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**Enquiries to: Mrs J Head**

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**Our reference: JH/EIP**

**Date: 1 November 2023**

## **AGENDA**

**TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL**

### **CUMBRIA POLICE, FIRE & CRIME COMMISSIONER'S ETHICS AND INTEGRITY PANEL**

A Meeting of the Ethics and Integrity Panel will take place on **Thursday 9 November** at **11.00 am** in **Conference Room 2**, Police Headquarters, Carleton Hall, Penrith.

**G Shearer**  
**Chief Executive**

**Note:** Members are advised that allocated car parking for the meeting is available in the Visitors Car Park to the left of the main Headquarters building.

### **PANEL MEMBERSHIP**

Mr Andrew Dodd

Mr Michael Duff

Ms Meg Masters

Mr Ben Phillips

Mr Alan Rankin (Chair)

Mr Alex Rocke

Ms Jane Scattergood

Mr Shaun Thomson

# **AGENDA**

## **PART 1– ITEMS TO BE CONSIDERED IN THE PRESENCE OF THE PRESS AND PUBLIC**

**1. APOLOGIES FOR ABSENCE**

**2. DISCLOSURE OF PERSONAL INTERESTS**

Members are invited to disclose any personal/prejudicial interest which they may have in any of the items on the Agenda. If the personal interest is a prejudicial interest, then the individual member should not participate in a discussion of the matter and must withdraw from the meeting room unless a dispensation has previously been obtained.

**3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC**

To consider (i) any urgent items of business and (ii) whether the press and public should be excluded from the Meeting during consideration of any Agenda item where there is likely disclosure of information exempt under s.100A(4) and Part I Schedule A of the Local Government Act 1972 and the public interest in not disclosing outweighs any public interest in disclosure.

## **PART 2– ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC**

<b>Number</b>	<b>Agenda Item</b>	<b>Allocated Time</b>
<b>4.</b>	<b>CORPORATE UPDATE</b> To receive a briefing from CFO Rick Ogden and the OPFCC Chief Executive Gill Shearer	10 minutes
<b>5.</b>	<b>ON-CALL RECRUITMENT</b> To receive a report on the Fire Service’s on-call recruitment	10 minutes
<b>6.</b>	<b>MISCONDUCT</b> To receive a report on employee misconduct matters	15 minutes
<b>7.</b>	<b>DIP SAMPLE SESSIONS</b> The Panel to provide feedback from the misconduct dip sample session	15 minutes
<b>8.</b>	<b>PANEL TERMS OF REFERENCE</b> To note the updated terms of reference for the Panel – <i>OPFCC Governance Manager</i>	5 minutes

9.	<p><b>2024 ANNUAL WORK PROGRAMME, MEETING AND DIP SAMPLE DATES</b></p> <p>To consider and agree the Panel’s annual work programme and meeting dates for 2024 - <i>OPFCC Governance Manager</i></p>	5 minutes
10.	<p><b>CASE SAMPLE PROTOCOL</b></p> <p>To note the updated case sample protocol for the Panel – <i>OPFCC Governance Manager</i></p>	5 minutes

# Ethics and Integrity Panel



## Title: On-Call Recruitment 2023

**Date: 9<sup>th</sup> November 2023**

**Agenda Item No: 05**

**Originating Officer: Kristine Ward – Head of People and Talent, Cumbria Fire and Rescue Service**

**CC: Orland Wright – Resourcing, Talent and Wellbeing Lead**

### Executive Summary:

This report details the requirements and challenges of every stage of on call recruitment in Cumbria Fire and Rescue Service. During the last on call recruitment campaign Cumbria Fire and Rescue Service has disaggregated from Cumbria County Council and now has a small dedicated resourcing function which has created opportunity and commitment to continue to improve the process and attract suitable On Call candidates against a national backdrop of declining applicants and difficulty to recruit in the On Call workforce.

### 1. Introduction & Background

Cumbria Fire and Rescue Service currently has 294 On-Call Firefighters, across 38 Stations, and it is considered an 'On-Call Service'. As a predominantly rural fire and rescue service, we maximise our On-Call Firefighters to deliver Community safety advice and initiatives, such as Road Safety; On-Call Firefighters are trained for primary crewing of specialist appliances; they support the Wholtime service when unforeseen staff shortages arise; and On-Call crews work with our Blue Light partners, such as ambulances, to support medical emergencies. Therefore, the efficient and effective recruitment of On-Call Firefighters requires dedicated resources from the Service, involving several internal stakeholders and multi-stage processes.

