail and information is forthcoming from Government.

57. 2023/24 BUDGET MONITORING - QUARTER THREE

Councillor Mike Smith, reported as of 31 December 2023, considering known leavers, wholetime salary costs was anticipated to be a saving of around £278,000 and the overtime forecast showed £271,000 overbudget. He also stated there was an increase in recorded sickness, the total resulting in a £110K deviation from the budget equating to 0.2%.

In answer to a question from the Chair on the Budget Contingency reserve, Conor Byrne confirmed the Authority withdrew £733K, replacing £573K from the Revenue Budget and £452K from Development Fund bringing it up to £1.481 million. The Authority had a forecast surplus of £110K.

Employee costs were £71K below budget, savings were made in salaries, and on-call costs but were partly offset by overtime due to water rescue training. There was additional budgetary pressure of training extra firefighters.

The Green Book pay award was finalised and paid (including back pay from 1 April 2023) and came at an average of 5.4%, against the original budget of 4% resulting in an additional £77,000 of costs, offset by vacancies.

There was a variance of £149,000 in non-staff costs in the *Repairs and Maintenance line*. There were additional costs to the *Cleaning Contract* and *Equipment* was over budget due to an increase in the cost of scrap cars and water rescue equipment. Cross boarder charges were £52,000 lower than budgeted.

RESOLVED that the report be noted.

58. QUARTER THREE APPLIANCE AVAILABILITY AND RESPONSE STANDARD PERFORMANCE

Katie Mills (ACFO) reported quarter three wholetime availability was 97.6% against a target of 99% mainly due to sickness. She confirmed this was a positive result as the Service will revise its target to 97.4% in 2024/25. This target was based on average performance since the measure was introduced.

On-call availability was down at 33.5% against a target of 50%, due to personnel changes at Lambourn. Resourcing was underway to improve this. The Service achieved 71.5% against a target of 75% for emergency incidents attended within 10 minutes. She reported, this was a stretched target and was the only non-covid year it was met since 2019. RBFRS remain one of the better rated FRSs in relation to attendance times, well below the average in England and was the only Service to have reduced its attendance times in the last ten years.

The Chair commented on the revised measure of wholetime availability target to 97.4%, corporate measure target of 75% of emergency incidents attended in 10 minutes and the on-call target of 50%. He queried whether these targets could be achieved. Katie Mills confirmed that wholetime availability will be revised to 97.4%, and there were no plans to change response standard. The on-call target recently changed from 60% to 50%, she reiterated it was a stretched target which the Service were striving to achieve.

The Vice-Chair commented it was reassuring that RBFRS was the only FRS to improve its Response Standards.

In response to a question from the Vice-Chair on quarter three's Response Standard target, Jim Powell explained it was due to several reasons and stated Control staff need to challenge calls to ensure the right resource was sent to the right incident. He also briefly touched on how the Service communicates with other partners and that this may need to change. He stated further details relating to multi agency incident transfer would be released soon. Jim Powell concluded less experienced Control staff mean longer call handling times, however all Control teams were working hard to improve this.

RESOLVED that:

- 1) The 2023-24 quarter three performance of **97.6%** appliance availability of the Service's 14 whole-time appliances in line with Corporate Measure 14 be noted; and
- 2) The 2023-24 quarter three overall on-call appliance availability performance of 33.5%, in line with Corporate Measure 15 be noted.

59. FORWARD PLAN

RESOLVED that the Forward Plan be noted.

60. DATE OF NEXT MEETING

Tuesday 9 April 2024, 6.30pm at RBFRS Headquarters, Pincents Kiln, Calcot, Reading RG31 7SD.

61. EXCLUSION OF THE PUBLIC

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following Agenda Items on the grounds that they involve the likely disclosure of exempt information, as defined in the Paragraph 3 of Part I of Schedule 12A of the said Act indicated and is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

62. TRAINING CENTRE REDEVELOPMENT

Paul Brookes (HoA) reported he was seeking Members to approve the Authority enter a contract to provide a new Training Centre building. A detailed planning application was submitted on 15 December 2023 for the removal of two existing buildings and the construction of one larger, two storey, modular building.

The new building will adhere to new BREEAM (Building Research Establishment Environmental Assessment Method) rating and will be one of the top 25% of UK buildings in environmental performance.

The estimated project cost for Stage 2 included all fees and 12.5% contingency. In referring to paragraph 3.12, Paul Brooks highlighted the financial and scheduling risk due to planning consent still being considered.

The Chair commented on the external façade of the training centre and stated he felt the colours gave the building a sense of identity and asked whether this would be mirrored on the outside of Slough Fire Station. Mark Arkwell (DCFO), reported it would be costly for the Authority to try to make the fascia's of older stations look like newer stations, therefore the front elevation of Slough fire station would not be modified. However, internally the colour schemes had been repainted in corporate colours.

In answer to Councillor Shah, Mark Arkwell confirmed all Members will be invited to Slough Fire Station when refurbish works were complete.

RESOLVED that the recommendations outlined in the report be agreed.

63. CLEANING CONTRACT AWARD

Paul Brookes (HoA) reported he was seeking Members approval to award the Authority's cleaning contract up to five years.

National Fire Chiefs Council (NFCC) led a collaborative procurement process alongside three other FRSs, however the costs from the NFCC procurement exercise exceeded the Authority's budget and was not value for money.

The new contract has removed the cleaning of appliance bays which will be carried out by crews to avoid contamination. He stated the Service were investing in equipment for this.

Out of the top three suppliers, the proposed contractor was best value based on cost and quality, in terms living wage, wellbeing and welfare, delivery design and carbon reduction.

The Vice-Chair commented the NFCC procurement process would have cost the Authority a lot of money. Paul Brooks commented on the quality assurance processes of the new provider.

RESOLVED that the award of the next RBFA cleaning contract up to five years be agreed.

(The meeting concluded at 8:42pm)

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ROYAL BERKSHIRE FIRE AUTHORITY REPORT



COMMITTEE	MANAGEMENT COMMITTEE
DATE OF MEETING	9 APRIL 2024
SUBJECT	MULTI-AGENCY INCIDENT TRANSFER (MAIT) ADOPTION
LEAD OFFICER	JIM POWELL, AREA MANAGER COLLABORATION AND POLICY
LEAD MEMBER	COUNCILLOR SIMON WERNER, COUNCILLOR PETER FREWER
EXEMPT INFORMATION	NONE
ACTION	FOR DECISION

1. EXECUTIVE SUMMARY

- 1.1 Multi-Agency Incident Transfer (MAIT) is an interface that provides emergency services with a robust, fast and secure messaging solution to allow information sharing between emergency services and other agencies.
- 1.2 It was highlighted in the Grenfell Tower Inquiry Phase 1 report that communication between emergency services could have been improved during this event, with each service declaring a Major Incident at different times, without that information being shared across blue light services. The report recommended several changes to ensure better communication in the future.
- 1.3 An National Fire Chief Council (NFCC) procurement process for MAIT resulted in a contract being awarded to the AVR Group in the summer of 2023, creating a framework for Fire and Rescue Services (FRSs) to utilise in adopting MAIT.
- 1.4 Home Office funding is available for the first 2 years running costs, but FRSs bear the cost of delivering the service into control rooms.
- 1.5 This paper was presented to the TVFCS Joint Committee on 18 March 2024. The committee agreed to recommend that Authorities agree the recommendations in this paper pursuant to clause 17 of the TVFCS Inter-Authority Agreement (IAA).

2. **RECOMMENDATION**

- 2.1 **AGREE** the contract between Royal Berkshire Fire Authority (RBFA) and AVR Group Ltd for the supply and support of MAIT 'hub' services in TVFCS to commence in 24/25 at a cost of no more than £25,000 for years 3 and 4 of the contract; and
- 2.2 **NOTE** initial implementation costs will be recovered through TVFCS revenue recharges aligned to the stipulations of the Inter-Authority Agreement.

3. **REPORT**

- 3.1 In 2016 the British Association of Public Safety Communications Officials (BAPCO) worked alongside the Cabinet Office, emergency services and commercial organisations to *'develop a common standard for the sharing of incident information between control rooms'*.
- 3.2 This resulted in MAIT, an interface that provides emergency services with a robust, fast and secure messaging solution to allow information sharing between emergency services and other agencies. The MAIT Hub enables the transfer of incident data between disparate command and control systems used by Category 1 emergency responders with the option of transferring relevant information to Category 2 responders.
- 3.3 Fire control personnel currently rely on using telephone, radio and email to share incident-related information between other agencies, including other fire control rooms. This can be time-consuming and reduces the capacity of fire control personnel to manage further calls.
- 3.4 It was highlighted in the Grenfell Tower Inquiry Phase 1 report that communication between emergency services could have been improved during this event, with each service declaring a Major Incident at different times, without that information being shared across blue light services. The report recommended several changes to ensure better communication in the future.
- 3.5 Recommendation 33.16 of the Grenfell Tower Inquiry Phase 1 report states *'that steps be taken to investigate methods by which assisting control rooms can obtain access to the information available in the host control room'*.
- 3.6 Recommendation 33.31 of the Grenfell Tower Inquiry Phase 1 report states *'that each emergency service must communicate the declaration of a Major Incident to all other Category 1 responders as soon as possible'*.
- 3.7 Interim solutions have since been implemented, including national and regional talk groups that aid the sharing of incident information and situational awareness, and emergency call distribution plans (Operation Willow Beck) that

help reduce call waiting times during periods of increased demand. While these methods have been successful, there remains a risk of delay in incident information being relayed between emergency control rooms which the implementation of MAIT will mitigate.

- 3.8 The MAIT solution is an electronic method of communication, offering a way for emergency services to pass incident details securely, and to standardise and automate the flow of information. The aim is to enable interoperability between different systems and to facilitate information exchange between fire control rooms and other agencies. This will mean that relevant information is directed to the correct stakeholders in a timely and secure manner.
- 3.9 By adopting MAIT, fire and rescue services will meet recommendation 33.16; and access to the MAIT hub will enable fire and rescue services to meet recommendation 33.31.
- 3.10 The MAIT Hub allows any number of agencies to pass incidents electronically between one or more agencies at the same time (see figure 1):

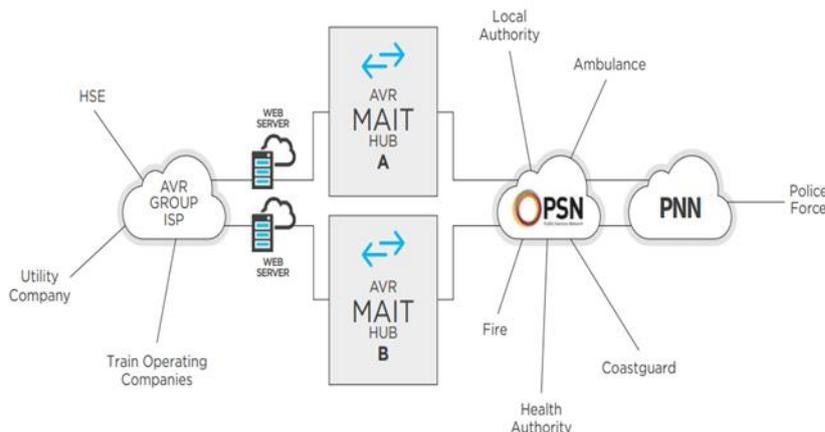


Figure 1

- 3.11 An NFCC procurement process for MAIT resulted in the contract being awarded to the AVR Group in the summer of 2023. The AVR Hub operates as a managed cloud service hosted in secure UK centres with resilient connectivity to ensure reliable and secure communications.
- 3.12 The NFCC and Home Office Project Team will support fire and rescue services in England to adopt MAIT.
- 3.13 A national procurement process for MAIT resulted in the contract being awarded to the AVR Group. The framework agreement will enable English fire and rescue services to adopt the technology.

Agenda Item 8

- 3.14 The call off contract is initially for 4 years with an option to extend by a further 4 years. A section 31 grant is available which will cover initial implementation costs and annual subscription costs for a 2-year period.
- 3.15 Blue Light Commercial will manage the contract on behalf of the NFCC.
- 3.16 The AVR Group offers fire and rescue services two options for accessing MAIT:

MAIT Web

- 3.17 This solution is an application that will be loaded onto the 'admin' network within the fire control room. It will be displayed on either an 'admin' screen or on the mobilising and communication system screen, dependent on local infrastructure.
- 3.18 The benefits of this solution are that it will be easy to install and will not need expensive integration work to be carried out on the mobilising and communication system, meaning a faster and more cost-effective delivery to fire controls.
- 3.19 The downsides to this solution are that it will require more input from fire control personnel to both send and receive incident data, due to the need to re-type the information from one system to another.

MAIT Integrated

- 3.20 This solution is fully integrated into the mobilising and communication system. It will enable incident related information to be sent directly to and from the system.
- 3.21 The benefits of this solution are that fire control will have minimal additional re-typing compared to MAIT Web
- 3.22 The downsides to this solution are that it would require mobilising and communication systems to be upgraded by our current supplier NEC Software Solutions (NECSWS, formerly SSS Public Safety Ltd). Early engagement with NECSWS indicated that this could be cost prohibitive in the near term and the work required to achieve this could significantly delay adoption of MAIT.
- 3.23 Therefore, at this current time TVFCS Senior Responsible Officers (SRO's) are recommending TVFCS adopt the MAIT Web option to enable a simplified, timely and less expensive means of adopting and using MAIT, making use of the available funding. SRO's will review the use of MAIT and make future recommendations on when and how TVFCS may want to consider integrating MAIT into the command and control system, noting that at a strategic level the NFCC direction will be for all FRS to eventually be using MAIT as an integrated service.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

- 4.1 Response: We will ensure that our people are trained and resources are located to provide the most effective response and to have a positive impact on incidents in our communities.
- 4.2 Resilience: We will ensure we are resilient and work with our partners to promote and build resilience in the communities we serve.

5. FINANCIAL IMPLICATIONS

5.1 The costs of adopting MAIT web are as follows (see Figure 2):

MAIT Web Browser - based on 1 single MAIT connection into an FRS	Year 1	Year 2	Year 3	Year 4
Solution / Service Implementation	£3,060	N/A	N/A	N/A
Annual subscription (including hosting, messaging, storage, standard support and maintenance, out of hours support)	£10,260	£10,260**	£10,260**	£10,260**
TOTAL	£13,320	£10,260**	£10,260**	£10,260**
Home Office Funding	Yes	Yes	No	No
**Potential CPI increase up to 3%				

Figure 2

- 5.2 This means that TVFCS would be able to draw down £23,580 of the Home Office funding to cover the first two years of the contract. This would create a revenue pressure in years 3 and 4 of the contract of circa £10.4k p.a. (noting the likely CPI related increases), currently less than 0.5% of the 24/25 revenue budget [p.a.] Per partner, using the current Cost Apportionment Model, this would approximately add an additional cost of - BMKFRA £3.6k, OCC £3k and RBFA £3.8k - each year.
- 5.3 The cost of bringing the MAIT hub service into the control environment is borne by each FRS. In terms of TVFCS, the RBFRS ICT team would provide this service at an expected cost of circa £2-3k, which would be reflected in a minimal increase in the recharges for the 25/26 TVFCS revenue budget.

6. LEGAL IMPLICATIONS

6.1 TVFCS Inter Authority Agreement (IAA), states “*Clause 17.3. [...] A Fire Authority, on its own account or jointly with another, shall not enter into a new TVFCS Contract without the agreement of the Fire Authorities (not to be unreasonably withheld or delayed) [...].*”

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 There are no equality and diversity implications identified at this time, however an impact assessment will be carried out prior to the implementation.

8. RISK IMPLICATIONS

- 8.1 The risk of not adopting MAIT is that TVFCS, and subsequently TVFRS, would not be able to meet the Grenfell Tower inquiry recommendations. In practice this means that during any significant event the flow of information may be compromised by operator capacity and issues with voice transfer that could impede the swift and effective resolution of emergencies, impacting on community and firefighter safety.

9. CONSISTENCY WITH DUTY TO COLLABORATE

- 9.1 This paper complies with the TVFCS Inter-Authority Agreement which is a collaboration between the three Thames Valley Fire and Rescue Authorities.

10. PRINCIPAL CONSULTATION

- 10.1 Chief Fire Officer
10.2 Chief Finance Officer
10.3 Monitoring Officer
10.4 TVFCS Joint Coordinating Group

11. BACKGROUND PAPERS

- 11.1 None.

