



## **Safest People, Safest Places**

### **Human Resources Committee**

**27 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 Human Resources Committee of the outcomes of the internal review of County Durham and Darlington Fire and Rescue Services (CDDFRS) practices against the recommendations made in His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) Standards of behaviour: The Handling of Misconduct in Fire and Rescue Services report.

#### **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. 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. The report was published on the 1 August 2024.
4. Full details of the report were presented at the Combined Fire Authority (CFA) meeting on the 16 September 2024 whereby it was agreed that the HRC would agree and monitor the improvement plan.

#### **Improvement Plan**

5. A gap analysis has been undertaken (Appendix A) which outlines the Service position within these areas which have been RAG rated to help prioritise actions. The Service is well placed to address several of the recommendations with already established and well embedded processes in place such as policies, procedures and training however there are

a few areas identified where we can strengthen. In some cases, whilst the recommendation can be met, areas of improvement have still been identified.

6. Our last HMICFRS inspection report graded the Service as 'Good' overall in the People Pillar and 'Good' in all four sub diagnostics. It noted the service has well-defined values that are understood by all staff, the Core Code of Ethics has been implemented, we have supportive wellbeing initiatives, good health and safety processes and more importantly staff are confident in the service's approach to tackling bullying, harassment and discrimination and disciplinary matters. Whilst the inspection process is not an in-depth review, it gives the Committee some assurance that our processes relating to People and Culture are working and embedded.
7. Updates on progress against the action plan outlined in appendix A will be reported to the Committee on a regular basis. Once agreed, a copy of the plan will be made available on the Service website for transparency purposes.

### **Recommendations**

8. Members are requested to:
  - (a) **note** and comment on the content of the report.
  - (b) **Approve** the Improvement plan attached in Appendix A.

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

## HMICFRS Handling of Misconduct Improvement Plan

No.	Recommendation	Current Service RAG status	Identified Area(s) for improvement / enhancement	Owner	Due Date	Status of improvement objective	Comments
1	By 1 February 2025, chief fire officers should, as a priority, make sure their staff are aware of, and follow the <a href="#">Core Code of Ethics</a> . Services should build the code into all relevant policies and practices.						No areas of improvement identified. The CCoE will be reviewed in line with normal reviewed timeframes.
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		To review procedures to formalise processes for FF apprentices as per organisational learning action	HoPOD / HoT	Feb 25		The Service have set processes in place for probation which include behaviour.
3	By 1 May 2025, chief fire officers should make sure their workforce plans allow staff to be moved from a wholtime 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		To review the Promotion and Transfer procedures to incorporate the necessity to move watch when promoted.	DPOD	May 25		The Service does do this already however, it is not documented formally in the procedure or in the SWFP.

	more. If this isn't possible, chief fire officers should show how the risks of reinforcing a negative culture have been addressed		To include in the SWP	DPOD	May 25		
4	By 1 February 2025, chief fire officers should make sure their services create or have access to 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.		Identify ways this could be facilitated and present options to SLT for final decision.	HoPOD	Feb 25		
5	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: <ul style="list-style-type: none"> <li>• make sure staff know how services will handle responses and maintain confidentiality and anonymity; and</li> <li>• explain how staff can access services' whistle-blowing capability</li> </ul>		To develop a short animation and written document to outline the difference in processes which can be used to ensure all staff are aware of how to raise concern and the most appropriate method (potentially linked to QR code).	DPOD / HoC	Nov 24		

	and the difference between whistleblowing and other processes for raising concerns.		Ensure the video is used as part of onboarding for new staff.	DPOD / TODM	Mar 25		
			Work with relevant unions to ensure their representative are clear on Service processes so they can appropriately advise.	DCFO / DPOD	Nov 24		

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"> <li>• staff welfare and absence management.</li> <li>• the process for managing individual staff performance, addressing poor performance and potential misconduct issues.</li> <li>• how to handle difficult conversations and resolve issues informally, if appropriate, when a concern is identified; and</li> <li>• clarifying the role of HR services in helping managers to deal with staff concerns and misconduct issues.</li> <li>• Chief fire officers should make sure all managers and supervisors attend the training programme.</li> </ul>		<p>Identify proportion of managers who have undertaken the leadership courses and consider ways to ensure all managers have had the relevant input prior to the 1 February 2025.</p>	TODM	Feb 25		
---	---	--	--	------	--------	--	--

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.						All service policies and procedures are the same for all staff groups
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"> <li>• monitor and manage investigations.</li> <li>• maintain accurate records; and</li> <li>• adhere to required timescales.</li> </ul>		Arrange an internal audit with DCC on the disciplinary process and recommendations for improvement.	DPOD	Nov 24		The audit is scheduled to take place in October. Any actions identified will be added to the action plan.
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.		To update the current spreadsheet to include diversity data and timescales to allow data to be produced. This will be included in the ER update to SLT and HRC.	HoPOD	Oct 24		The Service has a case management system in place via an Excel Spreadsheet which allows for tracking and monitoring.

			To explore and identify case management systems and associated costs to consider feasibility (MS 365 / PowerBi).	HoPOD	May 25		
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.		To evaluate the timescales taken for each investigation and understand the barriers for decreasing these times.	HoPOD	Dec 24		
			To make recommendations based on the outcome of the evaluation.	HoPOD	May 25		
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"> <li>all staff who carry out investigations receive adequate training to carry out the task.</li> </ul>		To create an annual CPD package for all managers who are able to undertake investigations, hearings or appeals based on organisational learning	HoPOD	May 25		



	<ul style="list-style-type: none"> <li>a programme of refresher training and ongoing support is available so that staff can maintain a level of competence; and</li> <li>it is clear how services' HR provision, staff associations and any trade union representative or fellow employee will support the investigation process.</li> </ul>		Review all relevant procedures to ensure HR and representative bodies support is clear	HoPOD	May 25		
12	<p>With immediate effect, chief fire officers should make sure all staff are aware of the welfare support, including occupational health support, which 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.</p>		To ensure the role of a Welfare Officer is covered in any CPD.	HoPOD	May 25		
			To include the welfare officers' responsibilities in the Discipline Policy so they are clear.	HoPOD	Oct 24		
			To send written guidance to the nominated welfare officer at the time of appointment.	HoPOD	Oct 24		
			To ensure welfare is offered to all parties not just the alleged perpetrator and information is logged in the spreadsheet.	HoPOD	Oct 24		

13	<p>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.</p> <p>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.</p>		Discuss with Clerk arrangements to provide training to appeal panel	DPOD	Nov 24		
			Consider options for appeal training for all appropriate managers	DPOD	Feb 25		
14	<p>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:</p> <ul style="list-style-type: none"> <li>• a strategic overview of performance and analysis of trends, including disproportionality.</li> <li>• regular reporting of issues, outcomes, and trends to the FRA; and</li> <li>• identification of learning outcomes and how they will be shared with</li> </ul>						A report a produced for both SLT and HRC on a quarterly basis which includes relevant information.

	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>		To discuss with local union representatives how learning could be shared	DPOD / DCFO	Feb 25		

### Status against overall Recommendation

Complete	5
Ongoing	8
Not Started	2

### Progress of additional improvement actions

Complete	0
Ongoing	8
Not Started	14