



## **AVON FIRE AUTHORITY**

### **POLICY & RESOURCES COMMITTEE (PRC) MINUTES**

**27 JULY 2023**

#### **MINUTES OF MEETING**

**PRESENT:** Cllrs Eddy, Hardie, Hulme, Massey (Chair), Saini, Smith, Thomas and Walker

The meeting started at 10.37hrs.

Members were advised that Shahzia Daya, the Deputy Clerk, would be standing in for the Clerk who was unwell.

#### **CHAIR OF THE POLICY AND RESOURCES COMMITTEE FOR THE MUNICIPAL YEAR**

At the Avon Fire Authority AGM on 21 June 2023, Cllr Brenda Massey was voted the Chair of the Fire Authority. She would, therefore, in accordance with the Terms of Reference for the Policy and Resources Committee automatically become the Chair of this Committee.

#### **1. ELECTION OF VICE-CHAIR OF THE POLICY AND RESOURCES COMMITTEE FOR THE MUNICIPAL YEAR**

It was proposed by Cllr Massey and seconded by Cllr Eddy that Cllr Smith be elected Vice Chair of the Policy and Resources Committee for the 2023-2024 Municipal Year. There was a vote and it was:

**RESOLVED – that Cllr Smith be elected Vice Chair of the Policy and Resources Committee for the 2023-2024 Municipal year.**

The Clerk advised Members that the Director of Corporate Services (DoCS) was the Lead Director for the Policy & Resources Committee (PRC). Any queries outside of the meeting should be directed to the Clerk or DoCS.

#### **2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Brennan, May and Payne.

### **3. EMERGENCY EVACUATION PROCEDURES**

Officers confirmed the emergency evacuation procedure for the venue.

### **4. DECLARATION OF INTERESTS**

All members of the Service Leadership Board (SLB) i.e., Chief Fire Officer/Chief Executive (CFO), 2 x Assistant Chief Fire Officers, Director of Corporate Services, the Clerk, and the Statutory Finance Officer had an interest in paper 15 which was the commissioning of the Independent Review of Senior Officer Salaries.

### **5. PUBLIC ACCESS**

None received.

### **6. CHAIR'S BUSINESS**

The Chair welcomed attendees to the first meeting of the PRC and confirmed that Members were looking forward to working with Officers over the next year.

1. The Chief Fire Officer advised Members of the sad news that Firefighter Ollie Hatfield had passed away following a valiant battle with cancer. Ollie served as an On Call Fire Fighter at Portishead Fire Station. A minute's silence was held.
2. Members and Officers introduced themselves and the Chair outlined that the meeting was taking place at Police & Fire Headquarters. The meeting would also be recorded and uploaded to the Avon Fire Authority (AFA) YouTube channel.
3. The Chair explained the voting system for the meeting, i.e., votes against a motion would be recorded first, followed by abstentions, then votes in favour.

### **7. MINUTES OF THE PEOPLE & CULTURE COMMITTEE HELD ON 3 MARCH 2023**

The open and confidential minutes (Items 7 and 20) of the People & Culture Committee were moved by Cllr Massey and seconded by Cllr Eddy.

**It was RESOLVED -**

**That the open and confidential minutes of the People & Culture Committee held on 3 March 2023 be approved as a correct record and signed by the Chair.**

### **8. MINUTES OF THE MEETING OF THE PERFORMANCE, REVIEW & SCRUTINY COMMITTEE HELD ON 20 APRIL 2023**

The minutes of the Performance, Review & Scrutiny Committee were moved by Cllr Massey and seconded by Cllr Eddy.

**It was RESOLVED -**

**That the minutes of the Performance, Review & Scrutiny Committee held on 20 April 2023 be approved as a correct record and signed by the Chair.**

## **9. HMICFRS LATEST REPORT AND ACTION PLAN**

The Committee received a report of the Service Liaison Officer (SLO) which provided an update on the HMICFRS (HMI) Inspection Action Plan. The second 'round 2' HMI inspection report was formally tabled following its publication on 15 December 2021. The overall action plan last approved by Service Leadership Team (SLT) team on 26 July 2023 was 37% completed, 55% in progress and 8% not yet started.