12. APPENDICES

- 12.1 None.

13. CONTACT DETAILS

- 13.1 Area Manager Jim Powell powellj@rbfrs.co.uk 07774251664

ROYAL BERKSHIRE FIRE AUTHORITY REPORT



COMMITTEE	MANAGEMENT COMMITTEE
DATE OF MEETING	9 APRIL 2024
SUBJECT	CULTURAL DEVELOPMENT UPDATE
LEAD OFFICER	WAYNE BOWCOCK, CHIEF FIRE OFFICER
LEAD MEMBER	N/A
EXEMPT INFORMATION	NONE
ACTION	FOR NOTE

1. EXECUTIVE SUMMARY

- 1.1 Members have received verbal updates and presentations to Management Committee and Royal Berkshire Fire Authority (RBFA) in relation to the various reports about culture in the Fire and Rescue Service and the position, issues and opportunities within Royal Berkshire Fire and Rescue Service (RBFRS).
- 1.2 At the Management Committee meeting on 6 February 2024, the Chief Fire Officer committed to bringing an update to this meeting following detailed analysis of the various reports into culture within Fire and Rescue Services (FRS's) across the UK.
- 1.3 RBFRS have reviewed the following report recommendations set out in paragraphs 1.3.1 to 1.3.3 and evaluated them against existing plans to assess progress (as if they were written for RBFRS). However, some of the recommendations do not apply to RBFRS as they are specific to the Service which is the subject of the report. As some recommendations were not included in any of the plans or work RBFRS were undertaking, SLT has considered whether to adopt these recommendations and if so, how to address them, where they fit with existing work, and how progress will be monitored:
- 1.3.1 Independent Culture Review of London Fire Brigade (LFB) 2022
 - 1.3.2 HMICFRS spotlight Report: Values and Culture in Fire and Rescue Services
 - 1.3.3 South Wales Fire and Rescue Service Culture Review Report

Agenda Item 9

- 1.4 It is important to note that RBFRS has been focussed on developing culture for several years. This can be seen within the previous People Strategy (2018-2021) and work towards adoption of, or adherence to, the Fire Standards particularly the Core Code of Ethics through our Behavioural Competency Framework.
- 1.5 Our annual staff survey feedback, as well as corporate health measures, show that whilst staff feel proud to be part of RBFRS and are committed to serving our communities, trust at all levels is not as high as we would like it to be and freedom to speak up about issues is not where we want it to be. The latest data from our independent, anonymous reporting line shows a significant increase in reports. Whilst this might be concerning because it relates to potential problems within the Service, it shows that the willingness to speak up is improving which is positive.
- 1.6 Members will be aware that organisational culture is continually evolving. Instead of a timebound development programme for the culture within the service, RBFRS will make a commitment to achieve our vision through a continual focus, re-evaluation, and investment in our people. This will be by training and development to support our staff to understand the expected behaviours of all employees and how they can all contribute to the reputation and attractiveness of RBFRS to be somewhere that anyone and everyone, with aligned values, would want to work.
- 1.7 The assessment of several plans and scale of the work faced by all Fire and Rescue Services suggests that a clearer, defined plan would be more easily understood by potential employees, existing staff and Members and would support the Service to demonstrate clear evidence of progress.

2. **RECOMMENDATION**

That Management Committee:

- 2.1 **NOTE** the report.

3. **REPORT**

- 3.1 The independent culture review of LFB resulted in 23 recommendations. His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) spotlight report resulted in 35 recommendations. The South Wales culture review resulted in 82 recommendations.
- 3.2 Out of a total of 140 recommendations there are 15 which are not directed towards FRS's e.g. Home Office or the National Fire Chiefs Council and several other recommendations which are partly relevant to RBFRS.
- 3.3 The Equality Diversity and Inclusion (EDI) Steering Group carried out a comparison of the recommendations in the LFB culture review and the RBFRS EDI action plan. The Deputy Chief Executive led the development of the RBFRS development programme which took account of the LFB culture

review, EDI action plan and HMICFRS spotlight report. The Head of Human Resources and Learning and Development has reviewed the South Wales culture review recommendations against ongoing work. The Chief Fire Officer is reviewing all the above, alongside other strategies and plans to identify evidence, and work required against the Leading the Service Fire Standard.

- 3.4 The outcome of these reviews is that officers are confident that RBFRS can evidence that the Service is working towards almost all recommendations to some degree. Those where there is no action yet are understood and a clear rationale exists e.g. they are planned but dependent on external delivery e.g. a culture dashboard being developed by the National Fire Chiefs Council. Others are at various stages due to being part of existing RBFRS plans e.g. the Equality Diversity and Inclusion action plan, the RBFRS development programme or departmental business plans e.g. recruitment and induction forming a significant part of the HR work on frequent basis. There are areas where officers would wish to see quicker progress, but resources and capacity must be balanced across all demands, for example, positive action and more frequent staff training in a range of inclusion topics. Members will see reporting and be able to scrutinise the work formally through the Audit and Governance Committee, Management Committee and ultimately RBFA. The Member Champion role will be important in supporting the overall progress and lead officers informally.
- 3.5 Since November 2022, RBFRS have taken an evolving approach to workforce engagement in relation to culture, and specifically with the RBFRS development programme. Staff have been written to, keeping in touch calls undertaken, under-represented groups directly engaged with, staff conferences carried out, Active Bystander training delivered, SLT training undertaken, stakeholder engagement group developed, and external expertise engaged to support both employment and communications approaches.
- 3.6 During these review periods, budget bids and reserve funding have been identified to support organisational capacity to develop in key areas. This has been used to increase the capacity of the Human Resources and Resourcing and Development team, and Programme Office, and Data and Performance teams. This was intended to increase capacity to work towards the objectives in the RBFRS development programme. However, due to the increase in demand within the HR function driven by pension changes and an increase in reporting by staff, and work towards CRMP objectives within the Programme Office and Data and Performance team, additional capacity for new work has not fully materialised.
- 3.7 The increase in demand for day-to-day work by the additional capacity, such as the increased use of Say-So, RBFRS's external independent reporting line, and the recent use of Intersol Global for staff to speak to about the culture within RBFRS, have led to the conclusion that a more detailed and clear approach to cultural development is needed.

Agenda Item 9

- 3.8 The intent for a clear and detailed approach to cultural development is to remove any room for confusion about the RBFRS vision and target culture, including what we intend to do to achieve it.
- 3.9 This approach will require more active and frequent staff engagement, stakeholder support and engagement, potential resourcing, and a clear long-term focus.
- 3.10 The evaluation of report recommendations and analysis of actions required against the Leading the Service Fire Standard will result in an overarching plan of work to contribute to organisation and cultural development. This will be used to record evidence, identify gaps, and commission work required to meet our objectives.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

- 4.1 Prevention: We will reduce the risk to our communities through our partnership duties and prevention education activities, ensuring that our services are accessible to all.
- 4.2 Protection: We will support those with responsibility for premises to understand their duties in ensuring the safety of all people using buildings covered by the Building Safety Act 2022 and Regulatory Reform (Fire Safety) Order 2005, whilst ensuring that our services are accessible to all.
- 4.3 Response: We will ensure that our people are trained and resources are located to provide the most effective response and to have a positive impact on incidents in our communities.
- 4.4 Resilience: We will ensure we are resilient and work with our partners to promote and build resilience in the communities we serve.
- 4.5 Sustainability: We will ensure that we provide a financially sustainable and environmentally friendly service to our communities.
- 4.6 People: We will support our staff by providing a safe and inclusive environment for them to thrive in, building a diverse organisation that is engaged with, and accessible to, our communities.

5. FINANCIAL IMPLICATIONS

- 5.1 Future financial considerations will be subject to the objectives developed. Presently they are contained within existing budgets, including the approved use of the transformation reserve.

6. LEGAL IMPLICATIONS

- 6.1 To support the effective discharge of RBFA statutory duties, the Service should demonstrate compliance with the leading the service fire standard. Compliance with this standard should assure Members that all legislative

requirements are in place, for example the Management of Health and Safety at Work Regulations 1999.

7. EQUALITY AND DIVERSITY IMPLICATIONS

7.1 Continual review and development of the EDI action plan supports the EDI objectives and the services legal duties under the Equality Act.

8. RISK IMPLICATIONS

8.1 The Corporate Risk Register captures the identified risks associated with organisational culture.

9. CONSISTENCY WITH DUTY TO COLLABORATE

9.1 Collaboration opportunities are sought in the consideration of how to support staff welfare and development, for example, access to staff network groups, and training with other organisations to either speed up access or create economies of scale and efficiency.

9.2 The Thames Valley Collaboration business plan contains EDI objectives which directly support the contents of this paper.

10. PRINCIPAL CONSULTATION

10.1 Senior Leadership Team.

11. BACKGROUND PAPERS

11.1 [Independent Culture Review of London Fire Brigade \(LFB\) 2022](#)

11.2 [HMICFRS spotlight Report: Values and Culture in Fire and Rescue Services](#)

11.3 [South Wales Fire and Rescue Service Culture Review Report](#)

12. APPENDICES

12.1 None.

13. CONTACT DETAILS

13.1 Wayne Bowcock, Chief Fire Officer and Chief Executive
bowcockw@rbfrs.co.uk

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ROYAL BERKSHIRE FIRE AUTHORITY REPORT



COMMITTEE	MANAGEMENT COMMITTEE
DATE OF MEETING	9 APRIL 2024
SUBJECT	STATUTORY POWERS
LEAD OFFICER	TIM READINGS, GROUP MANAGER CRMP
LEAD MEMBER	COUNCILLOR PAUL GITTINGS, CRMP LEAD MEMBER
EXEMPT INFORMATION	NONE
ACTION	FOR NOTE

1. EXECUTIVE SUMMARY

1.1 This report sets out the statutory duties and powers of RBFA and assesses the burden of responding to incidents which do not derive from a statutory duty. Appendix A has been produced to support the Authority’s understanding of day-to-day demand and facilitate decision making around resourcing. Further to this, Appendix A will help provide clarity for decision makers involved in the planning and delivery of Community Risk Management Plan 2023 – 2027 (CRMP) Priority 3.

2. RECOMMENDATION

That Management Committee:

2.1 **NOTE** Statutory Powers report (Appendix A).

3. REPORT

3.1 A statutory duty is something that a fire and rescue authority must do, rather than something they can choose to do or not. To give an example, section 13 of the Fire and Rescue Services Act 2004 says that fire and rescue authorities must, so far as practicable, enter into a reinforcement scheme with other fire and rescue authorities. Therefore, all fire and rescue authorities have a duty to put reasonable mutual aid schemes in place. Statutory duties are not discretionary and a breach of one of these duties may be actionable in law.

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- 3.2 This report examines the statutory duties placed on fire and rescue authorities through primary and secondary legislation. The report also considers guidance provided by the government where it significantly influences the service. However, given the breadth and scope of legislation that affects fire and rescue authorities, the lists provided are not exhaustive.
- 3.3 In English statutes, the word 'shall' or 'must' is normally used to impose an obligation (a statutory duty), while 'may' is generally used to confer a discretionary or enabling power.
- 3.4 This report will consider key statutory duties of fire and rescue authorities before examining their statutory powers. In considering these duties the importance of the Fire and Rescue Services Act 2004 cannot be understated and as such analysis is a major component of the report. It sets out key legal duties for fire and rescue authorities as well as establishing discretionary legal powers.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

- 4.1 Prevention: We will reduce the risk to our communities through our partnership duties and prevention education activities, ensuring that our services are accessible to all.
- 4.2 Protection: We will support those with responsibility for premises to understand their duties in ensuring the safety of all people using buildings covered by the Building Safety Act 2022 and Regulatory Reform (Fire Safety) Order 2005, whilst ensuring that our services are accessible to all.
- 4.3 Response: We will ensure that our people are trained and resources are located to provide the most effective response and to have a positive impact on incidents in our communities.
- 4.4 Resilience: We will ensure we are resilient and work with our partners to promote and build resilience in the communities we serve.
- 4.5 Sustainability: We will ensure that we provide a financially sustainable and environmentally friendly service to our communities.
- 4.6 People: We will support our staff by providing a safe and inclusive environment for them to thrive in, building a diverse organisation that is engaged with, and accessible to, our communities.

5. FINANCIAL IMPLICATIONS

- 5.1 The Corporate Plan & CRMP programme has substantial cost implications and each priority work stream will be costed and monitored through existing service governance procedures.

- 5.2 Changes to service delivery will be accommodated in the Medium-Term Financial Plan.
- 5.3 The intent of the Corporate Plan & CRMP is to ensure the provision of an efficient and effective service to stakeholders in Royal Berkshire. Work streams will identify efficiency savings where possible.

6. LEGAL IMPLICATIONS

- 6.1 As a strategic risk management document, the Corporate Plan & CRMP affects the delivery of the statutory functions of RBFA. These include, but are not limited to, those contained in the following legislation and statutory guidance;
- 6.2 The Fire and Rescue Services Act 2004
- 6.3 The Civil Contingencies Act 2004
- 6.4 The Policing and Crime Act 2017
- 6.5 The Fire and Rescue Services (Emergencies) (England) Order 2007
- 6.6 The Regulatory Reform (Fire Safety) Order 2005
- 6.7 The Fire and Rescue National Framework for England

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 None identified.

8. RISK IMPLICATIONS

- 8.1 None identified.

9. CONSISTENCY WITH DUTY TO COLLABORATE

- 9.1 The Corporate Plan & CRMP reflects the community risk in Berkshire. We have consulted on our proposals with partner agencies to ensure all relevant parties are able to comment.
- 9.2 The work streams from the Corporate Plan & CRMP will consider collaborative opportunities as they are developed.
- 9.3 There are no proposals to stop or limit existing collaborative activities.

10. PRINCIPAL CONSULTATION

- 10.1 The Corporate Plan & CRMP reflects the community risk in Berkshire. We have consulted on our proposals with partner agencies to ensure all relevant parties are able to comment. This report is produced in line with consultation.

