



Combined Fire Authority

16 September 2024

STANDARDS OF BEHAVIOUR: THE HANDLING OF MISCONDUCT IN FIRE AND RESCUE SERVICES

REPORT OF DIRECTOR OF PEOPLE AND ORGANISATIONAL DEVELOPMENT

Purpose of report

1. The purpose of this report is to inform the Combined Fire Authority (CFA) of the outcomes of His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) Standards of behaviour: The handling of misconduct in fire and rescue services report (Appendix B).

Background

2. In July 2023, Home Secretary Rt. Hon, Suella Braverman KC MP commissioned HMICFRS to conduct an inspection of the handling of misconduct in fire and rescue services in England. The thematic inspection planned to examine:
 - a) the extent to which services are identifying and investigating misconduct.
 - b) the effectiveness of misconduct processes and how consistently they are applied.
 - c) how confident fire and rescue service staff are in raising concerns and in misconduct processes; and
 - d) the role of fire and rescue authorities and other organisations in handling misconduct.
3. Further research contributed to the evidence base of the inspection, focusing on the experiences of both current and former staff of all forty-four fire and rescue services in England who have experienced misconduct while in service. Participants of the research were asked about their personal experience relating to misconduct while in service. For example, they could have formally or informally raised a grievance whilst in service, witnessed poor behaviour of other staff members, been the subject of a complaint from a member of the public, or they could have raised an issue, and it was handled well.
4. The inspection took place between October 2023 and January 2024 and carried out detailed inspections of ten FRSs: Cornwall, Dorset and Wiltshire, Greater Manchester, Humberside, Kent, Lincolnshire, Northamptonshire, Staffordshire, Tyne and Wear, and West Midlands. These services were selected to be a representative sample of FRSs across England in terms of size, location, governance structures and performance. They reviewed their relevant policies and processes; examined a sample of their grievance, discipline, whistle-blowing and public complaints case files; and interviewed and held focus groups with staff in a variety of roles and at all levels of seniority.

5. The report was published on the 1 August 2024

Report Overview

6. The report is split into 4 key areas which include:
 - a) The culture in FRS's
 - b) The extent to which services identify misconduct
 - c) The effectiveness of misconduct processes
 - d) Understanding misconduct and sharing lessons learned
7. Ten percent of the FRS workforce responded to the survey as part of the inspection process. Of the 4,422 respondents, 41% had witnessed misconduct in the previous 12 months, and 34% had experienced misconduct over the same period. The most common forms of misconduct reported through the survey were rude or offensive behaviour, abuse of power, intimidation, and other forms of bullying. Respondents claimed foul language, including racist, sexist, and homophobic language, isn't rare.
8. Out of 4,422 staff responding to the survey, 114 reported experiencing sexual harassment in their service in the last 12 months, and 235 out of 4,422 had witnessed sexual harassment of a colleague over the same period. Examples of experiences respondents gave included inappropriate sexual messaging, comments on appearance and unwanted touching. Respondents also spoke about the covering up of sexual harassment, and abuse and intimidation of those who report it, so the prevalence could be much higher.
9. 29% reported that they had experienced or witnessed an abuse of power in the previous 12 months. Although these instances of abuse of power varied in nature, a common theme was the perception of senior management "sticking together" to ignore, excuse or allow misconduct. These respondents felt that abuse of power during investigations led to inconsistent and disproportionate outcomes.
10. The report suggests that although poor behaviour can occur across the organisation, in many cases the bad behaviour occurs on watches. It goes on to state that whilst there are hugely positive aspects to tightly knit watches, not least the support watch members can provide to one another they can also become toxic when members of staff find themselves excluded from the 'in group' and vulnerable to bullying, harassment, and discrimination. The report outlines that negative watch cultures are resistant to change, poor behaviour can be entrenched and normalised with Crew and Watch Managers turning a blind eye or siding with offenders or even taking part in the misconduct themselves. This often seems to occur when managers have been promoted from within the watch, including on a long-term temporary basis, and are strongly connected with its culture.
11. The report also highlights that staff don't have confidence in misconduct processes, many of which were concerned about what would happen if they raised an issue. They feared they would be labelled a troublemaker or could be shunned by their work colleagues.
12. In many services, it was apparent there is not enough training for those involved in misconduct processes at all stages. Issues include line managers who all too often don't receive training on how to manage the performance of their staff, and not enough

training for those who investigate allegations of misconduct, decide cases and hear appeals.