The SLO advised that the Round 3 inspection was well underway. Next steps would include the post-inspection debrief on 8 August 2023, drafting of the report by the HMICFRS inspection team followed by pre-publication checks, and publication which was expected towards the end of the calendar year. An action plan would be developed.

Members noted that the Home Secretary had commissioned an additional thematic inspection on the handling of misconduct cases in Fire and Rescue Services (FRS). All 44 Fire and Rescue Services would receive a staff survey, there would be some additional questions added to the Autumn data request whilst 10 FRSs would be selected for an on-site review. The results would be published by June 2024.

A Member asked whether the current action points would be merged into those raised within the Round 3 inspection. The SLO confirmed that any outstanding actions would be carried onto the new action plan, unless the actions in Round 3 superseded any actions from Round 2.

A question was asked about Return-to-Work Welfare conversations and that it appeared that the software had been developed but was not being consistently used and in a timely way. The SLO advised that this was discussed at SLT yesterday and that work was ongoing to increase completion of these conversations and the online form. The Spotlight Project Lead advised this was due to a combination of factors. In addition, with confidential matters, staff would sometimes only want to have a conversation with their own Line Manager and not others. However, if the Line Manager was on leave, this would not be possible and could cause delays.

**It was resolved that the Committee –**

**a) Noted the progress made against the most recently approved version of Avon Fire & Rescue Service's (AF&RS) HMICFRS inspection action plan (Appendix 1), discussed its contents and made any recommendations or suggestions it saw fit; and b) noted the current HMICFRS inspection activity.**

## **10. DESKTOP REVIEW OF EMPLOYMENT CASES FOR AVON FIRE AND RESCUE SERVICE – EXECUTIVE SUMMARY**

The CFO provided an introduction to the report and reminded Members that a staff survey was commissioned in 2018. That feedback triggered a range of actions and provided a sense check on the Service's direction of travel. The CFO restated that the cultural journey was one of his priorities including how we continue to make AF&RS a better place to work. Changing culture was not an 'overnight change' and was an ongoing journey of improvement.

Following on from this, actions taken included to set up a Staff Engagement Network (SEN), introduced a Leadership Charter, refreshed the Service's Values and introduced a behavioural framework, published 'Making Avon Fire a better place to work', 'The Best You Can Be', and a 'Zero Tolerance Statement', refreshed the 'Dignity and Respect' policy and introduced a toolkit for Managers.

Earlier this year, the London Fire Brigade Cultural Report had been published along with the Spotlight report by HMI on Round 2 Inspections. Prior to the release of these reports, the CFO had the foresight to commission a desktop review of past incidents related to behaviour-based allegations of gross misconduct. The Service wanted to learn lessons of the past and as part of ongoing work with culture change. An external team of lawyers, One Legal, were commissioned to independently review the evidence and paper reports and provide any recommendations.

One Legal introduced themselves and advised that the review had been carried out by Specialists in Employment Law. It was recognised that instructing the review prior to the publishing of the Spotlight Review was a proactive step and meant that the Service was well placed prior to the upcoming Round 3 inspection. One Legal had reviewed behaviour based disciplinary cases from the past two years and provided recommendations for the Service to consider.

When asked to undertake the review, One Legal explained that they had worked with the Head of HR and initially identified those cases that should be focused on. This was narrowed down to 11 cases, and they were provided with paperwork, statements and recordings to review. One Legal did not conduct any interviews.

It was added that it was always easier to review a case with the benefit of hindsight and to be able to look at the process from start to finish. There were 5 cases where the conclusion was that the Service did not adopt best practice in terms of undertaking the investigation and disciplinary process. One Legal were not concluding that the outcome would have been different but by not getting it right in terms of the practice, it was difficult for One Legal to consider whether the finding was correct. One Legal reviewed the cases in line with the decision a tribunal would have taken and looking at whether the processes were correct.