Agenda Item 10

10.2 The work streams from the Corporate Plan & CRMP will consider collaborative opportunities as they are developed.

10.3 There are no proposals to stop or limit existing collaborative activities.

11. BACKGROUND PAPERS

11.1 Fire Safety Act 2021

11.2 Policing and Crime Act 2017

11.3 Localism Act 2011

11.4 Civil Contingencies Act 2004

11.5 Fire and Rescue Services Act 2004

11.6 Crime and Disorder Act 1998

11.7 Health and Safety at Work etc. Act 1974

11.8 The Building Regulations 2010

11.9 The Fire and Rescue Services (Emergencies) (England) Order 2007

11.10 Regulatory Reform (Fire Safety) Order 2005

11.11 The Fire and Rescue National Framework for England 2018

12. APPENDICES

12.1 Statutory Powers (Appendix A)

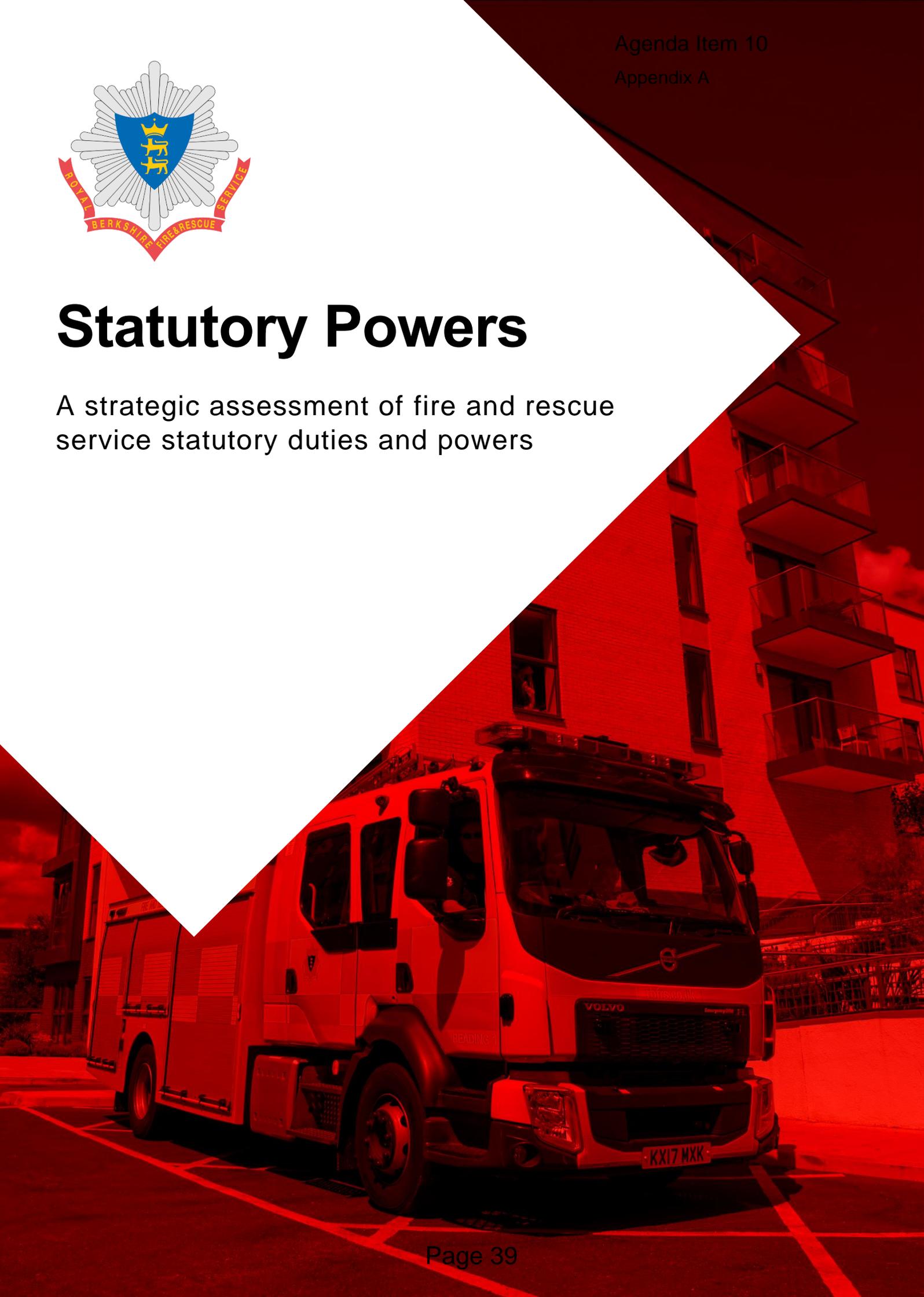
13. CONTACT DETAILS

13.1 Tim Readings, Group Manager CRMP, readingst@rbfrs.co.uk



Statutory Powers

A strategic assessment of fire and rescue service statutory duties and powers





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Executive Summary

Priority 4 of the Community Risk Management Plan (CRMP) 2023-27 states that,

‘Royal Berkshire Fire Authority (RBFA) will review the incidents that do not form part of the core statutory responsibilities, to better understand the implications for the Service in attending these incidents.’

RBFA moderated this commitment by emphasising that public safety will remain the primary priority of the Service. This report maintains that directive.

This report sets out the statutory duties and powers of RBFA and assesses the burden of responding to incidents which do not derive from a statutory duty. The report has been produced to support the authority’s understanding of day-to-day demand and facilitate decision making around resourcing. Further to this, the report will help provide clarity for decision makers involved in the planning and delivery of Community Risk Management Plan 2023 – 2027 (CRMP) Priority 3.

Royal Berkshire Fire and Rescue Service (RBFRS) attends non-statutory incidents on a discretionary basis. It does so by exercising the powers set out in section 11 of the Fire and Rescue Service Act 2004. These incidents comprise a range of activities such as assisting partner agencies, releasing people from lifts, rescue from water, animal rescues, flooding and helping people who are locked in or out of buildings.

Non-statutory incidents (excluding automatic fire alarms) made up 17-20% of the overall total incident demand from 2019-2022. While there appears to be a reduction in demand from a peak during the covid-19 pandemic, not all incident types have returned to a pre-pandemic level. Calls such as assisting partner agencies and flooding, or water rescue have not fallen back to the same level.

Any future decision to address the burden of these incidents will be complex and will require a selective approach. Some of these incident types are very important to our communities, colleagues, partners, and elected members. Public consultation showed that respondents consider RBFRS’s capacity and willingness to respond to water rescue, flooding, and animal rescues as being held in high regard. This report is cognisant of the value these response capabilities represent.

There is a need to carry out further work to assess the resource impact of providing these services. Understanding what RBFRS attends will help to ensure resource is delivered to the highest community risks and that the exercise of statutory powers is not to the detriment of the ability to respond to statutory duties.

The argument for resourcing other incident types is less strong. Addressing the impact of lock in/out, lift rescue and the more generic ‘release’ incident type could reduce the impact on the delivery of core statutory duties. Considered as a group they represent a significant burden on RBFRS’ capacity.



Recommendations

1. Consider whether there is any benefit to reducing attendance levels to incident types locked in/out, lift rescue or release.
2. Use the findings of this report to inform the development of CRMP Priority 3, to support the development of a revised response model.
3. Monitor the exercise of statutory powers to ensure that their use does not adversely impact the delivery statutory duties.



Introduction

RBFRS delivers a wide range of functions. These are derived from statutory duties and adopted using statutory powers due to a perceived community need or the availability of a capability.

Priority 4 of the CRMP states that:

Royal Berkshire Fire Authority (RBFA) will review the incidents that do not form part of the core statutory responsibilities, to better understand the implications for the Service in attending these incidents.'

This priority was developed following public consultation on the CRMP. RBFA members were rightly keen to ensure that there is an ongoing strategic focus on public safety. This report intends to contextualise the demand of non-statutory responses by RBFRS within the wider demand of core duties.

This report will examine the legislation that sets out the RBFA's core statutory responsibilities as they pertain to service delivery. It will map incident types to those responsibilities and differentiate attendances to incidents using statutory powers rather than a statutory duty. To build understanding of the impacts the report will evaluate the cost of attendance in terms of time spent, the opportunity cost. This information will help support decision making around deployment of resources.

Failure to comply with legislation could lead to financial, reputational, workforce or productivity implications. Serious failure could lead to litigation for a breach of a statutory duty. Providing clarity around these duties is important for individual leaders and the service.

The Home Office categorises incidents that fire and rescue services attend as being either fires, non-fire incidents or false alarms. Incidents that do not involve a fire are traditionally known as special service calls. This notion reflects the more limited role of the fire service in England as set out in the Fire Services Act of 1947. There is often a degree of confusion associated with what a special services call is. This terminology is in common use within the fire sector and includes the attendance of the fire and rescue service at non-fire incidents such as road traffic collisions. This terminology is unhelpful to the understanding of fire and rescue service statutory duties as although road traffic collisions are often called special services, they are a firmly established statutory duty.

The evolution of the statutory duties of fire and rescue services after the second World War was driven by disasters, societal change, local, and national politics. It is not unreasonable to assert that a lack of certainty around the role of fire and rescue services derives from the development of acts, orders, policies and guidance over time. This report intends to draw key legislation together and provide an overview of the roles and responsibilities of a fire and rescue service in the twenty first century.

The purpose is to drill down to, and clearly identify, a sub-set of non-fire incidents that are not statutory duties of RBFRS. This report will identify incident types as either deriving from a statutory



duty or as having been adopted using RBFA's discretionary statutory powers. This report does not represent legal advice and does not have the scope to consider the whole range of legal duties that are in force.

Methodology

Legislation, guidance, and frameworks govern the functions and activities of fire and rescue authorities. This report seeks to divide RBFA's statutory functions into duties and powers and then examine how incident responses are apportioned between the two.

Core statutory functions for fire and rescue authorities are set out in the Fire and Rescue Services Act 2004. Other primary (an Act of Parliament) and secondary (i.e. regulations, orders) legislation establishes powers that are intended to grant fire and rescue authorities with greater freedoms and flexibilities to act in the interests of delivering their purpose (except where otherwise prohibited).

This report identifies and provides a breakdown of some key primary and secondary legislation and statutory guidance relating to the functions of a fire and rescue authority. It is beyond the scope of this report to provide analysis of all relevant laws and regulations and only the most directly relevant provisions are discussed within the body of the report.

The report takes the findings of the overview of statutory duties and powers and compares it to the range of incident types that RBFRS responds to. This highlights those incidents which do not result from a statutory duty but are undertaken using a statutory power of the fire and rescue service.

These highlighted incident types are used to filter incident data from 2019-2023 to assess the level of demand placed on RBFRS by attending incidents using statutory powers.

Statutory duties

A statutory duty is something that a fire and rescue authority must do, rather than something they can choose to do or not. To give an example, section 13 of the Fire and Rescue Services Act 2004 says that fire and rescue authorities must, so far as practicable, enter into a reinforcement scheme with other fire and rescue authorities. Therefore, all fire and rescue authorities have a duty to put reasonable mutual aid schemes in place. Statutory duties are not discretionary and a breach of one of these duties may be actionable in law.

This report examines the statutory duties placed on fire and rescue authorities through primary legislation and secondary legislation. The report also considers guidance provided by the government where it significantly influences the service. However, given the breadth and scope of legislation that affects fire and rescue authorities, the lists provided are not exhaustive.

In English statutes, the word 'shall' or 'must' is normally used to impose an obligation (a statutory duty), while 'may' is generally used to confer a discretionary or enabling power.



This report will consider key statutory duties of fire and rescue authorities before examining their statutory powers. In considering these duties the importance of the Fire and Rescue Services Act 2004 cannot be understated. It sets out key legal duties for fire and rescue authorities as well as establishing discretionary legal powers.

Fire and Rescue Services Act 2004

The main purpose of this Act is to deliver a modernised Fire and Rescue Service that responds to the demands of the 21st Century. The Act repealed the Fire Services Act 1947. It gives effect to most of the proposals that required primary legislation in the White Paper *Our Fire and Rescue Service*, published on 30th June 2003.

Amongst other things, it obliges authorities to secure the provision of the personnel, services and equipment that efficiently meet all normal requirements and to secure the provision of training for such personnel in relation to the authority's core duties. While the Act contains a range of statutory duties, it also contains some statutory powers. This report will highlight the use of the words must and may in the sections to improve clarity for the reader.

Promotion of Fire Safety: s.6

A fire and rescue authority **must** make provision for promoting fire safety and make reasonable arrangements for provision of information, publicity, and encouragement in respect of the steps to be taken to prevent fires and death or injury by fire. A fire and rescue authority **must** also make provision for giving advice about how to prevent fires and restrict their spread in buildings and other property and the means of escape from buildings and other property in case of fire.

Prior to the Act this work was carried out on a discretionary basis.

Firefighting, road traffic accidents: s.7-8

A fire and rescue authority **must** make provision for the purpose of extinguishing fires in its area and protecting life and property in the event of fires. A fire and rescue authority **must** also make provision for the purpose of rescuing people in the event of road traffic accidents in its area, and protecting people from serious harm to the extent that it considers it reasonable to do so, in the event of road traffic accidents in its area.

Dealing with calls for help for fire and road traffic accidents s.7-8

A fire and rescue authority **must** make arrangements for dealing with calls for help and for summoning personnel in the event of a fire or road traffic accident.

Information gathering: s.7-8

A fire and rescue authority **must** make arrangements for obtaining information needed for the purpose of extinguishing fires and rescuing people from road traffic collisions in its area. The authority **must** also make arrangements for obtaining information needed for the purpose of and protecting life and property in the event of fires and road traffic accidents.

**Salvage and proportionality: s.7-8**

A fire and rescue authority **must** make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken for the purpose of extinguishing fires in its area and rescuing people in the event of road traffic accidents. It **must** also make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken for the purpose and protecting life and property in the event of fires and from protecting people from serious harm in the event of road traffic accidents.

Under sections 7 and 8 fire and rescue authorities **must** seek to mitigate the damage, or potential damage, to property in exercising their statutory functions. Consequently, the actions a fire and rescue authority **must** take in responding to an incident which could damage property are required to be proportionate to the hazards presented by the incident.

Training and Development: s.7-8

With regard to firefighting and road traffic accidents; a fire and rescue authority **must** secure the provision of the personnel, services and equipment necessary efficiently to meet all normal requirements. The authority **must** also secure the provision of training for these personnel.

Emergencies: s.9

The Secretary of State **may**, by order, confer other functions on a fire and rescue authority relating to emergencies. To date, only one statutory instrument has been enacted, [The Fire and Rescue Services \(Emergencies\) \(England\) Order 2007](#).

Power to respond to other eventualities: s.11

A fire and rescue authority **may** take any action it considers appropriate for the purpose of enabling action to be taken in response to an event or situation that causes or is likely to cause one or more individuals to die, be injured or become ill or cause harm to the environment (including the life and health of plants and animals). This includes the power to secure the provision of equipment. This power **may** be exercised outside as well as within the authority's area.

Section 11 replaces section 3(1)(e) of the Fire Services Act 1947 and provides fire and rescue authorities with the discretion to equip for and respond to events beyond its core functions provided for elsewhere in the Act. A fire and rescue authority will be free to act where it believes there is a risk to life or the environment. This allows, for example, a fire and rescue authority to engage in specialist activities such as rope, water and animal rescue. A fire and rescue authority is able to exercise the power in support of another fire and rescue authority, for example, under a reinforcement scheme (see sections 13 and 14).

The discretionary nature of this power provides the legal justification for attendance at incident types which are not within the defined legal duties.



Provision of services: s.12

A fire and rescue authority **may** provide the services of any persons employed by it or any equipment maintained by it to any person for any purpose that appears to the authority to be appropriate. For example, a fire and rescue authority may agree to help pump out a pond as a service to its community. This power **may** be exercised outside as well as within the authority's area.

Reinforcement: s.13-16

Fire and rescue authorities **must** enter into a scheme for securing mutual assistance with other fire and rescue authorities to discharging the functions conferred under section 7, 8 or 9 (fires, road traffic collisions and emergencies).

Water supply: s.38

Fire and rescue authorities **must** take all reasonable measures for securing that an adequate water supply will be available for their use in the event of a fire.

A fire and rescue authority **may** use any suitable supply of water for the purposes of extinguishing a fire or protecting life or property in the event of a fire (but **must** pay reasonable compensation for the water).

Supply by other persons: s.41

For the purposes of s.38, a fire and rescue authority **may** enter into an agreement to secure the use of water under the control of a person other than a water undertaker; to improve access to any such water; to lay and maintain pipes and to carry out other works in connection with the use of such water.

Note, this report does not consider the range of [statutory powers conferred on individual employees](#) of RBFA by the Act.

The Civil Contingencies Act 2004

The Civil Contingencies Act, and accompanying guidance, delivers a single framework for civil protection in the UK. The Act is separated into 2 substantive parts: local arrangements for civil protection (Part 1); and emergency powers (Part 2).

The Act creates defines the legal concept of an “emergency.” This term has a broad definition. It includes events which would have engaged previous civil defence legislation, war or attack by a foreign power, as well as other newer concerns.

The Act defines an emergency as:

- an event or situation which threatens serious damage to human welfare in a place in the United Kingdom



- an event or situation which threatens serious damage to the environment of a place in the United Kingdom or
- war, or terrorism, which threatens serious damage to the security of the United Kingdom.

An event or situation threatens damage to human welfare only if it involves, causes or may cause loss of human life, human illness or injury, homelessness, damage to property, disruption of a supply of money, food, water, energy or fuel, disruption of a system of communication, disruption of facilities for transport, or disruption of services relating to health.

RBFA has duties under the 2004 Act in relation to two situations, either of which poses a considerable test. The two tests for whether a duty exists are:

- where the emergency would be likely to seriously obstruct its ability to perform its functions;
- where RBFA:
 - would consider it necessary or desirable to act to prevent, reduce, control, or mitigate the emergency's effects, or otherwise take action; and,
 - would be unable to act without changing the deployment of its resources or acquiring additional resources.

One of these two tests must be met for the main duties of the Act to apply.