On-Call Station Availability statistics from Sept 2023 are shared below. The percentage is the time when appliances across all On-Call Stations are available, and they do not reflect certain stations that consistently struggle with availability.

The Annual Target is set by Service Leadership Team.

April	April Target	May	May Target	June	June Target	July	July Target	Aug	Aug Target	Sept	Sept Target	Annual Target
84%	90%	85%	90%	82%	90%	80%	90%	79%	90%	78%	90%	90%

Stations that have consistently excellent availability are Millom, Appleby, Keswick, Sedbergh, Wigton and Windermere. Stations that consistently struggle with availability are Staveley, Arnsdale, Walney, Egremont, Kendal, Kirkby Lonsdale. On-Call Stations face individual recruitment needs and aren't always a reflection of the community around them; Kendal is a large town and the Census 2021 report states there were just over 31k people living there (2021), but On-Call recruitment is difficult there, with Kendal On-Call having 6 vacancies at the beginning of 2023.

The Service is also aware of sector-wide retention challenges the On-Call Firefighter role brings with it, such as work life balance and change of the individual's circumstances, however the below data indicates that over the past 4 years we have managed to fill On-Call vacancies and retention is improving.

<u>Month/Year</u>	<u>No. of On-Call FFs</u> (This is total number of On-Call FF posts in the service establishment report.)
Dec 2020	264
Dec 2021	288
Dec 2022	287
Oct 2023	294

The National Fire Chiefs Council (NFCC) has been working on addressing On-Call challenges on a national scale. In 2018 they launched a dedicated On-Call Fire website, <https://oncallfire.uk/>, and a National Campaign, which Cumbria Fire and Rescue Service championed and still utilises material from that campaign. The NFCC have more recently set up a National On-Call Strategic Forum, which the Head of People & Talent is the Strategic Lead for and where recruitment has been identified as a key project.

Cumbria Fire and Rescue Service's previous On-Call campaigns have seen initial high numbers of applications, but candidates have decreased as the process has continued, mainly following the Selection Days.

Please see data from previous recruitment campaigns below:

<u>Recruitment Campaign</u>	<u>No. Of Applications</u> (Male/Female)	<u>No. of Candidates taken to interview.</u> (Male/Female)	<u>No. of Candidates appointed.</u> (Male/Female)
May 2021	36 (25 M / 11 F)	16 (12 M / 3 F)	14 (11 M / 3 F)
Sept 2021	38 (28 M / 10 F)	25 (19 M / 6 F)	11 (10 M / 1 F)
Jan 2022	48 (35 M / 13 F)	20 (16 M / 4 F)	10 (7 M / 3 F)
Sept 2022	45 (40 M / 5 F)	26 (22 M / 4 F)	19 (16 M / 3 F)

For our 2023 On-Call Recruitment Campaign, we had 96 vacancies across 30 stations.

## 2. Engagement

It was identified by the Station Manager leading the start of the process that Women were an under-represented group in CFRS as On-Call Firefighters. The CFRS establishment report on 31/12/2022 details 30 Female-identifying On-Call Firefighters, which is 10.5% of total On-Call Firefighters on that date. Therefore, the advertising materials for this process were developed using Female On-Call Firefighter posters from the NFCC On-Call toolkit. The material was used for posters in local sites, as hand-outs at the relevant station, and on social media (Cumbria Fire and Rescue Service's dedicated Facebook, Twitter, and Instagram accounts).

The marketing materials were also utilised on the dedicated web pages created for On-Call recruitment, as part of the launch of the Service's new website, <https://www.cumbriafire.gov.uk/join-our-team/on-call-firefighters>

The On-Call Support team had several in-person open days where interested candidates could come onto stations and have a go at some of the practical and physical assessments required for the process, as well as have access to On-Call staff and ask them about the role and service. These were advertised on social media and all dates are below.