One Legal added that the recommendations were part of AFRS's improvement journey, and the findings of this review would improve confidence in the disciplinary processes for the Service.

A Member pointed out that the review did not have the usual cover report and asked whether the CFO was requesting Members to formally receive the report or endorse the recommendation. The CFO replied that the review was formally presented to Members to give them reassurance that steps were being taken to accelerate our cultural journey.

It was asked whether in One Legal's experience, would they say that the number of cases was relative to the size of the organisation. One Legal responded that compared to a Local Authority, AF&RS' cases were slightly higher but compared to other FRSs the case numbers were not particularly high.

A Member referred to Recommendation 3 which mentioned where appropriate engaging independent persons to investigate cases. It was asked, what proportion of the cases reviewed did One Legal think that this would have been appropriate to refer and at what cost to the AFA. One Legal advised that 2 or 3 cases would have benefited from an independent person reviewing them. Due to the complexity of this cases, it was not possible to predict the cost.

A Member asked for further information in respect of Recommendation 12. The CFO advised that a couple of areas crossed over with the Spotlight report. In regards of reaching back into the Service, the CFO advised that there were a couple of areas that had been under consideration including reporting the outcome of discipline cases back into the workforce whilst recognising confidentiality and regular touch points surveys to obtain a sense check from the organisation. The SEN meet monthly, and the chair is also a member of SLT. SLB and SLT regularly undertook staff visits which provided avenues for confidential feedback.

A Member commented on the Complaint and Investigation handling section of the report and also Recommendation 13. They would like to see an ongoing review to ensure effectiveness of the actions taken on the back of these recommendations. The CFO advised that he reported back regularly to the Committee and would provide updates against the Spotlight Report and the One Legal recommendations.

Members agreed unanimously to accept the Review.

## **11. PROGRESS REPORT ON RECOMMENDATIONS IN THE HMICFRS SPOTLIGHT REPORT AND INDEPENDENT DESKTOP REVIEW OF EMPLOYMENT CASES**

Members received a report from the Project Lead which provided an update on progress made against the HMICFRS (HMI) Values & Culture report (which was released to all Fire & Rescue Services on 30 March 2023), and the Service's

response to the One Legal Independent Desktop Review of Historical Employment Cases.

HMICFRS are responsible for inspecting all 44 FRSs. The recommendations contained within the Values & Culture report were based on evidence gathered through inspections conducted since 2018. The report collated issues which had been seen across more than half the Fire & Rescue Services.

The Project Lead added that they welcomed the decision made by the CFO to commission the independent desktop review. The proactive commissioning of One Legal showed that the Service wanted to learn lessons and to continue to improve.

The HMI report referenced inappropriate behaviour taking place within general society and not just in FRSs. The Project Lead believed the occurrence of such incidents within the Service to be rare.

The Spotlight report received at the end of March was considered by the SLB, Diversity, Inclusion and Cohesion and Equality (DICE) and HR teams. Progress had already been made on some actions. Many departments within the Service were working together towards our cultural journey including Corporate Communications, the DICE team and the Fire Brigades' Union (FBU).

The HMI report provided some challenging deadlines. The Service was constantly reviewing our actions and how we can do better.

The Service welcomed the recommendations raised in the Desktop report from One Legal. One recommendation was the need to embed training of staff including ACAS and foundation level training. It was raised that engagement with management especially throughout the Service was being enhanced, along with ongoing coaching and mentoring, and visits on station. Work was in progress to review what the current training provision looked like and what training was required to make a difference.

The Project Lead advised that there was a role for everybody in the Service to play, including Elected Members in the culture change journey. The recent Pride March and St Pauls Carnival were all documented on social media and were positive examples of community engagement.

The Project Lead was encouraged by the work that the Fire Brigades Union (FBU) wanted to carry out with the Service. Visits had taken place recently on stations to discuss the Spotlight report which led to interesting conversations about what was working well but also where there were difficulties.