Summary of CCA 2004 duties

The Act imposes a series of duties on local bodies in England and Wales, Scotland and Northern Ireland known as "Category 1 responders". RBFA is a Category 1 responder. The duties are:

- **must** assess the risk of emergencies occurring, and use this risk assessment to compile a community risk register, and inform contingency planning activity
- **must** put in place emergency plans
- **must** put in place business continuity management arrangements
- **must** put in place arrangements to make information available to the public about civil protection matters, and maintain arrangements to warn, inform and advise the public in the event of an emergency
- **must** share information with other local responders to enhance coordination
- **must** co-operate with other local responders to enhance coordination and efficiency



The Act places a collective risk assessment duty on all Category 1 responders. This process is detailed in Chapter 4 of the Guidance, which sets out key requirements. Once again these are 'must' criteria. Summarised as follows, these require:

- An accurate and shared understanding of risk so plans are proportionate to risk
- A rationale for the prioritisation of objectives and the allocation of resources
- That responders assess their capabilities to identify existing appropriate control measures and any gaps in provision
- Promoting multi-agency planning and consistent understanding of planning assumptions
- Provision of access to the context of emergency planning and business continuity arrangements
- Consideration of national risk assessments to support emergency planning and developing capability

The Fire and Rescue Services (Emergencies) (England)

Order 2007

This Order was enacted under s.9 of the Fire and Rescue Services Act 2004. It gives RBFA statutory duties in connection with key types of emergencies: chemical, biological, radiological or nuclear emergencies ('CBRN emergencies') and emergencies requiring the freeing of people from collapsed structures or non-road transport wreckages (urban search and rescue, or 'USAR emergencies').

It also makes it mandatory for RBFA to make provision for decontaminating people following the release of CBRN substances; to make provision for freeing people from collapsed structures and non-road transport wreckages; to use, on request from an affected FRA, specialist CBRN or USAR resources outside their own areas to an extent reasonable for dealing with the CBRN or USAR emergency.

In this order an emergency has the same meaning as in the FRSA 2004, "an event or situation that causes or is likely to cause one or more individuals to die, be seriously injured or become seriously ill, or serious harm to the environment (including the life and health of plants and animals)".

The establishment of mandatory functions in connection with CBRN and USAR emergencies, gives them the same statutory footing as that which already exists for firefighting and road traffic collisions. Giving FRAs mandatory functions by order sends a clear signal that making provision for dealing with CBRN and USAR emergencies is a core activity. The intention of central government was to improve national resilience to such disruptive incidents.

Chemical, biological, radiological, or nuclear emergency: Art.2

Article 2 of this Order states that Fire and Rescue Authorities **must** make provision in their area for the purpose **of** decontaminating people following a chemical, biological, radiological, or nuclear emergency. This applies whether there is an actual or potential release of a substance.



The FRS **must** contain any water used for decontamination for a reasonable period, and when decontaminating people, the FRA **must** take reasonable steps to prevent or limit damage to the environment.

Building collapse, trains, trams, and aircraft: Art.3

Article 3 states that FRAs **must** make provision in their area for the purpose of rescuing people who may be trapped and protecting them from serious harm, (to the extent that it considers it reasonable to do so), in the event of an emergency involving the collapse of a building or other structure.

It **must** also make provision in their area for the purpose of rescuing people who may be trapped and protecting them from serious harm, (to the extent that it considers it reasonable to do so), in the event of an emergency which involves a train, tram, or aircraft which is likely to require the FRA to use its resources beyond the scope of its day to day operations.

Required actions of the FRA: Art.4

The FRA **must** make provision for the requirements of Art.2 and 3 by securing the provision of the personnel, services, and training to efficiently meet all reasonable requirements. In a similar vein to the requirements of the FRSA 2004, the FRA **must** make arrangements for:

- dealing with calls for help.
- for obtaining necessary information.
- for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken in following the Order.

The Fire and Rescue National Framework for England 2018

The Fire and Rescue National Framework for England (the National Framework) is published by the Minister of State for Policing and the Fire Service. The National Framework sets out priorities and objectives for fire and rescue authorities in England. Its requirements are best calculated to promote public safety and the economy, efficiency and effectiveness of fire and rescue authorities.

The priorities and objectives set out in the National Framework are:

- Risk assessment: Identify and assess all foreseeable fire and rescue related risks whether they are local, regional or national from fires to terrorist attacks.
- Prevention: Preventing fires and other emergencies through education, inspection, and enforcement.
- Protection: Protecting people, property, and the environment by minimising the risks from fires and other hazards.
- Response: Responding to emergencies promptly and effectively, such as fires, rescues, and hazardous materials incidents.
- Collaboration: Collaborating with other emergency services, local authorities, and organizations to enhance overall public safety.



- Innovation: Encouraging innovation and efficiency in the delivery of fire and rescue services.
- Resilience: Building resilience to cope with large-scale incidents and disasters.
- Public Engagement: Engaging with the public and involving them in safety and prevention efforts.

There is a significant body of common law which relates to guidance issued by the government. When carrying out its functions, RBFA is required to “have regard” to the Framework¹. To have regard does not mean to follow slavishly, if RBFA wishes to depart from the Framework, it may, but the Framework should be conscientiously taken into account².

The Courts have consistently suggested that Government guidance issued under statute, as is the case here (and with guidance issued alongside the Civil Contingencies Act 2004), should be given ‘great weight’ and should be considered, ‘with great care, and from which it should depart only if it has cogent reasons for doing so’³. The reasoning behind any decision to depart from the framework should also be ‘spelled out clearly, logically and convincingly’⁴.

Requirements derived solely from the Fire and Rescue Service National Framework, derive from statutory guidance, and therefore sit below statute and regulations in the legal hierarchy. S.25 of the Fire and Rescue Services Act 2004 requires the Secretary of State to produce a biannual report to Parliament setting out the extent to which fire and rescue authorities are acting in accordance with the Fire and Rescue National Framework for England. Should FRAs be deemed to be non-compliant with requirements derived solely from the National Framework the potential sanction is essentially, public censure delivered by the Secretary of State.

The National Framework touches on the discretionary legal powers of FRAs. It recognises that FRAs deliver a range of public safety activities but that these, ‘must not be at the expense of services’ core functions around prevention, protection and response.’

A desired outcome of this report is to assure RBFA that RBFRS is monitoring its functions to ensure that non-statutory response is not being carried out at the expense of core response functions in line with this requirement of the National Framework.

Terrorism

It is useful to consider the position of FRAs in relation to acts of terrorism. The NFCC [Position Statement](#) of January 2020 recognises that the discretionary powers set out in section 11 of the Fire and Rescue Services Act 2004 and the duty under section 2 of the Civil Contingencies Act 2004 to plan, advise and assess for risks within the National Risk Assessment (now known as the National Security Risk Assessment) confer a duty to respond to terrorist incidents.

¹ Fire and Rescue Service Act 2004, s.21

² *R v London Borough of Barnet Ex p B* [1994] ELR 357

³ *R v Islington London Borough Council ex p Rixon* [1977] ELR 66

⁴ *R (Khatun) v London Borough of Newham* [2004] EWCA



Further to this, the National Framework for the Fire and Rescue Service in England 2018 requires RBFA to put in place arrangements to prevent and mitigate all foreseeable fire and rescue related risks, including terrorist attacks. Section 3.10 of the Framework states that:

“Fire and rescue services must be able to respond to the threat of terrorism and be ready to respond to incidents within their areas and across England. Fire and rescue services should also be interoperable to provide operational support across the UK to terrorist events as required.”

While there is no clearly defined statutory duty to respond to terrorist incidents, the weight of the National Framework, the discretionary legal power in s.11, the professional opinion of the NFCC and the findings of public inquiries indicate that response is appropriate, necessary, and both desired and required by the public.

Statutory powers

While FRAs have some very clearly defined statutory duties (fires, road traffic collisions and latterly CBRN, building collapse, trains, trams, and aircraft emergencies as set out above) other types of emergencies require RBFA to exercise its discretionary powers under s.11 of the Fire and Rescue Services Act 2004. These incident types are examined below.

It is also worthwhile considering the statutory powers enacted in the Localism Act 2011. These are wide ranging and specifically reference FRAs.

Localism Act 2011

Combined fire and rescue authorities were given new general powers under the Localism Act 2011. A paper published by the Department for Communities and Local Government (DCLG) in 2011 stated that government considered Fire and Rescue Authorities to have a ‘single purpose status’, which is, unsurprisingly, to deliver fire and rescue services. The aim of the Act was to facilitate the devolution of decision-making powers from central government to the localised control of individuals and communities.

The provisions of the Localism Act give FRAs additional legal capacity to do anything which they believe furthers their statutory objects. The existing charging provisions of the Fire and Rescue Services Act 2004 were simplified to enable greater freedom and flexibilities. This law was enacted as the most effective means of delivering the objective of greater freedom for FRAs whilst maintaining their single purpose status.

Section 5A of the FRSA 2004 (inserted by section 9 of the Localism Act) gives a fire and rescue authority the power to do:

- anything it considers appropriate for the purposes of the carrying out of any of its functions (its “functional purposes”),
- anything it considers appropriate for purposes incidental to its functional purposes,



- anything it considers appropriate for purposes indirectly incidental to its functional purposes through any number of removes,
- anything it considers to be connected with (i) any of its functions, or (ii) anything it may do under the above matters, and
- for a commercial purpose anything which it may do under any of the above otherwise than for a commercial purpose.

While these powers are very broad this report was unable to find weight of evidence suggesting they are in active use by FRAs. This report will now consider a range of scenarios where a statutory power is commonly exercised by RBFA to deliver a response to an incident.

Assisting other agencies

Assisting other agencies is something of a catch all incident type as RBFRS works with a wide range of category 1 and 2 partners on a daily basis. A significant proportion are related to calls to assist the ambulance service with patients and, to a lesser extent, the police with gaining entry to premises.

TVFCS will not mobilise to assist the ambulance service with a patient without a request for assistance from a healthcare professional such as a doctor, or ambulance personnel. Ambulance crews are regularly called to addresses where upon arrival entry cannot be made and there is concern for the occupier's life or health. A MOU between Thames Valley Police (TVP), South Central Ambulance Service (SCAS) and the TVFRS has been agreed. TVFRS have signed up to support SCAS, replacing TVP as the primary supporting agency for SCAS in effecting entry to patients.

There is not a statutory duty within the Fire and Rescue Services Act 2004 to support the Ambulance Service with moving patients including bariatric patients. However, RBFRS may be called to incidents within their statutory duties which involve casualty handling including potential bariatric casualties. For example, road traffic collisions or fires. As this is reasonably foreseeable, normal risk, RBFRS has equipment and training to support the management of these patients. It is worth noting that the primary responsibility for patient care rests with the ambulance service, but RBFRS is well placed to assist on many occasions.

Locked out, locked in, lift rescues, and 'released'.

Examples of these incident types are:

- Gaining entry to a property when a resident is locked out and there is a hazard in the premises,
- Gaining entry when a parent is locked out and/or a child is locked in.
- Lift rescues. These involve releasing lift passengers from a mechanical failure of the lift car. Note, these is a separate incident category of released from machinery which would be used by TVFCS for a casualty trapped in a lift mechanism.



The incident type 'released' is something of a catch all. It comprises people with rings stuck on their fingers, people trapped in furniture or vehicles (not because of a road traffic collision). There is often cross over in the recording of this incident type. Sampling showed 'released' being used for lift rescues and locked in incident types. This is dependent on how the officer in charge interprets the nature of the incident they are attending, and the record created by the fire control operator.

Assisting other agencies, locked out/in and lift rescues represent a significant proportion of all non-statutory incident attendances (see chart 1 below).

Flooding

The duty to coordinate the response to civil emergencies lies with the police, who have the duty for coordination during major flood events at both a strategic and tactical coordination level.

At a national level, DEFRA is the lead government department for planning and responding to flooding. Lead Local Flood Authorities (LLFAs) have the responsibility for managing the risks of flooding from surface water, groundwater, and ordinary watercourses (which excludes main rivers managed by the EA) within their area. LLFAs include unitary authorities and county councils in England. RBFA does not have the responsibility for managing flooding nor a legal duty to respond.

Wide area flooding is highly likely to meet the requirements of the [definition of an emergency](#) as set out in s19 Civil Contingencies Act 2004. Where lives are at risk, and RBFA has deployable assets, it should consider the implications of article 2 of the Human Rights Act 1998 (the right to life) when making decisions about whether to deploy.

Although there is no duty in the FRSA 2004 to respond to flooding the Thames Valley Local Resilience Forum (TVLRF) Multi Agency Flood Plan states that RBFRS's response commitments in the event of the plan being activated are to:

- Mitigate the environmental effects with the Environment Agency
- Provide assistance with pumping where possible, with access to national assets (High Volume Pumps)
- Provide rescue operations where possible

Water rescue

National Operational Guidance states that the police are responsible for co-ordinating search and rescue on land and inland waters. The coordination of these searches for high risk missing persons will generally be led by a police search adviser (PoSA). It is the responsibility of the police to recover dead bodies from water. RBFRS is currently contributing to the development of a memorandum of understanding with Thames Valley Police regarding body recovery.

The ambulance service is responsible for the clinical care of casualties in the pre-hospital environment. They have an established legal duty of care to provide a reasonable standard of care to patients without an unreasonable delay. This duty is engaged once the service accepts the



emergency call (*Kent v Griffiths* [2001] QB 36). Other emergency services (including the police and RBFRS) do not generally owe a duty of care to individual members of the public, rather the duty is focused more on protecting the public 'at large'. Note that these duties do not only apply to water rescue but to all types of emergencies where lives are at risk.

FRAs do not have a statutory duty to respond to water rescue incidents. This was considered as a potential option at the time that the Fire and Rescue Services (Emergencies) (England) Order 2007 was being drafted. It was further recommended in the [Pitt Review](#) of 2008. This duty was not enacted by Government and the recommendation of the Pitt Review was not carried forwards.

A potential exception, responding to road traffic collisions where a vehicle is in water, has been the subject of legal advice provided to the NFCC. The advice was that recovery of a person from a sub-surface vehicle was not a statutory duty under s8 FRSA 2004.

RBFA should be cognisant that in making provision for extinguishing fires (and protecting life and property when fires do occur) as per s.7 FRSA 2004, this may include the need to transport personnel and equipment to areas that are only, or are primarily accessible, by water (such as Fry's Island in Reading).

The Authority should also consider the need to provide safe systems of work for fire fighters operating in a dynamic risk environment near bodies of water as required under s2(a) of the Health and Safety at Work etc. Act (HASWA) 1974.

The two preceding paragraphs indicate a degree of necessity for the provision of equipment and trained personnel to operate in or on the water by RBFA. It is not a great extension of this principle to the adoption of a fully-fledged water rescue function for the improvement of public as well as fire fighter safety.

Animal Rescue

In most instances the requirement to respond to animal related incidents sits with the RSPCA, the Police, or the local authority. Generally, the duty of care for an animal is held by its owner or keeper. However, by virtue of being mobilised to an animal rescue, or attending an incident involving animals (for example, a road traffic collision) fire fighters may become temporarily responsible for the welfare of animals under their control if there is no owner or keeper capable of fulfilling their responsibilities. Operational commanders may need to seek specialist advice regarding appropriate care and should consider factors such as feeding, hydration, reduction of stressors and safe relocation.

Section 4 of The Animal Welfare Act 2006 states that, "It is an offence to cause unnecessary suffering to an animal by an act or failure to act". There are many situations where RBFRS personnel may have to facilitate the needs of an animal to avoid unnecessary suffering. They should be aware of scrutiny that might follow if there is a perception of continued suffering through deed or omission.



The legal landscape surrounding animal rescue is complex. For example, The Protection of Badgers Act 1992 requires external agency assistance and legal authorisation to investigate or extract a canine from a badger sett. Section 14 of Wildlife and Countryside Act 1981 requires certain non-indigenous wildlife species (such as grey squirrel and muntjac deer) that are trapped or entangled to be euthanised rather than released. Failure to comply with these laws is a criminal offence.

Animal rescue is carried out using the statutory power in s.11 FRSA 2004. By way of reminder this states that, 'RBFA **may** take any action it considers appropriate... in response to an event or situation that causes or is likely to cause... harm to the environment including the life and health of... animals.' This statutory power seems straightforward, but when its potential consequences are considered with the complexity of animal welfare laws in mind this work must be undertaken in a considered manner.



Analysis of non-statutory duties

A review of five years of RBFRS incident data shows that five types of non-statutory incident represent the bulk of demand. Assisting other agencies, persons locked in/out, flooding, lift rescue and release far outweigh the remaining incident types.

Within these incident categories, assisting other agencies includes gaining entry, providing treatment, equipment, or personnel. Flooding includes internal and external flooding (water from inside a property such as leaking pipes or external flooding such as fluvial or pluvial flooding). Release includes incidents such as people locked in vehicles, trapped in furniture, or with rings stuck on their finger. They are often uninjured. The 'other' category includes rescue from machinery, bomb suspected and chargeable special service calls.