13. Many of the fire and rescue services inspected also conducted limited analysis of their caseload and learning outcomes. More needs to be done to understand what went wrong, why, and what needs to be in place to prevent it from happening again.
14. In most services, trade union representatives and FRS leaders stated there are good working relationships between services and the trade unions at the local level on these issues. Trade union representatives advised they share a common interest with FRSs in reducing unacceptable behaviour that negatively affects their members, and in making sure misconduct processes are fair and efficient. These positive relationships and aligned interests are a real strength. Actions to improve culture and behaviour that services can carry out jointly with trade unions or with their support are more likely to be effective.
15. The report gives 15 recommendations which are outlined in Appendix A. A gap analysis will be undertaken, and RAG rated to help prioritise actions. The action plan will be presented and monitored through the Human Resources Committee.

CDDFRS Research Outcomes

16. As part of the misconduct research, Crest Advisory facilitated an online survey for current FRS staff. The survey was open between 1st November and 15th December 2023. The objective of the survey was to capture the experiences and perceptions of misconduct within fire and rescue services. It was intended for all staff, both those who have experienced and/or witnessed misconduct and those who have not. The survey had a few closed and open-ended questions, allowing for both quantitative and qualitative analysis of responses.
17. The Service had fifty-eight responses which equates to 9.7% of the workforce. Whilst these are not a full representation of our workforce, some of the common themes align and are consistent to both our call it out survey and staff survey undertaken in 2023 specifically around the type of misconduct and the positive steps the Service is taking to address this.
18. A key principle of the People Strategy 2023 – 2026 and the Equality, Diversity and Inclusion Strategy 2022- 2025 is the drive to be a more inclusive organisation where individuals feel they can be their true self at work. This means staff feel able to openly express personal identities and act in a way that feels authentic and true to oneself. This can have important implications for individual wellbeing and their desire to speak up and make improvements. Specific ideas from staff to improve this further have been considered and a number implemented to date:
 - a) More training and education to raise awareness
 - b) Independent investigations
 - c) Publish statistics
 - d) Work with unions for joint messaging
 - e) Support managers to deal with issues informally in the first instance.

CDDFRS Misconduct Data

19. Data on misconduct is provided quarterly to both the SLT and the Human Resources Committee. This allows us to identify trends and ensure a level of governance is held over consistency of outcomes.
20. In 2023/24 the Service dealt with eleven misconduct cases for a variety of reasons ranging from minor misconduct to gross misconduct. Since the start of April 2024, the Service has instigated a further three misconduct cases:
21. The data highlights a range of misconduct issues which have been raised, some with formal outcomes and some with no action once an investigation has been complete. Learning points are logged where highlighted through our process and action taken accordingly. These range from improvements to procedures, changes to processes and additional support interventions. A key area for improvement, however, is the timescale for undertaking investigations which at times have been lengthy. This is also a common theme highlighted in the report across the sector.

HMICFRS Spotlight Report

22. The 'Values and culture in fire and rescue services' spotlight report, issued in March 2023 contained 35 recommendations. These recommendations aimed to help Services improve their values, culture, fairness, and diversity. Recommendations 11 to 19 were around misconduct handling. The service has been working towards these recommendations over the past 16 months with regular updates to the HR Committee and publication on our website for transparency. An update on the relevant recommendations is outlined below and has been included in the Services action plan which is published on the website.
23. The Fire Standards Board has amended three of its standards, which aim to improve the handling of misconduct which related to recommendation 11 and 13. Completion of these has allowed the Service to complete recommendations 12 and 14. In these recommendations chief fire officers were asked to provide assurances that they had implemented the standards stated in recommendations 11 and 13. To do this we have integrated the relevant standards into appropriate policies, procedures, and systems. Progress against the standards is monitored through Project Board.
24. Recommendation 15 requested that the Home Office make sure there is a process to handle misconduct allegations against chief fire officers. The Home Office is considering an escalation process for allegations, including how data is shared and managed. In the meantime, the Service is collaborating with the Clerk to draft an internal procedure for this.
25. Potential obstacles have been raised about completing recommendation 16, which relates to a national barred list that holds details of staff who have been dismissed for gross misconduct. Discussions are ongoing between the Home Office, NFCC and Local Government Association on the feasibility of this. Proposed alternative and extra measures have been considered to meet the recommendation aims in the interim, but none had been agreed at to date. The Service awaits further guidance on this.
26. In recommendation 17, Chief Fire Officers were asked to notify HMICFRS of any allegations that have the potential to constitute staff gross misconduct, which the Service has complied with.