Members were advised that a new confidential reporting line to raise concerns was being launched on 28 August with Crimestoppers. The line would be available as an external confidential reporting mechanism in addition to existing processes for raising concerns.

Members were advised that the Project Lead attended every other SLB to provide an update on the Spotlight report. In addition, development sessions were undertaken in SLT meetings with real cases. Attendees were split into groups and asked to outline what their actions would have been in the case and what guidance the policies and procedures outlined. It is hoped that this would give Managers more confidence to deal with such cases.

The CFO confirmed that the Service was working through the recommendations from the Spotlight and One Legal reports. Some actions related to CFOs, some to the Police and others to the National Fire Chiefs Council (NFCC) with key dates which we had to report back on. Members were recommended to approve the recommendations.

A Member added that it would be helpful if Members were provided with an action plan similar to the one provided with the HMICFRS update. This could be updated, and progress tracked at each meeting. The Project Lead advised that the HMI produced their own tracking plan. She had tried to condense the plan provided with the report (Appendix 1), but if Members preferred to see the full version, she was happy to share.

The DoCS advised Members that for the next round of HMI inspection, the Service would take the opportunity to review how progress would be reported to Members.

It was suggested that One Legal were invited to come back in future to evaluate the Service's performance.

It was also mentioned that the Service shared Headquarters with the Police and was there any scope to share skills with them. The Project Lead advised that there was regular dialogue with the Police, and we were linking in with their Professional Standards team to learn any lessons. There could also be some lessons we could learn from a training perspective for investigators.

A Member asked what preventive measure would look like on the ground for a trainee firefighter. The Project Lead advised that she and the Culture and Inclusion Manager attended the induction course to give training on what is and not acceptable within the workplace and provide contact points.

A Member asked whether there were regular assessments of managers who were conducting the investigations. It was advised that for potential serious gross misconduct cases, HR and a Senior Point of Contact (SPOC) were appointed to monitor the procedures applied, and speed and quality of the investigation. Once the case was completed, feedback would be given to investigators with any lessons learnt used for future cases.

**It was resolved that the Committee –**

- a) Approved the progress made against the HMICFRS Spotlight Report recommendations and the plans to address the recommendations in the One Legal review of historic employment cases.**

The meeting adjourned for a short break.

**12. CONSIDER PROCUREMENT FORWARD PLAN £250K-£1M (SNAPSHOT 13.07.2023)**

Members received a report from the Head of Procurement who confirmed that the Fire Authority authorised changes to Contract Procedure Rules (CPR) on 25 April 2023 as part of the Governance review changes. CPR 3.3 stipulated that a procurement plan would be considered by this committee (PRC) on a quarterly basis. The plan would show ongoing and potential procurements with a contract value above £250k giving Members an indication of forthcoming higher value procurements, noting those estimate contracts value of over £1m which require a business case to PRC.

As this was the first time that the procurement plan had been presented to the PRC, the format of the plan may change as it becomes more embedded in our procurement and governance processes. The items highlighted in yellow on the plan were procurements that may require a business case to be presented to PRC in the future. Feedback was welcomed from Members.

A Member asked for an update on the purchase of the Hovercraft and trailer. The Assistant Chief Fire Officer (Service Delivery Support) advised that the Service had previously budgeted approx. £800k maximum. A user group was in progress and were reviewing availability within the market. The current preferred model is considerably less than predicted.

A Member commented that the Appendix supplied was ideal. They were not sure if an update would be required at every meeting but suggested that a contract value heading be added.

It was agreed that a cover report would not be required going forward. The Head of Procurement would be available for questions at each meeting.

A Member enquired whether procurement purchased supplies locally. The Head of Procurement advised that the Service tried to purchase locally which helped to meet our social value commitment.

**It was resolved that the Committee –**

**a) Considered the procurement plan.**

**b) Agreed no cover report needed going forward and standalone procurement plan to be submitted in advance with other PRC papers. Head of Procurement (or deputy) would be in attendance at PRC meetings to go through the plan.**

**c) Reviewed and agreed content of the plan for future meetings.**



### **13. GENDER PAY GAP AND ETHNIC PAY GAP REPORTING (SNAPSHOT DATE OF 31 MARCH 2023)**

The Culture and Inclusion Manager presented a report to Members which provided an update on the Gender Pay Gap and Ethnicity Pay Gap as of 31 March 2023.