Over the review period locked in or out, lift rescues and release incident types represent 3267 of a total of 7031 non-statutory incidents, or 46.5% of the total number of the incidents.

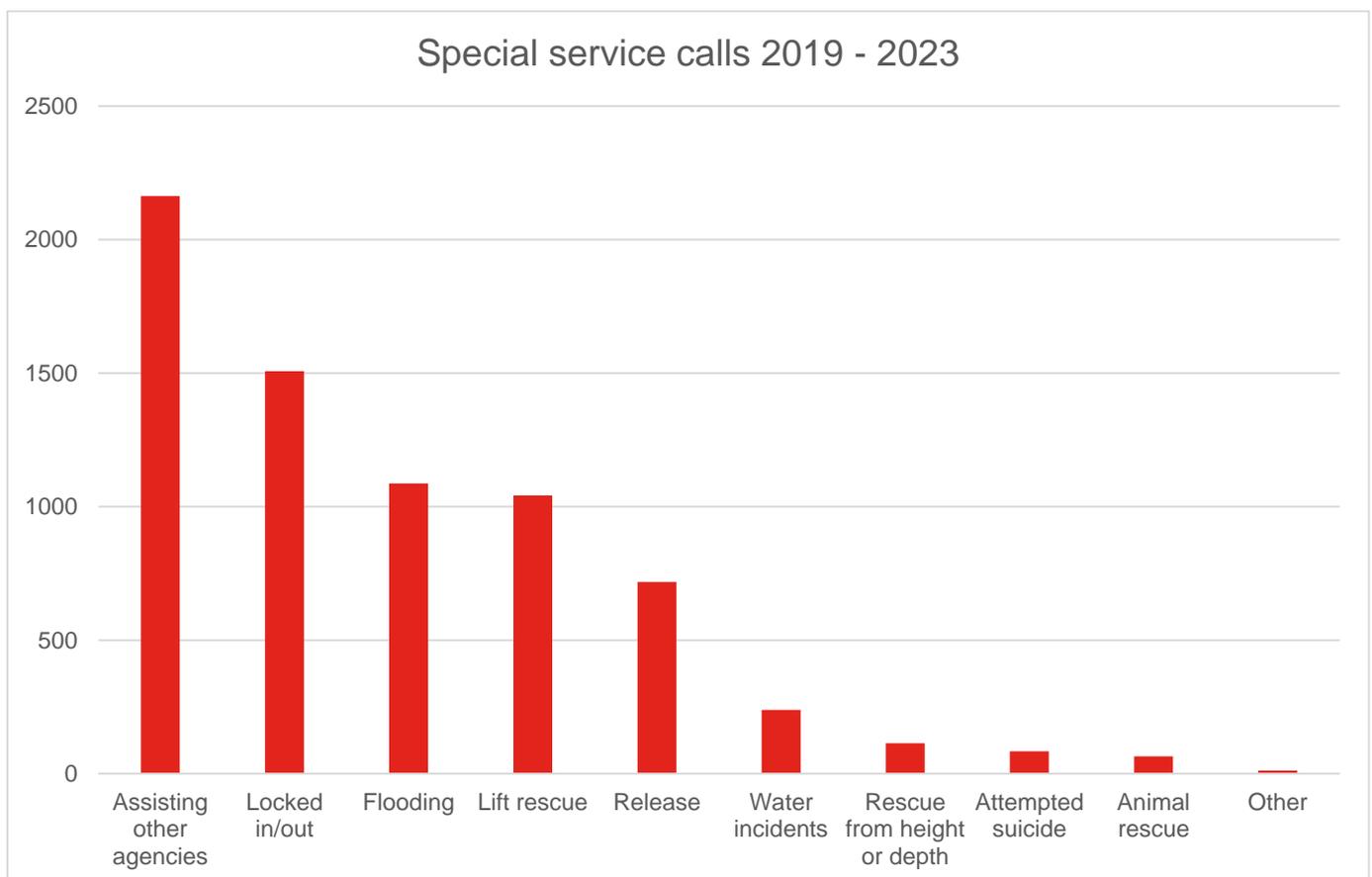
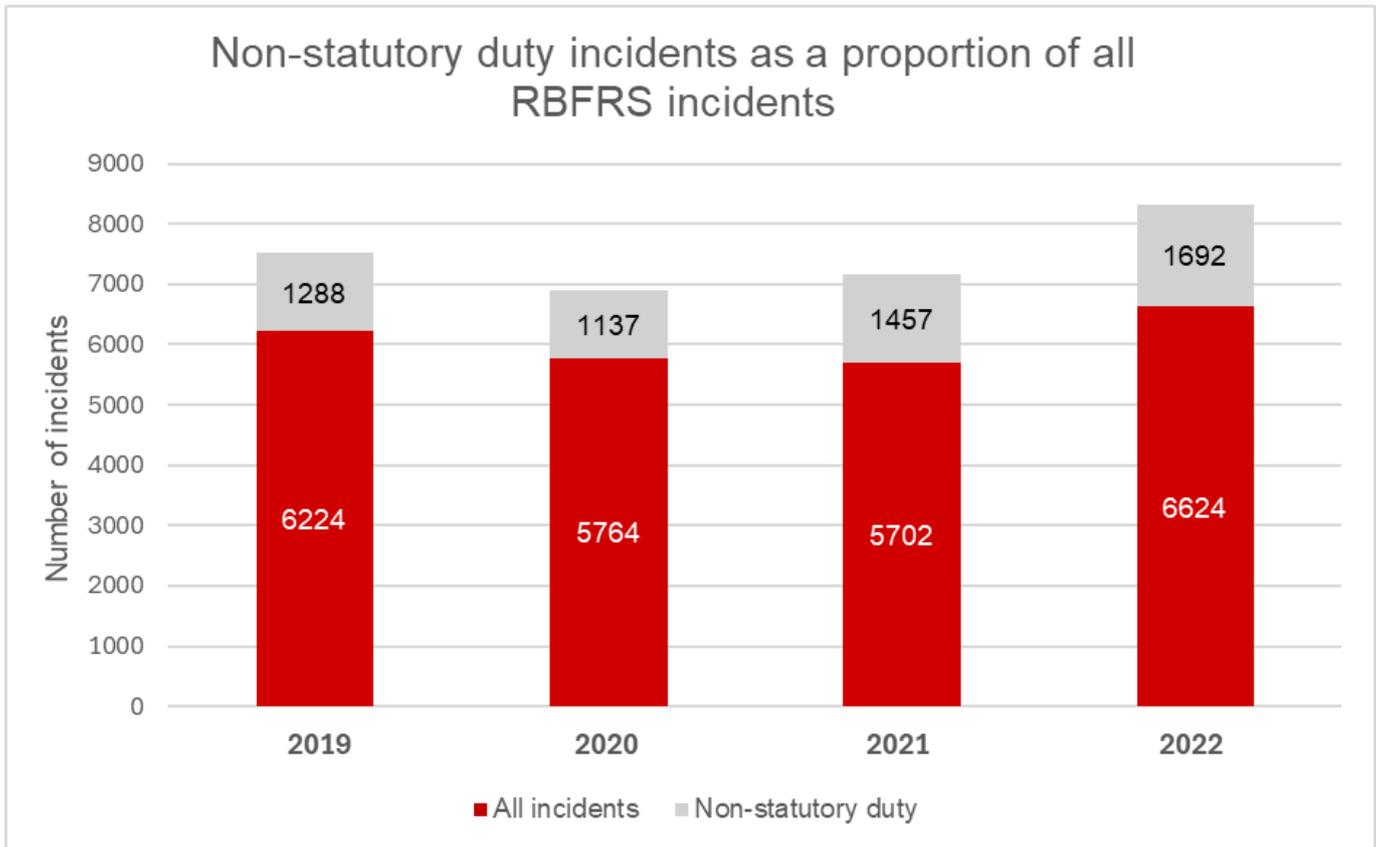


Chart 1



The chart below shows Home Office incident data with the total number of incidents attended over a 4-year period. It includes the number of non-statutory incidents attended as a proportion of the total number of incidents.



Year	2019	2020	2021	2022
Total incidents reported to Home Office	7512	6901	7159	8316
Number of non-statutory duty incidents	1288	1137	1457	1692
As a percentage of all calls	17.1%	16.5%	20.4%	20.3%

Chart 2

Between 17-20% of incidents attended are non-statutory.

Note that although the report uses 5 years of data, Home Office data is only currently available for the first two quarters of 2023 so 2023 has been excluded from this chart.

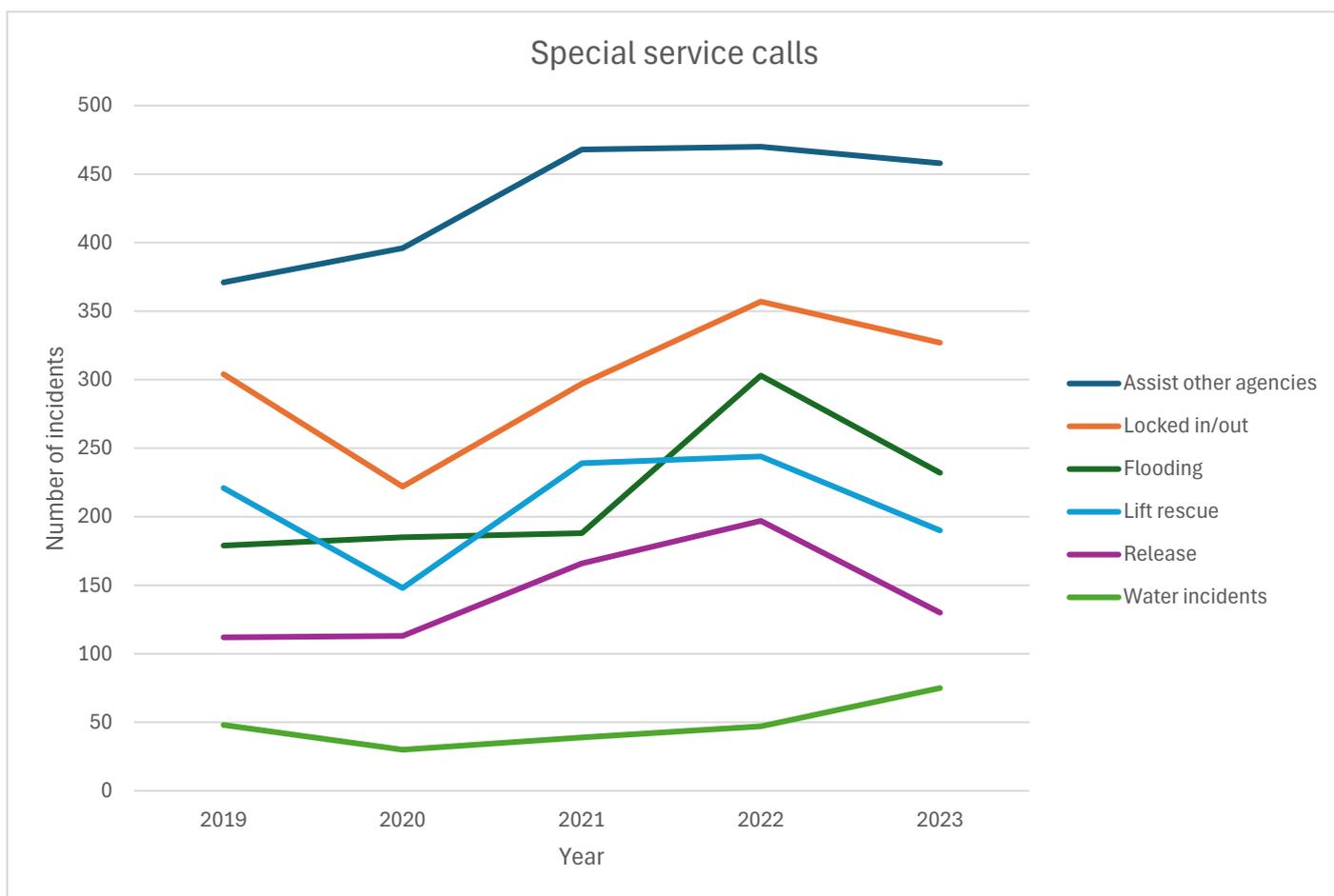


Chart 3

The number of calls to non-statutory duty incidents rose during the covid-19 pandemic and all incident types other than lift rescues have risen over a five-year period. There appears to be a return to pre-covid levels in some incident types although more data will be required to assess whether this change is permanent or significant.

The rise in flooding and water rescues is in line with longer term predictions contained in the 2023-27 CRMP Evidence Base around the impact of warmer, wetter, winters.

The number of calls to assist other agencies has increased, although there is a plateau and slight decline post covid. Anecdotal evidence from the duty officer group suggested concern around the level of demand for these incident types. This includes requests for RBFRS to mobilise to incidents that partner agencies are unable to resource, and a shift in response following the adoption of the Right Care, Right Person protocol by Thames Valley Police in relation to mental health emergencies. This may require further investigation which is outside the remit of this report.



Conclusion

It is important to recognise that while this is a report which was driven by a need to examine the statutory duties of RBFA, the wide-ranging discretionary powers contained in s.11 of the Fire and Rescue Services Act 2004 mean that the Authority has the legal power and can choose to deploy resources to a wide variety of incident types. This includes making provision for emergencies that are the statutory duty of other agencies. Equally, the broad margins of statutory response make it straightforward to use resources provided for statutory duties in the exercise of statutory powers. For example, the requirement to provide access and egress and a safe system of work on or near water means that is pragmatic to use water safety resources for flooding and rescue in line with identified community risk, partner agency need and public expectation.

A comparable position has been adopted by the NFCC in relation to FRS response to incidents of terrorism. The distinction, however, is that the National Framework clearly expresses that response to terror incidents is a public and political expectation of FRSs. The Framework is also equally clear that the delivery of novel activities, through the exercise of statutory powers, should not be exercised at the expense of core functions. The requirement being to ensure strong delivery of statutory duties, doing the basics well.

The critical question then, is whether RBFRS is diverting resources at the expense of its core business or whether it is balancing demand. The current Automatic Fire Alarm (AFA) consultation is driven by a desire to reduce the burden of AFAs, to limit the impact those responses have on more risk critical activities. The consultation states that 45% of RBFRS's current incident demand is to AFAs. The incident types in this report represent a mean average of 19% of demand. While this is less than half the demand of AFAs, it is not insignificant.

Any proposed approach, if adopted (or desired), to reduction in this demand must be more nuanced than the organisational response to AFA reduction. The CRMP Priority 4 stated that, 'Notwithstanding the review of our response and the gathering of this data, public safety will remain the primary priority of the Service'. So, any desire to ensure capacity is focused on statutory duties, what we think of as core business, must be mindful of the wider societal value derived from work that has been adopted over a long period of time. Work that has often been adopted when there is no other organisation with the capacity to deliver it.

CRMP consultation feedback further highlighted the importance of our response to some of these incident types. They are valued by the communities we serve and the partner agencies we work alongside. RBFRS employees think that there is a justified moral and public expectation to continue attending, residents want the Authority to maintain animal rescue capabilities and partner agencies express concern about the creation of a capability gap.

"Absolutely. I think focusing on your core service should help to strengthen and improve the overall service you deliver to the community. It would be interesting to see how you go about withdrawing from duties that don't form a part of your core statutory responsibilities, without it leaving a gap or groups of people vulnerable."



“It’s important that the fire service continue with large animal rescue, as a farmer in rural Berkshire this is critical.”

“Whilst money and resources are tight, there is a moral obligation on all Cat 1 responders to attend incidents outside of their statutory responsibilities. This has been custom and practice and communities expect this to continue. Fine to review those that you are really not required to attend but consideration must be given to ‘if not the F&RS, then who’ question”

CRMP Consultation responses to Priority 4.

There is a clear and, an important, focus on some of the more emotive incident types (water rescue, animal rescue, flooding) but notwithstanding that there are other incident types that could be reviewed. The burden of locked in/out, lift rescues and the broad ‘released’ incident category could be reconsidered. These incident types are less likely to present life risk than some other types such as water rescue incidents. They do present a significant proportion of incidents attended and address, in many circumstances, a low level of community risk.