27. Recommendation 18 required FRSs to make sure all parties are supported during ongoing investigations. The Service has welfare provisions in place as well as union support.
28. The Home Office has stated that the findings from the misconduct report will inform its next steps in progressing recommendation 19, which asks the Home Office to examine whether any appeals process for FRS misconduct cases are appropriate. The Service awaits further guidance on this.

Conclusion

29. Keeping the conversation going around these issues is key and forms part of the People Strategy action plan. The spotlight report highlighted several recommendations relating to the handling of misconduct which the Service has been proactively working towards and making improvements. The recommendations made in the misconduct report will form an action plan which will be monitored through the Human Resources Committee to ensure ongoing governance across both reports.
30. Real and lasting change can only be achieved when we identify and promote good practice across fire and rescue services and work in collaboration with partners, especially those who have been working to amplify the voices of those underrepresented at every level of decision-making. Realising positive outcomes requires a continued effort to listen to and learn from lived experience.
31. Our own work to drive improvement across our Service has captured some positive signs of change, in particular through our staff survey and we recognise the increasing efforts of all staff to tackle unacceptable behaviour. It is pleasing to see that the inspectorate has also recognised that early improvements are beginning to be seen across the sector. However, the Inspectorate is also right to call for further action where abhorrent behaviour still exists, where there is a lack of confidence to report misconduct, and where better misconduct training is needed for those responsible for providing support to people who come forward. The Service will reflect on its current position and make improvements as part of the ongoing journey.
32. Not every aspect of culture change requires new or additional funding, but some do, including some of the recommendations in this report. To realise the ambitions set out in the report and its recommendations, for example in establishing dedicated Professional Standards functions, fire and rescue services will need to be sustainably funded both now and in future years.
33. In May, the Home Affairs Select Committee called for the National Framework to be updated to reflect the challenges of tackling poor culture, bullying and harassment, with the inclusion of a specific reference to cultural change. This report further reinforces the case for that change.

Recommendations

34. Members are requested to:
 - (a) **note** and **comment** on the content of the report and proposed actions.
 - (b) **Agree** with proposed monitoring arrangements through the HR Committee

Katherine Metcalfe, Director of People and Organisational Development, Ext.5665

Number	Recommendation
1	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.
2	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
3	<p>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.</p> <p>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</p>
4	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
5	<p>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:</p> <ul style="list-style-type: none"> • 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.
6	<p>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:</p> <ul style="list-style-type: none"> • 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.
7	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.

	By 1 August 2025, the National Joint Council for Local Authority Fire and Rescue Services and the National Joint Council for Local Government Services , supported by the National Fire Chiefs Council , should make misconduct processes consistent for all staff irrespective of the terms and conditions of their employment
8	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: <ul style="list-style-type: none"> • monitor and manage investigations; • maintain accurate records; and • adhere to required timescales.
9	By 1 August 2025, chief fire officers should introduce a case management system if they don't already have one. The case management system should allow data to be produced that will help them to better understand and oversee misconduct cases in their services
10	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.
11	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: <ul style="list-style-type: none"> • 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
12	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
13	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. By 1 February 2025, FRA's 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
14	By 1 November 2025, chief fire officers should implement a process that makes sure they can oversee and scrutinise their services' performance relating to misconduct issues. This process should provide:

	<ul style="list-style-type: none"> • a strategic overview of performance and analysis of trends, including disproportionality; • regular reporting of issues, outcomes and trends to the FRA; and • identification of learning outcomes and how they will be shared with fire and rescue service staff, to prevent repeat behaviours.
15	<p>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.</p> <p>By 1 May 2025, the NFCC should establish a system for sharing learning from more serious cases of misconduct with fire and rescue service staff. The information shared should preserve the anonymity and confidentiality of all parties involved. The College of Fire and Rescue, once it is established, should take responsibility for maintaining this system</p>