### Open Days 2023:

Station	Date	Time
Penrith Fire Station	Saturday 25 March	10:00 – 13:00
Workington Fire Station	Monday 27 March	17:00 – 21:00
Broughton Fire Station	Monday 27 March	11:00 – 19:00
Broughton Fire Station	Tuesday 28 March	11:00 – 19:00
Walney Fire Station	Wednesday 29 March	11:00 – 19:00
Walney Fire Station	Thursday 30 March	11:00 – 19:00
Brampton Fire Station	Monday 3 April	17:00 – 21:00
Ambleside Fire Station	Monday 3 April	11:00 – 19:00
Ambleside Fire Station	Tuesday 4 April	11:00 – 19:00
Kirkby Lonsdale Fire Station	Wednesday 5 April	11:00 – 19:00
Kirkby Lonsdale Fire Station	Thursday 6 April	11:00 – 19:00
Staveley Fire Station	Saturday 8 April	11:00 – 19:00
Kendal Fire Station	Tuesday 11 April	11:00 – 19:00
Kendal Fire Station	Wednesday 12 April	11:00 – 19:00
Patterdale Fire Station	Monday 17 April	11:00 – 19:00
Patterdale Fire Station	Tuesday 18 April	11:00 – 19:00

**Drill nights potential candidates could join:**

Station	Date	Time
Silloth Fire Station	Every Thursday at drill nights	19:00 – 21:00
Penrith Fire Station	Every Monday at drill nights	18:30 – 20:30
Maryport Fire Station	Every Tuesday at drill nights	19:00 – 21:00
Workington Fire Station	Every Monday at drill nights	19:00 – 21:00
Brampton Fire Station	Every Monday at drill nights	19:00 – 21:00
Longtown Fire Station	Every Tuesday at drill nights	19:00 – 21:00
Lazonby Fire Station	Every Wednesday at drill nights	19:00 – 21:00
Alston Fire Station	Every Thursday at drill nights	19:00 – 21:00
Ulverston Fire Station	Every Monday at drill nights	19:30 – 21:30
Grange Fire Station	Every Wednesday at drill nights	19:00 – 21:00

A recruitment pack was specially developed for this process (see appendix 1), and this was available at the Engagement Days, attached to the On-Call advert, and on the dedicated On-Call web pages developed for the Cumbria Fire and Rescue Service website.

The On-Call Support team also went out into local communities to do direct engagement. This involved taking flyers and handing them out in busy pedestrian areas, asking local businesses if they could put posters up, and knocking on the doors of residents within a five-minute radius of the station. This has been a regular engagement method used by the On-Call Support Team for many years and it produces good applicant interest, especially in smaller villages and more rural areas.

**3. Application Process & 124a**

The On-Call Recruitment campaign application opened on 20<sup>th</sup> March 2023 and as the Service were still part of Cumbria County Council (pre-LGR), the Council's Application form was how candidates needed to apply. This application form had been used in all previous campaigns and feedback had consistently been that it was not fit for the On-Call recruitment process.

To apply for the On-Call process, candidates need to complete a 124a Form detailing their availability. This form is key to the process and Station Managers use it in the Shortlisting stage against the requirements/vacancies at the On-Call station the candidate is applying to. On the Council's application form, this had to be completed and added as an attachment,

with a high number of candidates missing this when they applied. This required the Recruitment team to chase any applications coming in for this document, creating additional work for the team. The standard of completing the form varied as well, as it was often completed via hand, with some clearly showing the hours they are available for each week and others being difficult to understand.

Candidates also need to attach a completed Employer's Consent Form. This form ensured the candidate had discussed any availability during their hours of work with their substantive employer, so if successful, they could be released from work to attend any callouts. On the Council's application form, this had to be signed and added as an attachment, with a high number of candidates missing this when they applied, and similarly to the 124a Form, the chasing of this document from individual candidates caused additional work.

Some candidates also dropped these two forms off at the local station, meaning the On-Call Crew Manager or Station Manager needed to scan this and email it into the centralised team. This process wasn't consistent and if a candidate had completed an Employer's Consent via hand and taken it to a station, if the document wasn't scanned and sent over, it often needed doing again.