The option to reduce attendances to using statutory powers is not straightforward and would require a significant expenditure of organisational resource to achieve a meaningful outcome. There are several areas where this outcome is undesirable. Stepping back from assisting other agencies is unlikely. RBFRS has memoranda of understanding in place for some activities and an existing duty to collaborate which derives from the Policing and Crime Act 2017. This points to more, not less, joint working in the future. Any change in priorities must be taken within a wider organisational context. See [Appendices](#) below for overview of PCA 2017.

There is a need for ongoing review. The burden and impact on response of the exercise of statutory powers should be monitored on an ongoing basis to ensure that the focus on core duties as expressed in the National Framework is maintained.

Recommendations

1. Consider whether there is any benefit to reducing attendance levels to incident types locked in/out, lift rescue or release.
2. Use the findings of this report to inform the development of CRMP Priority 3, to support the development of a revised response model.
3. Monitor the exercise of statutory powers to ensure that their use does not adversely impact the delivery statutory duties.



Appendices

Incident types

Incident type	Statutory power?		Incident type	Statutory power?	
Fire- domestic	No	s.7 FRSA 04	Transport- RTC persons trapped large vehicle	No	s.8 FRSA 04
Fire- roof domestic	No	s.7 FRSA 04	Transport- RTC persons trapped multiple	No	s.8 FRSA 04
Fire- thatched	No	s.7 FRSA 04	Transport- RTC persons trapped fire small	No	s.7 & 8 FRSA 04
Fire- persons reported domestic	No	s.7 FRSA 04	Transport- RTC persons trapped fire large	No	s.7 & 8 FRSA 04
Fire- persons reported caravan/camping	No	s.7 FRSA 04	Transport- RTC persons trapped fire hazmat	No	s.7 & 8 FRSA 04
Fire- other buildings	No	s.7 FRSA 04	Transport- RTC vehicle fire multi vehicles	No	s.7 & 8 FRSA 04
Fire- derelict buildings	No	s.7 FRSA 04	Transport- aircraft in distress	No	a.3 FRS(E)(E)O 07
Fire- persons reported derelict building	No	s.7 FRSA 04	Transport- aircraft large	No	a.3 FRS(E)(E)O 07
Fire- caravan/camping	No	s.7 FRSA 04	Transport- boat on fire	No	s.7 FRSA 04
Fire- field	No	s.7 FRSA 04	Transport- boat requiring rescue	Yes	s.11 FRSA 04
Fire- electrical installation	No	s.7 FRSA 04	Transport- freight train fire	No	s.7 FRSA 04
Fire- commercial high rise	No	s.7 FRSA 04	Transport- passenger train fire	No	s.7 FRSA 04
Fire- persons reported commercial high rise	No	s.7 FRSA 04	Transport- train incident	No	a.3 FRS(E)(E)O 07
Fire- fire now out	No	s.7 FRSA 04	Transport- large vehicle on fire	No	s.7 FRSA 04
Fire- late fire call	No	s.7 FRSA 04	Transport- aircraft light	No	a.3 FRS(E)(E)O 07
Fire- fire unknown origin	No	s.7 FRSA 04	Transport- aircraft military	No	a.3 FRS(E)(E)O 07
Fire- smoke in the area	No	s.7 FRSA 04	Transport- fire hazardous load (tanker)	No	s.7 FRSA 04
Fire- person on fire	No	s.7 FRSA 04	Transport- LPG fuel vehicle on fire	No	s.7 FRSA 04
Fire- chimney	No	s.7 FRSA 04	Transport- RTC scene safety	No	s.8 FRSA 04
Fire- chimney thatched roof	No	s.7 FRSA 04	Transport- aircraft take off/landing	No	a.3 FRS(E)(E)O 07



Incident type	Statutory power?		Incident type	Statutory power?	
Fire- agricultural	No	s.7 FRSA 04	Transport- boat stability	Yes	s.11 FRSA 04
Fire- persons reported agricultural	No	s.7 FRSA 04	Transport- small vehicle on fire	No	s.7 FRSA 04
Fire- silo/grain dryer	No	s.7 FRSA 04	Transport- hybrid vehicle on fire	No	s.7 FRSA 04
Fire- fire in the open	No	s.7 FRSA 04	Special service- bariatric patient	Yes	s.11 FRSA 04
Fire- fire in the open large	No	s.7 FRSA 04	Assist SCAS- cardiac arrest	Yes	s.11 FRSA 04
Fire- road furniture and receptacles	No	s.7 FRSA 04	Special service- external flooding	Yes	s.11 FRSA 04
Fire- recycling/landfill	No	s.7 FRSA 04	Special service- assist other agency	Yes	s.11 FRSA 04
Fire- recycle banks	No	s.7 FRSA 04	Special service- assist with evacuation	Yes	s.11 FRSA 04
Fire- railway embankment	No	s.7 FRSA 04	Special service- person collapsed behind door	Yes	s.11 FRSA 04
Fire- fire below ground	No	s.7 FRSA 04	Assist SCAS- effecting entry	Yes	s.11 FRSA 04
Fire- fire post box	No	s.7 FRSA 04	Special service- release	Yes	s.11 FRSA 04
Fire- tyre stack and rubber crumb fires	No	s.7 FRSA 04	Special service- person shut in lift	Yes	s.11 FRSA 04
Fire- industrial/commercial	No	s.7 FRSA 04	Special service- locked in/out	Yes	s.11 FRSA 04
Fire- persons reported industrial/commercial	No	s.7 FRSA 04	Special service- persons locked in	Yes	s.11 FRSA 04
Fire- persons reported commercial building	No	s.7 FRSA 04	Special service- persons locked out	Yes	s.11 FRSA 04
Fire- roof commercial building	No	s.7 FRSA 04	Special service- dangerous structure	No	a.3 FR(E)(E)O 07
Fire- persons reported industrial building	No	s.7 FRSA 04	Special service- attempted suicide	Yes	s.11 FRSA 04
Fire- retail/public assembly	No	s.7 FRSA 04	Special service- internal flooding	Yes	s.11 FRSA 04
Fire- persons reported retail/public assembly	No	s.7 FRSA 04	Rescue- vehicle in water	Yes	s.11 FRSA 04
Fire- shopping centre	No	s.7 FRSA 04	Rescue- rescue from unstable surface	Yes	s.11 FRSA 04
Fire- cinema/theatre	No	s.7 FRSA 04	Rescue - rescue of small animals	Yes	s.11 FRSA 04
Fire- school/college	No	s.7 FRSA 04	Rescue- rescue of large animals	Yes	s.11 FRSA 04
Fire- arenas/stadia	No	s.7 FRSA 04	Rescue- small animal from water	Yes	s.11 FRSA 04
Fire- marquees	No	s.7 FRSA 04	Rescue- large animal from water	Yes	s.11 FRSA 04



Incident type	Statutory power?		Incident type	Statutory power?	
Fire- residential	No	s.7 FRSA 04	Rescue- rescue from heights	Yes	s.11 FRSA 04
Fire- persons reported residential	No	s.7 FRSA 04	Rescue- silo/ grain dryers	Yes	s.11 FRSA 04
Fire- roof residential	No	s.7 FRSA 04	Rescue - rescue from collapsed structure	No	a.3 FRS(E)(E)O 07
Fire - high rise	No	s.7 FRSA 04	Rescue- rescue from depth	Yes	s.11 FRSA 04
Fire- persons reported high rise	No	s.7 FRSA 04	Rescue- rescue from water	Yes	s.11 FRSA 04
Fire- hospitals	No	s.7 FRSA 04	Rescue- trenches	No	a.3 FRS(E)(E)O 07
Fire- prisons/ detention/ secure accommodation	No	s.7 FRSA 04	Rescue- rescue from machinery	Yes	s.11 FRSA 04
Hazmat- cylinders involved	No	a.2 FRS(E)(E)O 07	Public order- bomb suspected	No	a.3 FRS(E)(E)O 07
Hazmat- (LPG) propane/ butane involved	No	s.7 FRSA 04	Public order- explosion	No	a.3 FRS(E)(E)O 07
Hazmat- acetylene involved	No	s.7 FRSA 04	Public order- CBRNe event	No	a.2 FRS(E)(E)O 07
Hazmat- small	No	a.2 FRS(E)(E)O 07	Public order- bomb confirmed	No	a.3 FRS(E)(E)O 07
Hazmat- vehicle leaking fuel	No	a.2 FRS(E)(E)O 07	Public order- CBRNe level 3	No	a.2 FRS(E)(E)O 07
Hazmat- pipelines	No	a.2 FRS(E)(E)O 07	Public order- white powder	No	a.2 FRS(E)(E)O 07
Hazmat- large	No	a.2 FRS(E)(E)O 07	Public order- suspicious powder	No	a.2 FRS(E)(E)O 07
Hazmat- radioactive materials	No	a.2 FRS(E)(E)O 07	Public order- MTA	Yes	s.11 FRSA 04
Hazmat- oil pollution	No	a.2 FRS(E)(E)O 07	Public order- NILO	Yes	s.11 FRSA 04
Hazmat- acid attack	No	a.2 FRS(E)(E)O 07	Public order- civil disturbance	Yes	s.11 FRSA 04
Hazmat- chemical suicide	No	a.2 FRS(E)(E)O 07	Alarm- industrial/commercial	Yes	s.11 FRSA 04
Hazmat- gas/release/leaks	No	a.2 FRS(E)(E)O 07	Alarm- retail/public assembly	Yes	s.11 FRSA 04
Transport- RTC persons trapped small vehicle	No	s.8 FRSA 04	Alarm- residential	Yes	s.11 FRSA 04



Incident data

Special Service Totals

	2023	2022	2021	2020	2019	Total
Bomb suspected	0	1	0	0	0	1
Rescue from heights	21	19	32	16	22	110
Rescue from water	33	29	29	13	31	135
Rescue from depth	0	1	1	0	2	4
Rescue - vehicle in water	23	13	5	7	15	63
Rescue from machinery	4	2	2	0	2	10
Rescue from unstable surface	0	1	0	0	0	1
Rescue, small animal	1	0	1	0	0	2
Rescue, small animal in water	3	8	1	3	2	17
Rescue, large animal	4	15	5	6	3	33
Rescue, large animal in water	1	2	6	2	2	13
Assist other agency	109	141	144	129	89	612
Assist with evacuation	4	0	1	0	1	6
Bariatric patient	21	38	48	33	34	174
Body recovery from water	1	0	0	0	0	1
Assist SCAS – Person collapsed behind	8	7	8	7	12	42
Assist SCAS – Cardiac arrest	1	1	2	2	0	6
Assist SCAS – Effecting entry	315	283	265	225	235	1323
Special service – release	130	197	166	113	112	718
Special service – Person shut in lift	190	244	239	148	221	1042
Special service – persons locked in/out	327	357	297	222	304	1507
Special service – Attempted suicide	10	26	12	16	20	84
Special service – Internal flooding	212	290	178	161	172	1013
Special service – External flooding	20	13	10	24	7	74
Special service – Chargeable service	1	0	0	0	0	1
Transport – Boat requiring rescue	9	4	3	10	2	28
Transport – Boat stability	9	0	2	0	0	11
Total	1457	1692	1457	1137	1288	7031
Daily average	4	5	4	3	4	



Further legislation

Regulatory Reform (Fire Safety) Order 2005

The Regulatory Reform (Fire Safety) Order 2005 (FSO) is a statutory instrument which sets out the enforceable fire safety standards for England and Wales. Fire and Rescue Authorities are the enforcing bodies of the FSO for in scope premises (as set out in Art. 25) within their area. In very broad terms, this law applies to all premises other than domestic dwellings. The Order is concerned with life safety.

Article 26 states that Fire Authorities, '**must** enforce the provisions of this Order and any regulations made under it in relation to premises for which it is the enforcing authority'. Breach of the FSO by a responsible person is a criminal offence which may result in a fine or imprisonment.

To discharge its responsibilities, RBFRS works collaboratively on behalf of the Fire Authority with partners in licensing, building regulation and housing. The risk-based inspection programme which covers high-risk sites is delivered by trained inspectors. RBFRS also provides business education to support our communities. This engagement enables the business community to create an environment within which people can live and work safely.

Fire Safety Act 2021

The Act requires Responsible Persons of multi-occupied residential buildings with two or more sets of domestic premises to update their fire risk assessment to include an assessment of the building's structure, external walls, and flat entrance doors. This Act aims to increase enforcement action in non-compliant buildings. The Act altered the nature of the duties imposed by the Fire Safety Order 2005 on fire and rescue services around audit, inspection, and enforcement.

The Building Regulations 2010

The Building Regulations 2010 are the standards that apply to all buildings to make sure they are safe for people who are in or around them. They are supplemented by a series of approved documents. These give guidance on the technical elements of the regulations. Approved Document B relates to fire safety.

As the enforcing authority for the Fire Safety Order 2005, RBFRS must be consulted on planning applications relating to premises that are, or will be, covered by the Order. RBFRS has a statutory duty to respond to consultations within fifteen working days, which may be extended by mutual agreement. Building Regulations consultations are undertaken by qualified Fire Safety Inspectors within our Protection teams.

Crime and Disorder Act 1998

The Crime and Disorder Act 1998 places a statutory duty on responsible authorities to formulate and implement strategies for the reduction of crime and disorder (including anti-social behaviour), for combating the misuse of drugs, alcohol, and other substances and for the reduction of reoffending. Fire Authorities are responsible authorities under the Act.



RBFRS investigates the causes of fire and uses highly trained specialists to investigate serious fires. The service also maintains a dedicated Prevention team and works closely with partners to support crime reduction through multi-agency for a such as MAPPAs and Health and Wellbeing Panels.

Policing and Crime Act 2017

The Policing and Crime Act 2017 amends the Fire and Rescue Services Act 2004 to enable Police and Crime Commissioners (PCCs) to take on governance of their local fire and rescue service through the creation of PCC led Fire & Rescue Authorities.

The Act also established a statutory duty for blue light service collaboration and set out a clear legislative framework within which collaborative agreements can take place. Section 2 places a statutory duty on police, fire and rescue and emergency ambulance services to keep under consideration opportunities to collaborate with one another. Emergency services are required to collaborate where the agreement would be in the interests of their efficiency or effectiveness.

Health and Safety at Work etc. Act 1974

This Act applies to all employers in relation to health and safety. It is a wide-ranging piece of legislation with ramifications for the employer, employee, and service users. For the purposes of this report a key duty is that it requires Fire and Rescue Authorities ensure, so far as is reasonably practical, the health, safety, and welfare at work of all of their employees (section 2(1)).

ROYAL BERKSHIRE
FIRE AND RESCUE SERVICE

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-  Royal Berkshire Fire & Rescue Service
-  rbfrs.co.uk

ROYAL BERKSHIRE FIRE AUTHORITY REPORT



COMMITTEE	MANAGEMENT COMMITTEE
DATE OF MEETING	9 APRIL 2024
SUBJECT	DISCIPLINE AND COMPLAINT EFFECTIVENESS ASSESSMENT
LEAD OFFICER	BECCI JEFFERIES, HEAD OF HUMAN RESOURCES AND LEARNING AND DEVELOPMENT
LEAD MEMBER	N/A
EXEMPT INFORMATION	NONE
ACTION	FOR NOTE

1. EXECUTIVE SUMMARY

- 1.1 An annual internal review takes place within Human Resources (HR) to provide a year-on-year comparison of discipline and complaints cases.
- 1.2 This report provides an overview and comparison of the discipline and complaint cases that have been undertaken for the years 2021/2022 and 2022/2023.
- 1.3 The report is based on a detailed annual review which is undertaken in HR for confidentiality purposes, the information in this report is kept deliberately brief. The purpose of this report is therefore to provide a snapshot of the cases dealt with across the service for the years 2021/2022 and 2022/2023.

2. RECOMMENDATION

The Management Committee:

- 2.1 **NOTE** the details of the Discipline and Complaints Effectiveness Assessment report.

3. REPORT

- 3.1 Appendix A details the finding of the discipline and complaint effectiveness case analysis.

Agenda Item 11

3.2 Role of HR

- 3.2.1 HR are responsible for maintaining fair and effective discipline and complaints procedures and providing appropriate advice, guidance and training for managers dealing with matters relating to disciplinaries and complaints.

