

HMICFRS Standards of Behaviour: the Handling of Misconduct in Fire and Rescue Services - Progress Report

Report of the Chief Fire Officer

For further information about this report please contact Simon Hardiman, Chief Fire Officer on 01743 260201, or Karen Gowreesunker Assistant Chief Fire Officer on 01743 260196

1 Executive Summary

This report presents the Service progress against the recommendations made to the sector in the His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) Standards of behaviour: The handling of misconduct in the fire and rescue services report

2 Recommendations

The Standards, Audit and Performance Committee is asked to note the report.

3 Background

On the 1st of August 2024, the HMICFRS published a report entitled "Standards of behaviour: The handling of misconduct in fire and rescue services" (See Appendix A).

Chief Fire Officers were requested to action 15 recommendations, with the recommendation's timelines varying from immediate to 1st November 2025.

On receipt of the report the Service immediately carried out a gap analysis which formed the basis of the Service Action Plan.

4 Progress

Please note, at the time of writing this report the August 2025 timeline has not expired but work to meet the recommendations for completion by this date is in its advanced stages. The Service Management Team will be updated with a more accurate commentary on further progressions and any developments during this meeting.

Timeline for completion: Immediate

Recommendation 12: Complete.

“With immediate effect, chief fire officers should make sure all staff are aware of the welfare support, including occupational health support, that is available to staff involved in misconduct processes. Chief fire officers should encourage all staff involved in misconduct processes to access this support, whether they are an alleged perpetrator, complainant, witness, investigator or decision-maker.”

Welfare personnel should be independent of the investigation and have been appropriately trained for this role.”

Existing support in place to meet this recommendation includes: Line managers, Welfare officers, TRIM, Occupational Health, Counselling, Psychiatric support, Health and Wellbeing tile. The Welfare officer role is detailed and in place in the Disciplinary Process.

Recent communication to the workforce has raised awareness of the offer of welfare support/channels of support.

A published review of disciplinary process includes a review of support in place and Welfare Officers role.

A review of Welfare Officer training has resulted in an updated welfare officer training module for line managers.

A review of the occupational health provision has resulted in a procurement process to tender for an occupational health provider. This will be provided by Health Partners from 1st April 2025.

Timeline for completion: November 2024

Recommendation 5: Complete

“By 1 November 2024, chief fire officers should make sure all staff understand how to raise a concern and use grievance and whistle-blowing processes. Chief fire officers should:

- *make sure staff know how services will handle responses and maintain confidentiality and anonymity; and*
- *explain how staff can access services’ whistle-blowing capability and the difference between whistle-blowing and other processes for raising concerns.”*

To meet the recommendation the Whistleblowing policy has been updated. A review of the SaySo confidential reporting line has also taken place, resulting

in enhanced contract meetings and increased raising of awareness of this provision for staff.

Existing evidence includes the Grievance policy and current provision for raising concerns through line management.

As well as wider communications to the workforce, specific communications within support sessions is programmed.

The HR team are currently reviewing additional alternatives for staff to raise concerns.

Recommendation 8: Complete

“By 1 November 2024, chief fire officers should make sure all allegations of misconduct are handled in a consistent way and staff have confidence in misconduct processes. Chief fire officers should carry out a full review of the processes, from initial identification of a misconduct issue through to the resolution or outcome. This should include a review of how services:

- *monitor and manage investigations;*
- *maintain accurate records; and*
- *adhere to required timescales.”*

Existing evidence to meet this recommendation includes the Disciplinary process. Following a comprehensive review this policy has been updated and published to further align to ACAS guidance.

Recommendation 13: In Progress

“By 1 November 2024, fire and rescue authorities and chief fire officers should consider varying the approach to hearing appeals so that appeals for complex or serious cases are heard by a panel rather than one person.

To meet this recommendation a review of disciplinary policy (which includes the appeals process) against ACAS guidance has confirmed that the appeals process is appropriate. All appeals against dismissal will be reviewed by the Chief Fire Officer and the Fire Authority's Independent Person.

A training review for staff required to support and hear appeals has been conducted, this has resulted in enhanced provision of training for authority members and the appropriate Officers.

To further meet this recommendation disciplinary and appeals training is to be programmed for Fire Authority members.