Following this 2023 process and enabled by the Service sitting under new governance, the Resourcing & Talent Team have already produced a new application form for the service, which is currently being used for corporate recruitment. The aim for the next On-Call campaign is to have one document for candidates to complete, that covers all required information in the application form and the 124a Form, and for this to be initially submitted. Any personal information that could result in bias towards a candidate will be removed by the Resourcing & Talent Team and the current plan is for these initial applications to be looked at by Watch Managers or Station Managers (or in collaboration) and if a candidate meets eligibility and their availability meets the Station's requirements, the Resourcing and Talent team will contact candidates to then secure their Employer's consent. The Resourcing & Talent team will take this plan to Station Managers and the On-Call Support team for their feedback before launching.

#### **4. Shortlisting**

For the 2023 Campaign, shortlisting was completed by the Station Managers after the application process closed (on 30/04/2023). The Recruitment Coordinator compiled folders for each manager on a dedicated SharePoint and candidates were grouped by station. Station Managers securely accessed these folders and completed an Application Shortlisting Form using the On-Call Firefighter Person Specification for the criteria. Successful candidates were then invited to one of three Selection Days and unsuccessful candidates were informed via email from the Resourcing & Talent Team.



## 5. Selection Days

Three Selection Days were held, and a draft timetable was developed for each day. Before the Selection Day, candidates were to contact the Resourcing & Talent Team to state which of the two physical tests they were to complete on the day:

“You will have a choice of performing the multistage Bleep Test (8 minutes approximately) or the Chester Walk Treadmill Test (12 minutes). To pass the Bleep Test you need to achieve level 8.8. To pass the Chester Walk Treadmill Test you need to complete the 12 minutes. This test involves walking at a speed of 6.2 kmph with increased inclines of 3% every 2 minutes reaching an incline 15%. Please confirm which test you would like to perform.”

The Selection days were on at the below stations. A selection of locations was picked due to suitability of the resources on station, but also to reduce the amount of travel required of candidates across the county.

- Ulverston Fire Station – Tuesday 23<sup>rd</sup> May 2023
- Workington Fire Station – Wednesday 24<sup>th</sup> May 2023
- Carlisle East Fire Station – Thursday 25<sup>th</sup> May 2023

The first assessments were physical and practical:

- Bleep Test (for those candidates who had selected that option)
- Chester Treadmill Test (for those candidates who had selected that option)
- Hand Grip test
- Ladder Lift
- Ladder Climb
- Equipment Assembly
- Enclosed Space/Confined Space
- Equipment Carry

Trained Assessors attended the day, along with the On-Call Support team, the Fitness Team, and Resourcing & Talent Team. A Brief was delivered at the start of the day to all candidates to ensure candidate wellbeing and safety. All the physical and practical assessments are national standards for On-Call recruitment.

The practical and physical assessments were scored against a set criteria. The only timed assessment was the Equipment Carry.

Following the physical and practical assessments, candidates then took the written assessment, which was a mental agility test. This assessment was developed by the previous On-Call recruitment lead and candidates were provided with sample questions with explanatory answers, which were available on the On-Call recruitment web pages. Some candidates may not have completed a mental agility test, so the sample questions were designed to prep them for this process. Candidates had to achieve 50% of what they have answered, and they had to answer more than 25 questions. The written assessment

lasted 15 minutes, with an additional 5 minutes at the start for candidates to read through the questions.

For Neurodiverse candidates, several supportive measures were available:

- Coloured overlays for visual support
- The option to complete the assessment in a separate room, to reduce sensory issues
- The option for additional time: an additional 5 minutes for reading time or an additional 5 minutes to complete
- For all candidates who declared they were Neurodiverse or Dyslexic on the application form (or informed the Resourcing & Talent team ahead of the Selection Days) there was a 10% leeway on requirement to get 50% of all questions answered correct.

## 6. Interviews

Candidates who were successful at the selection days were collated by the Resourcing & Talent Team, and their contact information was passed onto the relevant Station Managers, allowing for the managers to make contact and arrange in-person interviews at a time suitable for both them and the candidate. They were advised to hold the interviews between 19<sup>th</sup> June 2023 – 23<sup>rd</sup> June 2023.