3.3 Discipline Cases

- 3.3.1 Discipline cases have been internally monitored for a number of years in terms of the number of cases at each stage and the reasons for disciplinary investigations. A summary of the findings for the years 2021/2022 and 2022/2023 can be found below:
- 3.3.2 A breach of policy and process was the main reason for disciplinary investigations in 2020/2021 and 2022/2023. Nothing significant was identified to warrant any specific policy changes but outcomes were further reviewed and addressed as appropriate.
- 3.3.3 The number of disciplinary cases relating to discrimination, bullying or harassment increased but no themes could be identified.
- 3.3.4 The outcome of disciplinary investigations are very case specific and determined on their own merits. It is therefore difficult to draw parallels between outcomes, however these continue to be monitored to ensure actions taken in each case are proportionate.
- 3.3.5 The time taken to complete investigations can be very case specific and dependant on various factors such as the complexity of the case and the absence of the employee and/or their representatives and the co-ordination of shift patterns. However, the timescales are monitored to ensure that there is a balance between ensuring a prompt investigation and the need to carry out a thorough and robust investigation.
- 3.3.6 Some cases resulted in the employee appealing their disciplinary sanction. None of these appeals were fully upheld and one was withdrawn. The reasons for appeals are monitored, with any learnings or process changes being addressed where appropriate.
- 3.3.7 Disciplinary training is available to all managers who may undertake investigations and is included in the Development and Assessment Pathway (DAP) for Grey Book managerial staff. Refresher training is provided to investigating officers by HR where appropriate.
- 3.3.8 Information on gender, ethnicity and length of service is routinely collected for every disciplinary case to enable HR to analyse trends or themes emerging. The trends relating to who is subject to a disciplinary process in terms of length of service, gender and ethnicity broadly follow the demographics of the workforce. Nothing specific could be found in terms of underlying sexism or racism for the cases analysed.

3.4 Complaints

- 3.4.1 Complaints cases have been monitored internally for a number of years. A summary of the findings for 2021/2022 and 2022/2023 can be found below:
- 3.4.2 In 2022/2023 the number of complaints increased significantly. There was no specific reason for this although it could be down to a number of factors including the publicity surrounding the cultural review of Fire Services in the latter part of 2022.
- 3.4.3 There was a higher proportion of formal complaints in 2022/2023 but these were for unrelated reasons and no themes or trends could be identified.
- 3.4.4 SaySo is a tool available to staff for anonymous complaint reporting. Complaints made via SaySo are included in the complaint analysis, but it should be noted that due to the anonymous nature of some complaints received the gender and ethnic origin of the complainant cannot be analysed. However where particular issues are identified these are addressed as far as possible on the information provided. It should also be noted that there has been an increase in complaints relating to bullying, harassment, discrimination and behaviour. No particular themes or trends could be identified. It should also be noted that the majority of complaints were anonymous which limited the scope for the investigation.
- 3.4.5 There are no trends that could be identified in terms of the location of complaint subjects.
- 3.4.6 The majority of complaints were completed within the 28-day timescales set out in the Grievance, Bullying and Harassment Policy. There is a number of factors as to why complaints could not be completed within timescales which include availability of staff (either due to sickness or conflicting rota patterns) or the complexity of investigations.
- 3.4.7 Throughout 2021/2022 and 2022/2023, no particular trends could be identified in terms of length of service. This is an area that will continue to be monitored.
- 3.4.8 In terms of the gender and ethnicity of the complaint subject and the complainant no specific trends or concerns could be identified. It should be noted that due to the anonymous nature of some complaints received the gender and ethnic origin of the complainant cannot be analysed.
- 3.4.9 Analysis of exit interview information did not indicate any trends in terms of bullying and harassment that caused people to leave the Service.

HR Case Management

- 3.4.10 A qualified HR Adviser provides support for all discipline and complaints cases, with separate advisers for the investigation, hearing and appeal stages.

Agenda Item 11

3.5 HR acts in an advisory capacity to provide advice on processes and ensuring legal compliance. Several procedures and processes have been put into place to ensure case management is effective. These include:

- Ongoing review of manager guidance.
- Ensuring conflicts of interest of those undertaking investigations are declared.
- Ensuring appropriate welfare support is provided for those involved in processes.
- Appointing CIPD qualified external investigators for cases which may be particularly resource intensive.
- Providing feedback and coaching to investigating officers throughout the course of an investigation.
- Undertaking quarterly audits of discipline and complaints cases.
- Undertaking internal HR adviser learning sessions.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

4.1 People: We will support our staff by providing a safe and inclusive environment for them to thrive in, building a diverse organisation that is engaged with, and accessible to, our communities.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications relating to this report.

6. LEGAL IMPLICATIONS

6.1 There are no legal implications relevant to this report.

7. EQUALITY AND DIVERSITY IMPLICATIONS

7.1 There are no equality and diversity implications relating to this report, but considerations regarding gender and ethnicity are considered as part of the analysis of discipline and complaints cases.

8. RISK IMPLICATIONS

8.1 There are no risk implications associated with the report.

9. CONSISTENCY WITH DUTY TO COLLABORATE

9.1 N/A

10. PRINCIPAL CONSULTATION

10.1 Chief Fire Officer

10.2 Senior Leadership Team

11. BACKGROUND PAPERS

11.1 None.

12. APPENDICES

12.1 Appendix A – Discipline and Complaints Effectiveness Assessment

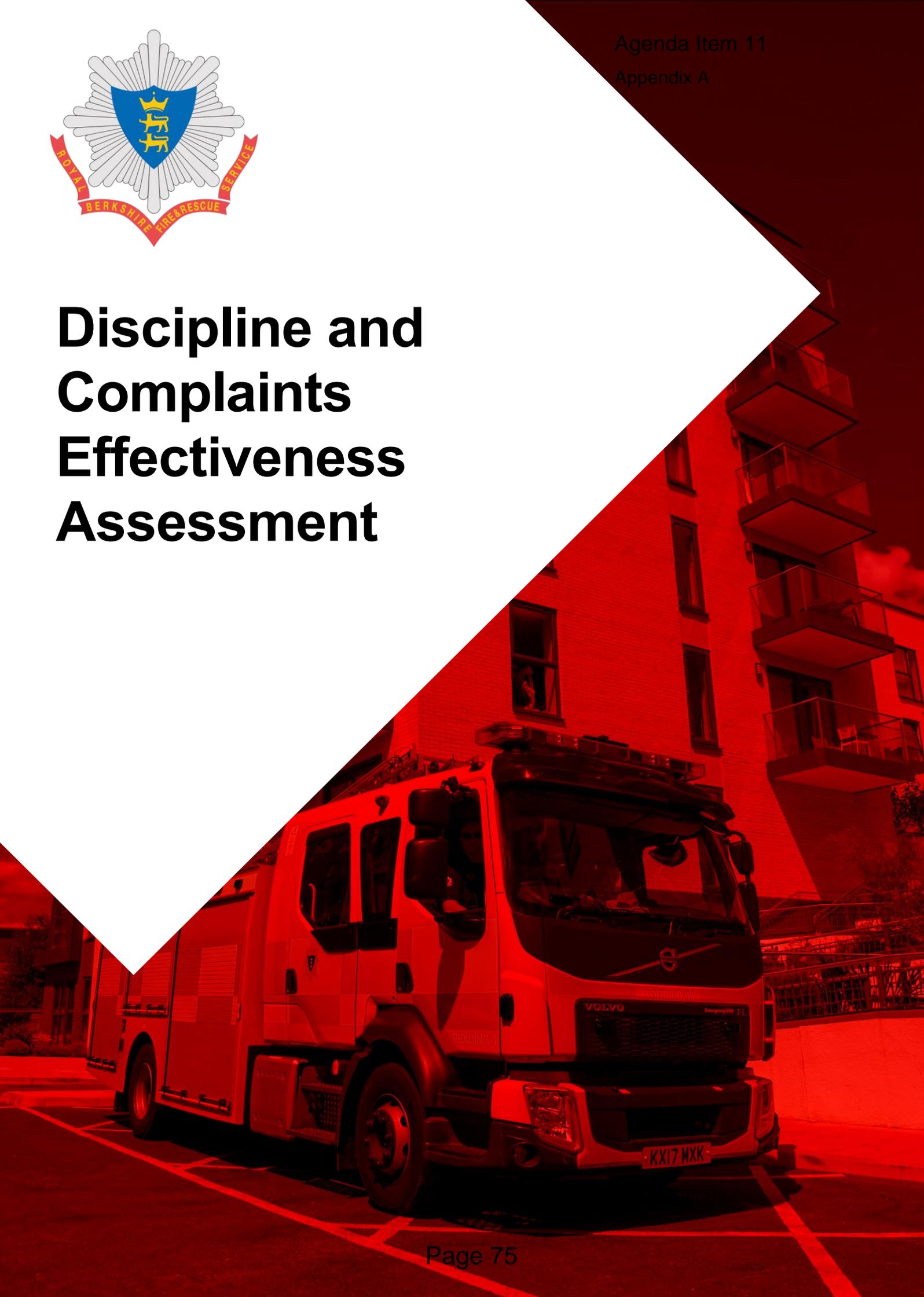
13. CONTACT DETAILS

13.1 Lucy Greenway, Senior HR Adviser, 07585 991606

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Discipline and Complaints Effectiveness Assessment





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Discipline and Complaints Effectiveness Assessment

An annual internal review takes place within Human Resources (HR) to provide a year-on-year comparison of discipline and complaints cases. Undertaking this review annually allows for a more effective way of analysing trends, however cases are reviewed on an ongoing basis to ensure any actions are addressed as appropriate. An analysis of the discipline and complaint cases for 2023/2024 will take place in Q1 of 2024.

This report is based on the detailed annual HR review and provides an overview and comparison of the discipline cases and complaints undertaken for the years 2021/2022 and 2022/2023. For confidentiality reasons, and due to the small number of cases that may make individuals identifiable, the information within this report is kept deliberately brief. The purpose of the report is therefore to provide a snapshot of cases dealt with across the Service.

For note, an annual analysis of exit interviews is also undertaken to highlight and address where possible any underlying issues. A summary of these outcomes are also provided in the complaints section of this report.

HR Role

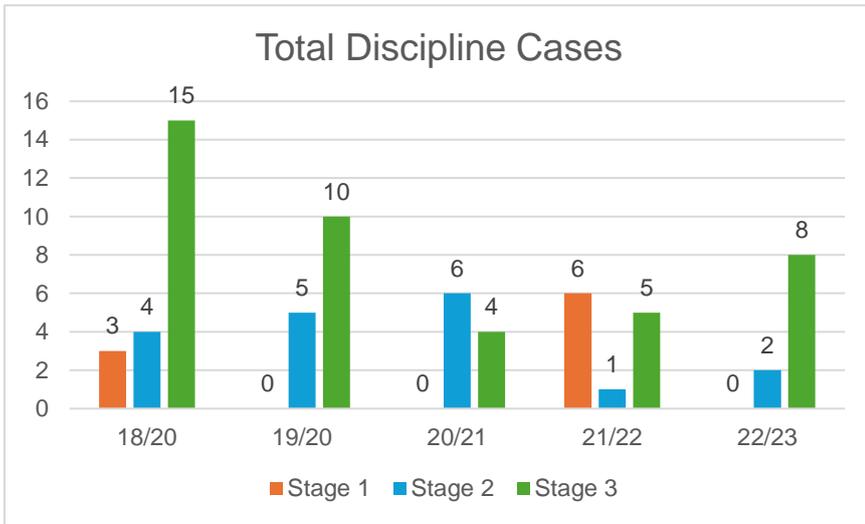
HR are responsible for maintaining fair and effective disciplinary and complaint procedures and providing appropriate advice, guidance and training for managers dealing with matters relating to disciplines and complaints. All HR Advisers providing advice and guidance to managers are CIPD qualified.

A separate HR Adviser is assigned to support managers at Investigation, Hearing and Appeal stages to ensure neutrality and maintain the integrity of the disciplinary process. Separate HR Advisers are also assigned to the informal, formal and appeal stages of the employee complaints process.

Fully CIPD qualified external investigators are also appointed for cases which may be particularly resource intensive. External investigators have been utilised for complaint investigations in 2023/2024.

Discipline

Discipline cases, and the reasons for these have been monitored internally for a number of years. For information, the total number of disciplinary cases broken down into stages of the process over the past five years are detailed below:



Reason for Disciplinary

Disciplinary cases are investigated and heard under three stages of the policy, depending on the severity of the allegations being investigated. HR monitors the stages disciplinary investigations are undertaken, to check the stage is proportionate in relation to other investigations that have been undertaken historically. While every case is treated on its own merits, this check is important to support managers in their decision making.

Reason	2021/2022	2022/2023
Performance	0	0
Discrimination	0	1
Bullying/Harassment	1	2
Breach of Policy/Process	3	6
Behaviour	2	1
TOTAL	6	10

Across 2021/2022 and 2022/2023, a breach of policy/process was the main reason for disciplinary processes. There has been an increase in the number of disciplinary processes that were as a result of breach of policy/process in 2022/2023. Nothing significant was identified to warrant specific policy change but outcomes were further reviewed and addressed as appropriate. This included sending organisational wide reminders of the secondary employment process and building reminders into the induction process.



During 2022/2023 the number of disciplinary processes as a result of Discrimination or Bullying / Harassment has increased. The case-specific reason for the investigations were analysed and no themes were identified – for example anything demonstrating a pattern around a particular station, department, watch or team.

Outcome

The outcomes of investigations (and any subsequent hearings) are very case specific and decided on their merits, so it is often difficult to draw parallels between outcomes. However, much like the allocation to the stage of an investigation, once the Hearing Officer has determined an outcome or sanction based on evidence, the HR Adviser assigned to a hearing will be able to refer to past cases using the central case management record to support the Hearing Officer in their decision making.

HR continues to capture any additional recommendations that result from disciplinary investigations and address them as appropriate – for example policy amendments, production of guidance notes to address the skills gap or the development of further training for managers.

A summary of the total cases, what proportion of these were gross misconduct, the total progressed to hearing and the total awarded a sanction are detailed below.

Year	Total Discipline Cases	Total Gross Misconduct Cases	Total Cases Progressing to Hearing	Total Cases Awarded a Sanction
2021/2022	6	4	5	5
2022/2023	10	8	8	8

The reason cases may not have progressed to hearing include resignation prior to a case being heard (although in line with RBFRS Policy, proceedings will be concluded before the employee concerned leaves the service of RBFRS wherever possible) or there being no case to answer.

For note, Gross Misconduct cases relate to allegation that could if proven, result in a serious breach of contractual terms, making employees potentially liable for summary dismissal.

Completed within Timescales

Disciplinary investigations should be completed in a timely manner as outlined in RBFRS policy. During 2021/2022 and 2022/2023 one was completed within 28 days, four were completed in 35 days and 11 took over five weeks. This can be for a variety of reasons including the complexity of the investigation, sickness of the employee, the unavailability of the employees Trade Union representative and the co-ordination of shift patterns. At every stage the need to undertake a prompt investigation is emphasised balanced with the need to carry out a thorough and robust investigation. The time taken to complete investigations therefore continues to be monitored.



Appeals

Of the six cases in 2021/2022, one resulted in an appeal (which was not upheld). In 2022/2023, three cases resulted in appeals, two of which were not upheld and one was withdrawn by the employee. One appeal resulted in the outcome being changed from summary dismissal to dismissal with notice.

The grounds for appeal would include a defect of process, issue not being proven on the balance of probabilities, the sanction being too severe or on new evidence coming to light. Cases where appeals have resulted in the outcome being changed are also considered alongside this.

Appeals are considered on the merits of each case, but no issue was identified with the process of decision making for hearing officers. Where defect in process are identified, appropriate feedback is given to those involved in the case, and process/policy reviews are undertaken to ensure any issues are rectified for the future.

Three Employment Tribunal claims were submitted in this period. Of these, one was withdrawn, one was concluded with the Tribunal ruling there was no evidence to support the claim and one is scheduled to be heard in 2024.

Training

The HMICFRS culture report recommends that all Services ensure those carrying out investigations receive appropriate training. At RBFRS, new managers on a Development and Assessment Pathway (DAP) are required to undertake either an Initial, Intermediate or Advanced Investigation and Hearings course as part of their development pathway to gain competence. A Core Skills course on Managing Disciplinary Issues is also available to all staff.