Timeline for completion: February 2025

Recommendation 1: In Progress

“By 1 February 2025, chief fire officers should, as a priority, make sure their staff are aware of, and follow the Core Code of Ethics. Services should build the code into all relevant policies and practices.”

To meet this recommendation many of our policies now make reference to and incorporate the Core Code of Ethics and Workplace Charter.

To further progress work towards completion of this recommendation includes ongoing work within EDI steering group to further develop employee engagement/ communication. The Human Resources team are also reviewing best practice of Greater Manchester FRS, Inclusive Culture training highlighted by the NFCC.

A mapping exercise has also been completed to cross map the cultural action plan, staff survey and HMICFRS thematic report. As a result of discussions Changing Pathways, JSA, Lynchpin and FutureWorks delivered presentations to EDI Steering Group for procurement decision.

Recommendation 2: In Progress

“By 1 February 2025, chief fire officers should make sure a policy for probationary staff is in place. This policy should make clear that services can immediately dismiss probationers who fail to meet the required standards of behaviour set out in the Core Code of Ethics and the Code of Ethics fire standard.”

To meet this recommendation the Performance Management Brigade Order has been completely reviewed with regards to the overall process and best practice to ensure a clear, robust and transparent procedure. This has been distributed for discussion within the HR team to ensure wider HR professional input before following the usual internal process. The HR team has also sent comms to line managers to ensure training is provided.

To further progress work towards completion of this recommendation includes the administration and union review of policy updates.

Recommendation 4: In Progress

“By 1 February 2025, chief fire officers should make sure their services create or have access to a dedicated professional standards function to oversee the investigation of concerns raised within a service or from an external source. This should oversee cases to make sure they are investigated in a fair and transparent way, manage complex cases directly and act as a point of contact for all staff involved.”

The previous contract with an external consultant has ended, further exploration around professional standards approach is being reviewed.

To further progress this work the ACFO has developed a broad outline statement for the oversight cases. A report is to be brought to SMT (May) that proposes the function remains in house with the use of independent services when required.

Recommendation 6: Complete

“By 1 February 2025, chief fire officers should make sure a programme of training is in place for all supervisors and managers on how to manage staff performance and welfare and how to raise an issue. It should be supported by relevant policies and procedures. Training should include:

- *staff welfare and absence management;*

- *the process for managing individual staff performance, addressing poor performance and potential misconduct issues;*
 - *how to handle difficult conversations and resolve issues informally, if appropriate, when a concern is identified; and*
 - *clarifying the role of HR services in helping managers to deal with staff concerns and misconduct issues.*
- Chief fire officers should make sure all managers and supervisors attend the training programme.”*

To meet this recommendation there are performance management and disciplinary policies in place. This has been reviewed to clarify the role of HR Services in helping managers to deal with staff concerns and misconduct issues.

These policies have also been reviewed, resulting in the production of a gap analysis of training for all supervisors and managers.

Critical Management Conversations training course have been programmed for completion in 2025 to facilitate performance management and handling difficult conversations.

Welfare and Conducting Investigations (including absence management) Officers training programmed in 2025.

To further progress work towards completion of this recommendation includes the administration and union review of policy updates.

Recommendation 13: In Progress

“By 1 February 2025, fire and rescue authorities and chief fire officers should make sure all service managers and members of fire and rescue authorities who hear appeals receive appropriate training.

Chief fire officers should make sure services have a consistent approach to hearing appeals.”

To meet this recommendation training has been programmed in 2025 for all service managers who hear appeals. Outstanding disciplinary and appeals training for Fire Authority members is being coordinated through the monitoring officer.

Existing evidence to meet this recommendation includes the Disciplinary process. Following a comprehensive review this policy has been updated and published to further align to ACAS guidance.

Recommendation 15: In Progress

“By 1 February 2025, chief fire officers should put in place a process for sharing learning from misconduct cases that have been resolved while preserving the confidentiality of all parties involved. Any learning should feed into the national system, when established.

To meet this recommendation the HR team has confirmed that learning from misconduct is already captured and discussed as part of the exempt session for People Management Meeting.

Information is shared with HMICFRS team periodically so that they have the most up to date information on our case management.

The HR team are awaiting the development of a national system for sharing learning.

To further progress towards the completion of this recommendation, work includes, programmed further discussion by SMT members regarding how to capture learning from misconduct cases to improve the process. A report is to be brought to SMT (May) that proposes the method for reporting learning through SMT, FA and sharing wider learning with the Service.