A selection of candidate questions was developed specific to the On-Call Firefighter role, and the scoring of the answers was done using a generic 1 -5 scoring matrix. As across other Service recruitment in 2023, the candidates were given the questions 10 minutes before the interview, and encouraged to make notes which they were able to bring into panel interview with them. We have found that building this into our processes allows candidates to read, process, and collect their thoughts, allowing them to come into the interview ready to answer as effectively as possible. It is a good example of positive action as research has shown that its particularly beneficial for individuals who are neurodiverse. However, given there are individuals who aren't aware they are neurodiverse we have made this adjustment for all candidates. Feedback for this has been overwhelmingly positive, with both candidates and panel members sharing that the interview has a more relaxed feel, and the candidates are able to present the best version of themselves.

Following interviews, outcomes were shared with the Resourcing & Talent Team, who then began the process of contacting successful candidates to start their pre-employment checks, specifically the Medical Questionnaire specific to Cumbria Fire and Rescue Service.

## 7. Medicals and Pre-employment

Following interviews, outcomes were shared with the Resourcing & Talent Team, who then began the process of contacting successful candidates to start their pre-employment checks, specifically the Medical Questionnaire specific to Cumbria Fire and Rescue Service.

Medical dates were held at Penrith Headquarters on:

- 24<sup>th</sup> July 2023
- 2<sup>nd</sup> August 2023
- 9<sup>th</sup> August 2023

- 27<sup>th</sup> September 2023
- 29<sup>th</sup> September 2023

As well as completing the medical questionnaire, candidates were also required to have an Eye Test completed by an external Optician.

When candidates arrived for their medical appointment, they also had a face fit test for their Full Face Breathing Apparatus Mask and Half Mask Respirator. Sizes for uniform and PPE were also collected when candidates arrived for the medicals.

Candidates successful at medical then began the pre-employment check process. Checks completed were:

- Reference consent received and two referees contacted, one to be the current or most recent employer.
- Proof of Right to Work
- Driving Licence
- New Starter Checklist (tax)

At this point in the process, Cumbria Fire and Rescue Service were in the process of rolling out DBS information following the legislation to include Fire and Rescue Authorities in the Rehabilitations of Offenders Act (1974). Therefore, these candidates were not DBS checked before their course start dates, however they will be captured in the service-wide processing of checks. A letter was sent to all On-Call candidates at this stage of the process to explain the legislation change.

All pre-employment checks were uploaded to a HR Admin, Recruitment and Payroll service ticket, using their portal. Following LGR, they are a hosted service and hold all the personnel files for the Fire Service in line with GDPR. Also attached to this ticket were assessment score sheets, application forms, 124a Forms, and Employer's Consent Forms.

Once all checks were completed, the HR Admin, Recruitment and Payroll service onboarded the candidates onto the HR system, Trent, and the Resourcing & Talent Team worked with the Learning and Development department to secure them on training courses.

## 8. Diversity Data

The below figures detail the current outcomes of the On-Call Recruitment 2023 Campaign.

Stage of the Process	Total no. of Candidates	Total no. of Male Candidates	Total no. of Female Candidates
Application	104	81	23
No. of Candidates that requested reasonable adjustments	4	4	0

Successful at Selection Days	74	58	16
Interviews	71	57	14
No. of candidates withdrawn or not responded	21	16	5
Taken to Medicals	43	35	8
Passed Medicals (so far)	37	29	8
On a 2023 course (so far)	15	11	4

For this recruitment campaign, we also collated the below diversity data, which came from the Council's application form. Disability was recorded, and Care Leavers and Veterans were captured as part of our Guaranteed Interview Scheme, please see below.

Please note, we did not have any candidates who declared they were Care Leavers.

Stage of the Process	Total no. of candidates who considered themselves Disabled	Total no. of candidates who are Veterans
Application	3*	3
Successful at Selection Days	3	3
Interviews	3	3
Taken to Medicals	3	3
Passed Medicals (so far)	2	3
On a 2023 course (so far)		1

\*A candidate later requested reasonable adjustments for the written assessment, however they didn't mark that they considered themselves disabled on the application form, so we haven't included it in this data here.