The gender pay gap showed the difference in the average pay between men and women in a workforce. It compared hourly rates of pay and any bonuses staff may receive by gender, highlighting any areas of imbalance.

The ethnicity pay gap was calculated as the difference between the average hourly earnings of White British ethnicity group and other ethnic groups as a proportion of average hourly earnings of White British earnings.

Members were advised that the gender pay gap had widened slightly this year due to the differential in levels of pay awards between corporate and operational staff. The AF&RS gender pay gap remained significantly lower than the national average. However, the Service remained committed to reducing the pay gap including the use of programmes such as Springboard, Stepping Up etc.

There was no legal requirement to publish the Ethnicity pay gap but AF&RS felt that it was important to remain transparent. Representation of staff from ethnic minorities was low which made capture of data difficult. Any movement of staff within the workforce, can lead to noticeable changes in the results. Members were advised that the ethnicity pay gap had narrowed this year,

A Member added that it was disappointing to see a slippage in gender pay gap and considered a one-year comparison was quite a short period. They felt that the 'direction of travel' was more important and requested that next year the comparison figures were shown over 3 years.

The DoCS reminded Members that the data provided included Green and Grey book staff. Senior Officer salaries were not included within the calculations as they were Gold book. This was a disappointing increase in our gender pay gap but it was emphasised that this did equate to a difference in hourly rate of pay of 60 pence. Members were advised that it would be difficult to predict the pay gap next year as the Green book was mainly female and a pay offer had been turned down for 4% for 2023/24. Data was reported on an annual basis in line with legislation but it would be possible to include the figures over a 3 year period.

A Member asked if it would be possible to provide a breakdown for uniformed staff by rank, as a seniority gap going forward. The CFO advised it may be possible to add an appendix to the report to include data over a three-year period.

**It was resolved that the Committee –**

**a) Noted and approved the content of the Gender Pay Gap and Ethnicity Pay Gap Report and to approve the publication of the Report.**

## 14. TRANSFORMATION PROGRAMME UPDATE

The Committee received a report from the Head of Transformation Manager who confirmed that the programme would come to an end on 31 March 2024.

There had been movements in team resources since the last report due to promotion, reassignment, and a leaver which had been managed. It is a known risk that, as programmes start to draw to a close, team members seek their next employment. Therefore, plans were in place to manage and mitigate this as far as possible to ensure delivery. Alternative approaches had also been put in place to manage the difficulty with digital recruitment (including use of apprenticeships and how we utilise existing expertise in the Service) to start to accelerate any delayed progress in this aspect of the programme and reduce risk.

The need to find a replacement Firewatch Project Manager (recruitment now made) and the loss of a Project Delivery Officer would potentially impact on programme delivery in the 2023/24 financial year. The risk rating would be reviewed in July 2023 by the Transformation Programme Management Team and any proposed change would be considered at the July SLT meeting.

Members were advised that at the recent SLT, there was commitment to complete the work of the programme and the necessary funding. There was still work to do around prioritisation and cost benefits.

A Member mentioned that the budget was approved in 2021, with the current changes to economic conditions, asked if this would affect upcoming projects. The Head of Transformation advised generally not and that the biggest spend area was around SmartScreen technology. There would be some element of inflation included but would still be well within the capital budget of the programme. In addition, there should be some residual budget that would be unspent at the end of the project.

In response to a question, the Head of Transformation confirmed that the Service was using third parties to help find the right talent. The Service was working with Weston College to source Digital apprentices and obtaining quotes from our IT Contractor for work packages. In the longer term we hoped to fill digital expertise by growing talent internally, staff within the Service who have digital capability who may be able to transfer or provide support as part of their current role.