Timeline for completion: May 2025

Recommendation 3: In Progress

“By 1 May 2025, chief fire officers should make sure their workforce plans allow staff to be moved from a wholetime watch to a different watch or station, within their contractual requirements, proactively and reactively as required.”

“By 1 May 2025, chief fire officers should also make sure firefighters who are promoted are posted to a different watch or station, including when the promotion is temporary for two months or more. If this isn’t possible, chief fire officers should show how the risks of reinforcing a negative culture have been addressed.”

To meet this recommendation all Wholetime contracts include a clause to allow the Service to move employees across watches. On a case by case basis a professional discussion between Human Resources and Area Command risk assess on watch promotions in consideration of Service Delivery and Service aim to remain a ‘family friendly’ employer.

Recommendation 7: Complete

“By 1 May 2025, chief fire officers should make sure the policies and processes for misconduct are consistent for all staff and are fairly applied within their respective conditions of employment.”

To meet this recommendation the Disciplinary, Greivance, Whistleblowing policies have been reviewed and published.

Recommendation 10: In Progress

“By 1 May 2025, chief fire officers should make sure their services have enough capacity to carry out their misconduct investigations. They should consider using external investigators or a similar independent resource to support the process if required.”

To further progress towards the completion of this recommendation, a professional standards report is to be brought to SMT (May). The report explains the use of external providers and further details regarding Service application.

Recommendation 11: Complete

“By 1 May 2025, chief fire officers should review the training their services provide for supervisors and managers who investigate misconduct issues at all levels. Chief fire officers should make sure:

- all staff who carry out investigations receive adequate training to carry out the task;*
- a programme of refresher training and ongoing support is available so that staff can maintain a level of competence; and*
- it is clear how services’ HR provision, staff associations and any trade union representative or fellow employee will support the investigation process.”*

To meet this recommendation the Disciplinary and Grievance policies have been updated and published. Training to conduct investigations and a maintenance of competence has been programmed for all those above the rank of watch manager.

5 Conclusions

In summary, the Service is making substantial progress towards meeting the recommendations of the report and the timelines are expected to be met.

The Service also recognises the challenges posed by the variety of timelines associated with the recommendations. With the progress made towards the action plan and the advanced plans that were previously in place the Service is in a strong position to further develop its handling of misconduct.

6 Capacity

Activity towards implementation of the HMICFRS recommendations has had an impact on the capacity of Managers, Human Resources, Executive Support and Transformation and Collaboration Teams.

7 Fire Alliance / Collaboration / Partnership Working

All aspects and opportunities will be shared across the Alliance as the Service proceeds through implementing the recommendations.

8 Financial Implications

Financial impacts arising from this report include the provision of Occupational Health Services, Professional Standards, and training provisions

9 Legal Comment

Legal advice will be sought including elements of GDPR and disclosure that might be impacted by HMICFRS data and information requests.

Executive Support have emailed a copy of this CFA report to the Service solicitor, to check the report and provide legal comment.

10 Community Safety

A lack of trust and confidence in the Service could reduce the willingness of the community to engage with the Service thus increasing community risk.

11 Equality Impact Assessment

Full EQIAs to be completed to support the completed actions from each of the recommendations.

12 Fire Standard Core Code of Ethics and Human Rights (including Data Protection)

This work involves both current and future fire standards.

13 Insurance

Failure to meet HMICFRS recommendations could increase corporate risk to the Service from civil action.

14 The On-call Service

There will be a communication requirement to mitigate the impact on all staff when independent investigations are carried out in the future. All aspects of change will need to be supported by appropriate change management.

15 Public Value / Service Delivery

Implementing these recommendations in full will support Service Delivery and provide public value.

16 Reputation

Failure to implement these recommendations will have an adverse effect on the Service reputation. The Service will drive the change by continuing to lead in a visible, accessible, honest, and transparent way.

17 Security

There are data security issues with how sensitive data is stored and shared with partners.

18 Training

All recommendations will have an element of training; this is being assessed as part of the delivery phase.

19 Appendix

Appendix <https://hmicfrs.justiceinspectorates.gov.uk/publication-html/standards-of-behaviour-handling-misconduct-in-frs/>

20 Background Papers

There are no background papers associated with this report.