For the next On-Call Recruitment Campaign, we want to ensure we are collecting robust diversity data on the below protected characteristics:

- Age
- Disability
- Race

- Religion of belief
- Sex
- Sexual Orientation
- Gender reassignment

This information will be requested on the new application form, in a section that will be removed from the full form and stored confidentially, only accessed by the Resourcing & Talent Team for data monitoring purposes. All personal information will be removed, and we will just input the required information. This data will be reviewed after the application stage, after the Selection Days, and following interviews. This data will inform future reviews and changes to our engagement methods, our selection days, and our interview process.

We will not collect data on pregnancy and maternity, and marriage and civil partnership, as we would not ask for this information on an application form, or at any stage of the process. If candidates are asked about pregnancy at the medical stages, this is confidential health data and would only be discussed with the candidates via our Occupational Health team.

## **9. Evaluation and Review**

In 2023 we have seen a significant increase in applications and the quality of candidate applying, and we have been able to appoint the highest number of On-Call Firefighter candidates since 2019. The Resourcing & Talent Team have met with Station Managers, the On-Call Support Team, and the Workforce Development Group to share and gather feedback from this process, with the aim to review it and make smart changes where possible.

The issues raised most by all groups were:

- Would prefer to do targeted recruitment at stations with high number of vacancies; because this process was service wide, some people applied for stations that were fully staffed.
- The application form used wasn't fit for the On-Call process and was difficult for candidates to complete.
- Inconsistencies with candidates completing the 124a Form and Employer's Consent Forms.
- There were inconsistencies with scoring across the Selection Days, support for standardisation.
- The process timeline was so tight it didn't give candidate's enough time to digest information.
- Medical appointments were allocated on a first come first served basis, depending on which candidates did their medical questionnaire and Eye Test first, and some structure to this would have been preferred.

The Resourcing & Talent Team also produced a SWOT analysis based on their own experience and reflections on the process, please see below:

### **Strengths**

- High application numbers, and good outcome results from selection days, interviews and medicals resulting in high number of new recruits (including 11 for priority stations)
- Great feedback on the on-call guidance booklet, really helpful document used by both managers and candidates.

### **Weaknesses**

- We didn't have a bespoke On-Call recruitment campaign for Cumbria Fire and Rescue Service and there was a lack of social media posts targeting priority stations; instead, we had generic recruitment posts aimed at the whole of Cumbria, resulting in having candidates for stations that aren't priority.
- Not a clear process with change of ownership and other staff changes, so unsure of who was taking control of the interview process and on-boarding.
- Application form – as discussed in point 3, the Council's application form was not suitable for the information required from candidates, and feedback from candidates revealed that logging in to complete the application form was an issue for several of them.
- Timeline had interviews, medicals, and course dates very close together, not allowing for any delays/medical referrals.

### **Opportunities**

- Advertising campaign reviewed and we are now looking to have adverts and on-call interest stories constantly drip fed on our social media channels throughout the year, and alongside this do targeted advertising for priority stations. Even when the adverts are closed, still invite candidates to open days, virtual Q&A sessions, drill nights etc. Also have a presence at local groups, such as young farmers or sports clubs. Make dynamic social media through videos: use current on-call fire fighters who show both jobs they do, use social media trends to advertise on-call vacancies and the role.
- Having a clear and consistent process: developing a process map that clearly identifies the candidate touch points and who should be contacting the candidates (managers, OH, Recruitment team etc.) Also have planned emails and engagement throughout the process that keep the candidates 'warm' and engaged.
- Applications form – as discussed in point 3, we have already created a new simple, user-friendly form that can be easily adapted and changed to suit different roles across the service, so we are creating one for On-Call that reduces the number of forms to complete. The application form also needs to be suitable for shortlisting effectively, reducing unconscious bias and prioritising our Core Code of Ethics.

### **Threats**

- We are aware that some services are engaging with external providers to run their On-Call Recruitment in efficient and online processes. We need to ensure our updated process is cost effective and competitive, as well as providing an exceptional experience for candidates.
- There was feedback we received anecdotally throughout the process that the Service values Wholetime recruitment more than On-Call, so the Resourcing &

Talent team are working on a Resourcing Plan to share both the On-Call and Wholetime targets and changes being made to prioritise all essential recruitment.