The aim of these courses is to upskill staff to undertake fair and reasonable disciplinary investigations and give them the knowledge and awareness of the importance of dealing with behavioural or conduct issues at the early stages. Several Green Book staff have attended the courses and continue to be encouraged to do so. The Senior Leadership Team undertook refresher training on conducting hearings in Q4 of 2023/24.

When a case is assigned to an investigating officer, a check is carried out to ensure they have received the appropriate training. Where this isn't the case, or a refresher is required HR holds a training session with the investigating officer.

Every manager who undertakes an investigation or a hearing has an assigned HR Adviser. A separate HR Adviser is assigned to a manager for different stages including appeals. The HR Adviser will provide advice and guidance throughout each stage of the process, which may include ad-hoc coaching/training where appropriate.

Demographics

Information on the gender, ethnicity and length of service is routinely collected for every disciplinary case to enable HR to analyse any trends or themes emerging. This is in addition to



the station, department, watch and team of the employee subject to disciplinary investigations. A detailed version of this report is held internally within the HR department which provides a more detailed breakdown of specific cases.

In summary in terms of demographics, the analysis found:

- No trends could be established in terms of length of service determining whether staff were more likely to be subject to a discipline due to length of Service (either longer serving members of staff or new joiners), which broadly follows the proportion of the workforce.
- For 2021/2022, 100% of cases involved male staff and 2022/2023 90% of cases involved male staff. 76% of the workforce at RBFRS identifies as male (as at 31 March 2023), so it is unsurprising that the majority of discipline cases will involve male members of staff.
- For 2021/2022 100% of cases involved white members of staff and in 2022/2023 90% involved white staff. 93% of the workforce at RBFRS are White British (as at 31 March 2023), so cases broadly follow the demographic trend of the workforce.
- No trends could be found in terms of disciplinary cases in terms of location of the employee subject to discipline (i.e. groups of staff being disciplined from a particular station, department, watch or team).
- Of the bullying and harassment claims received in 2021/2022, 33% were from females. In 2022/2023, this was 20%. There is nothing specific in these cases that relate to any underlying sexism or sexual harassment issues.

Cases continue to be monitored to ensure that there is no gender/ethnicity bias in the disciplinary process and to ensure that underrepresented groups are not subject to any specific forms of harassment, bullying or poor behaviour which results in disciplinary action.

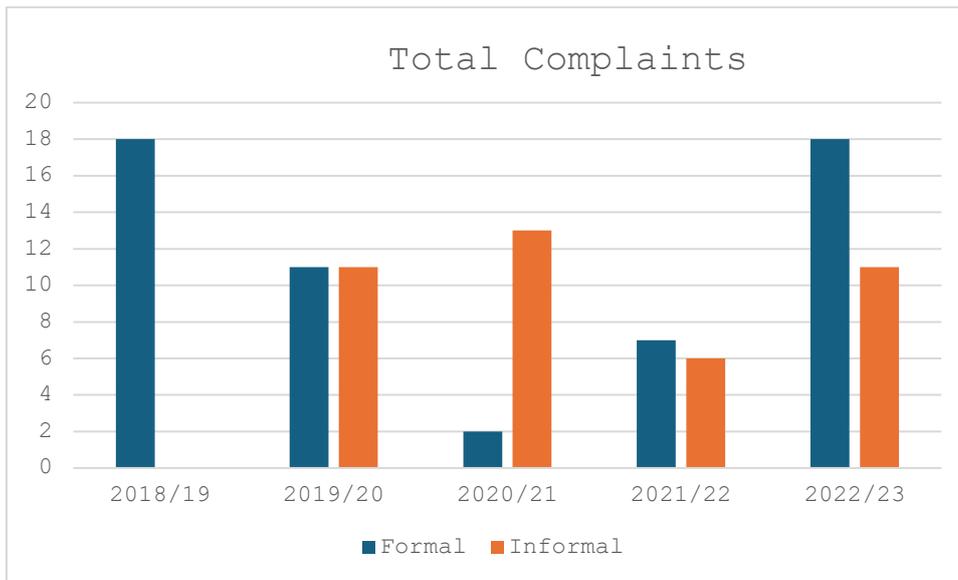
The Discipline Policy has been reviewed to ensure that any equality, diversity and inclusion impacts are captured, particularly in terms of those who are neuro-divergent and this has been included in the Equality Impact Assessment.

The HMCIFRS culture report recommends all Services ensure diversity/neutrality of the investigating officer. Our policy outlines the management levels that can conduct investigations and hearings. When assigning an investigating and hearing officer, the Allocating Officer considers availability, workload and appropriateness of an individual to undertake the investigation/hearing.

Complaints

Year on Year Comparison

A summary of the total complaints received for the past five years are detailed below. For note the Grievance, Bullying and Harassment Policy was amended in 2019 to include an Informal Stage to the employee complaints process, which reflects why there were no informal complaints received in 2018/2019.



The outcome of the recent HMICFRS inspection commented that RBFRS has a culture that promotes positive behaviour and values, and there is a positive culture in which staff are empowered and willing to challenge poor behaviour. It is evident from the findings of this analysis that staff are willing to make complaints and the Service will address and tackle any issues of poor behaviour where appropriate. The report also stated that RBFRS is ‘good’ at tackling bullying, harassment and discrimination. However those that have experienced bullying, harassment or discrimination feel that the service has not dealt with their concerns appropriately.

There has been an increase in the amount of calls relating to bullying and harassment made to the Employee Assistance programme when compared to 2022/2023 (three in 2022/2023 vs none in 2021/2022). However ‘Work Related Relationships’ were sited in three calls to the counselling helpline in 2021/2022 vs none in 2022/2023. It should be noted that it cannot be established if these calls were made by one person three times or three separate people but the volume of calls relating to bullying and harassment will continue to be monitored on a quarterly basis. This is broadly in line with trends seen within the formal and informal complaints raised within the service.

In November 2022 the cultural review of London Fire Brigade (LFB) highlighted several issues within LFB. In addition, a wider cultural review of all Fire Services by the HMICFRS resulted in the publication of a report in April 2023 and increased national publicity around the issue. RBFRS wrote to all staff in early 2023 encouraging them to share their experiences and concerns and reminding them of sources of support.

The amount of informal and formal complaints increased significantly in 2022/2023. Since November 2022 the proportion of complaints relating to bullying and harassment, discrimination and behaviour have increased (with eight complaints being received in the five months between November 2022 and March 2023 compared to five complaints being received for the seven months between April 2022 and October 2022). While any increase in such complaints may not be seen as positive, it is encouraging that employees feel able to utilise the complaint reporting mechanism at RBFRS to enable these complaints to be investigated wherever possible. Ongoing



publicity and media reports may lead to this continuing to increase, but RBFRS will ensure complaints are investigated as fully as possible and continues to monitor any trends and themes.

Formal Complaints

There was a higher proportion of formal complaints in 2022/2023. Upon analysing the reasons for this, these were received from different staff across the organisation for unrelated reasons and no themes could be identified. Staff continue to be encouraged to raise complaints informally in the first instance (with scope for raising as a formal complaint if they choose to).

Say So

Staff continue to use SaySo for anonymous complaint reporting, and it is encouraging that employees use this tool as an alternative method to raise complaints. These complaints are often made anonymously which can significantly limit the ability to conduct a full investigation or obtain further information, however where particular issues are identified these are pro-actively addressed as far as possible on the information that has been provided.

For the purpose of this report, it should be noted that complaints made via SaySo are included in the analysis, but as these complaints are made anonymously, this impacts the ability to monitor the gender, length of service, location and ethnicity of those making complaints.

Promotion of the complaint reporting methods continue through internal communication methods. SaySo has a dedicated page on Siren which all staff can access through a link on Siren's home page.

Reasons for complaints

Year/Reason	Total Complaints
2021/2022	13
Behaviour	2
Bullying/Harassment	3
Discrimination	0
Health and Safety	1
Training/Development/Promotion	2
Policy/Process	5
2022/2023	29



Behaviour	4
Bullying/Harassment	10
Discrimination	2
Health and Safety	0
Training/Development/Promotion	9
Policy/Process	4

There has been an increase in the number of complaints relating to bullying and harassment and discrimination. The reasons for these have been analysed and no specific themes can be identified.

There has been an increase in the number of complaints relating to behaviour. On analysis of the reasons for the complaints, this was for a range of reasons. The majority were anonymous complaints which limited the scope for investigation. Where action could be taken, this was appropriately addressed.

Of the complaints received one was escalated to a disciplinary investigation in 2021/2022 and three were escalated to a disciplinary investigation in 2022/2023.

The reason for complaints are also monitored to ensure that there are no policy or process amendments that are required. Where recommendations are made (for example amendments to definitions in policy, DAPs process reviews), these are addressed as appropriate.

Location

Location	% of total complaints received 2021/2022	% of total complaints received 2022/2023
Hubs	15%	41%
HQ/Departments	30%	10%
TVFCS	15%	38%
Unknown*	40%	11%

* Anonymous complaints received via SaySo (unable to be assigned to a location)



38% of complaints in 2022/2023 were received from TVFCS. Of these 72% related to the DAPs process prior to it being reviewed.

The complaints made from staff in the hubs have increased, but these were for a variety of issues that do not appear to be related (i.e. there are no trends relating to the station/department these complaints are being received from, or groups of staff that may indicate a particular underlying negative issue or culture on a particular station, department, watch or team).

Completed within Timescales

Year	Completed within timescales*
2021/2022	78%
2022/2023	61%

* Please note, for reporting purposes, anonymous complaints received via SaySo have been excluded from these figures as, due to the anonymous nature of these complaints, it is often difficult to obtain information required to complete a full investigation and ascertain to what extent this is completed within the timescales as laid out in policy.

The reasons for complaints being completed outside of the 28 day timescale outlined in the Grievance, Bullying and Harassment Policy was due to a number of factors including the availability of staff including sickness or conflicting rota patterns. Investigations that are relatively complex will also take longer to complete, particularly where multiple witnesses are involved and several pieces of evidence need to be gathered. When there are delays to investigations, staff (and their representatives) are contacted to ensure they are aware of the reasons for the delay and when the investigation is likely to conclude.

Length of Service

The majority of the workforce fall within the 1-10 years' service and 11-20 years' service group. With the exception of complaints relating to the promotion policy and the DAPs process, there was no trend or correlation in the complaints being received in terms of length of service. This is broadly similar to the proportion of complaints received in 2021/2022.

In terms of complaints being received from staff with less than one years' service, only one was received in 2022/2023. No staff with less than one years' service were the subject of a complaint. All new staff are provided with copies of the Behavioural Competency Framework and the Employee Code of Conduct and this forms part of the induction to set the behavioural expectations for all staff at the start of employment. This will however be an area that continues to be monitored as complaints by or against staff with less than one years' service, may indicate an



issue with the recruitment process (e.g. how the nature of role is communicated during recruitment), issues with the induction process etc.

Gender

Complaint Subjects

Gender	% of total complaints received 2021/2022	% of total complaints received 2022/2023
Male	30%	3%
Female	16%	31%
N/A*	54%	66%

* N/A – these complaints related to policy and process and were not attributed to an individual.

Complainants

Gender	% of total complaints received 2021/2022	% of total complaints received 2022/2023
Male	30%	52%
Female	30%	31%
Not known*	40%	17%

* Not known – anonymous complaints made via SaySo

76% of the workforce is male so it would be expected that males would make up the majority of the complaint subjects and those making a complaint. The reasons behind these were varied and come from different parts of the organisation, no specific trends could therefore be identified. It should be noted that these complaints include staff complaining about those that are the same gender and are not exclusively about those of a different gender.

The majority of complaints from females related to the DAPs process. Nothing within these investigations indicated any gender bias or underlying issues relating to gender.



Ethnicity

Complaint Subject

Ethnicity	% of total complaints received 2021/2022	% of total complaints received 2022/2023
Ethnic Minority Group	8%	7%
White British	38%	28%
N/A*	54%	65%

* N/A – these complaints related to policy and process and were not attributed to an individual.

Complainant

Ethnicity	% of total complaints received 2021/2022	% of total complaints received 2022/2023
Ethnic Minority Group	0%	3%
White British	62%	80%
N/A*	38%	17%

* N/A – these complaints related to policy and process and were not attributed to an individual.

The majority of the complaint subjects were White British. There is nothing to indicate any underlying sexism, racism or homophobia in the complaints received. On analysing the work location of the complaint subject, there does not appear to be any underlying trends with regard to particular areas of concern in terms of work location, department or watch/team.

93% of the workforce at RBFRS are White British (as at 31 March 2023), so it is unsurprising that the majority of complaints involve or are being submitted by this ethnic group. It is also difficult to monitor the ethnicity of complaints who make complaints anonymously as no personal details are provided. The themes and reasons for complaints will however continue to be monitored to ensure there are no underlying issues relating to ethnicity that need to be addressed.



Exit Interviews

Annual reviews of exit interviews take place every year to track trends and reasons for leaving. A variety of reasons were identified as the reason for leaving including better career opportunities, retirement moving out of the area and personal reasons. From analysis of the leavers data and exit interview responses for 2022/2023, nothing could be found to indicate any trends in bullying or harassment which caused employees to leave the Service.

All staff undertaking an exit interview are asked specifically if they would like to raise a complaint. Where staff indicate they would like a complaint to be investigated, this is investigated as per the employee complaints procedure outlined in the Grievance, Bullying and Harassment Policy.

HR Case Management

HR provides adviser support for all discipline and complaint cases, with separate advisers for the investigation hearing and appeal stages. While HR acts in an advisory capacity only to ensure legal compliance, several actions are in place to ensure the case management is effective. These include:

- Ongoing review of manager guidance following feedback from training and cases. Manager guidance is sent to managers as part of a set of documents to assist them in undertaking effective disciplinary investigations.
- Consideration is given at the start of the investigation whether the Investigating Officer has any conflicts of interest which may impede a fair and neutral investigation.
- All managers provided a checklist at investigation and hearing, including a checklist for suspensions to ensure the correct considerations are applied to such cases.
- Welfare officers are assigned to those who are subject to a disciplinary investigation and are also considered for witnesses in difficult cases. For complex or sensitive employee complaints, Welfare officers assigned to those that are subject of the complaint and are also considered for those making the complaint.
- Fully CIPD qualified external investigators are appointed for cases which may be particularly resource intensive.
- All HR Advisers undertake regular training including attending employment law updates and webinars.

HR also reviews the effectiveness of disciplinary cases by:

- Providing feedback to investigators throughout the course of the investigation, providing appropriate coaching where necessary
- Reviewing the Performance Development Reviews (PDRs) of those involved in a discipline to identify if there are any patterns of behaviour identified through the PDR have been reflected in disciplinary cases.
- Reviewing the recommendations in quarterly audits made by investigating and hearing officers and ensuring these are followed up on.
- Undertaking regular HR Adviser learning sessions which enables advisers to share good practice and learning on cases.

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FIRE AND RESCUE SERVICE

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ITEM	DECISION BODY	NEXT REPORTING DATE	REPORTING FREQUENCY	RECOMMENDED ACTION	LEAD OFFICER	LEAD MEMBER	PART I / II
Corporate Calendar 2024/25	Fire Authority	22.04.24	Annual	Agree	HCS	N/A	Part I
Lead Member and Champion Annual Reports	Fire Authority	22.04.24	Annual	Note	Lead Officers	Lead Members	Part I
Annual Plan	Fire Authority	22.04.24	Annual	Agree	HCS	N/A	Part I
Sustainability Grant	Fire Authority	22.04.24	Ad-hoc	Note	HoA	N/A	Part I

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**Categories of “Exempt Information”
under Schedule 12A of the Local Government Act 1972**

	Category
	[For each of nos 1 - 7, see <u>Qualification 1</u> below]
1	Information relating to any individual
2	Information which is likely to reveal the identity of an individual.
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information). [see <u>Qualification 2</u> below]
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6	Information which reveals that the authority purposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications:

- (1) Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under -
 - (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.
- (2) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (3) Information which -
 - (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of the two preceding paragraphs

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest

Agenda Item 14

in disclosing the information.

Interpretation:

- (4) "*Employee*" means a person employed under a contract of service;
- (5) "*Financial or business affairs*" includes contemplated, as well as past or current, activities;
- (6) "*Labour relations matter*" means -
 - (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992[10] (matters which may be the subject of a trade dispute, within the meaning of that Act);
or
 - (b) any dispute about a matter falling within paragraph (a) above;and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;
- (7) "*Office-holder*", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;
- (8) "*Registered*" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

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