A Member added that the Service was competing against private companies – what were we doing to retain staff. It was advised that it was difficult in a very competitive marketplace especially with Office365. The CFO added that attracting staff was the biggest challenge, and our retention had improved through opportunities and development provided.

Cllr Philippa Hulme left the meeting at 12.50hrs/Cllr Karen Walker left at 12.55hrs.

**It was resolved that the Committee –  
Noted the report, scrutinised its contents, and made any recommendations  
or suggestions it saw fit.**

## **15. INDEPENDENT REVIEW OF SENIOR OFFICER SALARIES**

This paper was moved to the first item of the agenda.

The Clerk presented the report to Members drawing their attention to the Avon Fire Authority Annual General Meeting on 21 June 2023, where the Fire Authority considered a report on the Annual Review of Remuneration of the CFO/CE. The Fire Authority decided to refer senior officers pay to the PRC to consider approving an independent review. This Committee was asked to commission that review.

All Members of the SLB i.e., the two Assistant Chief Fire Officers, the Director of Corporate Services and Statutory Officers were currently paid a percentage of the CFO/CEs salary.

The Clerk approached three organisations for assistance with this independent review, one organisation declined the opportunity to quote for the work and one failed to respond. A proposal was received from South West Councils, which was at Appendix 3. South West Councils had experience undertaking such reviews and had previously assisted the Authority with a review of Member Allowances. It was therefore recommended that South West Councils were instructed to undertake the review, with a view to their report being presented to the next PRC meeting on 29 September 2023.

The Clerk drew Members attention to Appendix 2 – NJC For Brigade Managers Pay Survey Report 2021 and 2022. The document was not available at the recent AGM and would be considered by the Independent experts as part of their review.

The Clerk recommended that the Committee commissioned South West Councils to undertake the review. Confirmation had been received that the report should be available for the next PRC meeting.

A Member pointed out that South West Councils had previously undertaken a review of Members allowance and was there any value in commissioning those two pieces of work together. The Clerk replied that there would be no real benefit, however, Members had agreed at the AGM to review how the new committee structure worked and then commission another further review during the remainder of this Municipal Year.

The recommendation was moved by Cllr Eddy and seconded by Cllr Massey.

**It was resolved that the Committee –  
a) Commissioned Southwest Councils to conduct an independent review of  
senior officer salaries.**

## **16. ANNUAL REPORT OF THE LOCAL PENSION BOARD 2022-23**

On behalf of the Local Pension Board Independent Chair, the DoCS presented the report to Members advising that the draft Annual Report of the Local Pension Board 2022-23 had been approved by the Local Pension Board at their meeting on 10 July 2023.

It was reported to the PRC, as the Committee with delegated authority from Avon Fire Authority to discharge the Authority's responsibilities as Scheme Manager and Scheme Employer for the Firefighters' and Local Government Pension Schemes (Terms of Reference - PRC9).

**It was resolved that the Committee –**

**a) Considered the report and approved its publication on the Avon Fire Authority website.**

## **17. PROPOSED NEW LOCAL PENSION BOARD TERMS OF REFERENCE**

This paper was moved to the second item of the agenda.

The Clerk presented the report to Members and advised that following the recent Independent Governance Review, the Local Pension Board (LPB) meeting on 10 July 2023 considered a report which made recommendations regarding the future arrangements for the LPB.

The re-drafted Terms of Reference aimed to simplify previously ambiguous processes. The report recommended the adoption of revised Terms of Reference for the Board to align to the new governance arrangements, and, to add clarity to those Terms of Reference.

The LPB had recommended that the PRC formally adopt the new LPB Terms of Reference appended to this report. Cllr Smith confirmed that the new Terms of Reference had been considered at LPB and the suggested changes added clarity.

**It was resolved that the Committee –**

**a) Approved the new Local Pension Board Terms of Reference (Appendix 1).**

## **18. DATE OF NEXT MEETING**

**RESOLVED – that the date of the next meeting be held on Friday 29 September 2023 at 10.30am.**

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Chair

The meeting ended at 13.05hrs.