#### **4. Supplementary information**

Appendix 1 – Cumbria Fire and Rescue Service On-Call Recruitment Pack 2023

# Ethics and Integrity Panel



## Title: CFRS Misconduct

**Date: 9 October 2023**

**Agenda Item No: 06**

**Originating Officer: Kristine Ward – Head of People and Talent**

**CC: Helen Clark and Jemma Taylor – HR Manager**

### **Executive Summary: (max 100 words)**

This report details the misconduct cases that CFRS have had over the last 12 months (total of 10 cases). Comparisons are made between these 12 months and the previous 12 months however, due to the low number of cases and the very specific nature of misconduct cases, direct comparisons are difficult to draw between individual cases. During this time CFRS has disaggregated from Cumbria County Council and now has a dedicated HR function.

### **1. Introduction & Background**

1.1 CFRS misconduct cases can be reported in a number of ways. The service has two agreed disciplinary procedures that may be relevant to the allegation (one for corporate 'green book' staff and one for operational 'grey book' staff). Both procedures follow the ACAS code of practice.

When an allegation of misconduct is received, the manager makes initial enquiries (this usually includes an informal 'fact finding' with the employee that the allegation concerns) and then determines if any further action may be necessary. If no action is necessary, the case is then closed. If further action is necessary, the case progresses to a disciplinary hearing. If an investigation needs to take place to ascertain further facts, this happens prior to a formal hearing taking place. If a disciplinary hearing takes place, the hearing manager must be a manager of sufficient seniority who has not previously been involved in the case, in order to ensure that they are impartial. A representative from HR will also be present at disciplinary hearings. Outcomes are recorded formally and employees have a right of appeal against any disciplinary sanction imposed.



## 2. Summary of Cases

### Last 12 months misconduct cases

Case	No months case open for	Outcome	Appeal?	Appeal outcome
1	12	Summary dismissal	Yes	Still open
2	11	Informal action plan	No	
3	3	Written warning (agreed outcomes)	No	
4	7	Summary dismissal	Yes	Dismissal upheld
5	8	Retired before conclusion of case	No	
6	0	Resigned before conclusion of case	No	
7	0	No action taken	No	
8	0	No action taken	No	
9	1	Resigned before conclusion of case	No	
10	1	Informal action	No	

### Previous 12 months misconduct cases

Case	No months case open for	Outcome	Appeal?	Appeal outcome
1	2	No action taken	No	
2	3	Summary dismissal	Yes	Dismissal upheld
3	6	Resigned before conclusion	No	
4	1	Resigned before conclusion	No	
5	5	Final Written Warning	No	
6	2	informal action	No	

In the past 12 months, cases in relation to employee behaviour have risen 20%, however due to the low numbers of cases it is difficult to draw specific inferences around this. The behavioural element of current casework is reflective of the contents of the HMI spotlight report, which the team have a specific action plan in place to address.

Of the last 12 months cases, the average time between opening and closing the case was 4.3 months. The longest case took 12 months from opening to closing. 3 cases were concluded in less than one calendar month (these 3 cases all resulted in no further action being taken following the initial fact finding stage). This is an increase on the previous year (3.1 months), however the service has had two particularly lengthy, complex investigation cases this year which has increased the average time taken to conclude.

During the last 12 months the service summarily dismissed two employees for gross misconduct. Both cases appealed the dismissal decision. Following a robust appeal process one dismissal was upheld. The other appeal case has not yet concluded. This is consistent with the data from the previous 12 months, whereby one employee was dismissed for gross misconduct. That case was also subject to appeal and again, the dismissal was upheld. None of the cases resulted in employment tribunal claims progressing.

### **3. Learning**

The service now produce a 'lessons learned' document at the end of each case. This enables the team, in conjunction with the managers who were involved in the case, to capture any key areas for future development. It also enables positive feedback to be communicated to the key members of staff involved in the process.

Recent key areas for development captured have included

- Better record keeping is required
- Managers require further support in relation to carrying out the stages of the procedure
- Some investigations take too long

In response to these areas identified, the HR team are supporting each case and keeping in regular contact with the involved managers. Prior to April 2024 the HR support to CFRS was provided by the wider Cumbria County Council People Management team. The closer working relationship of the CFRS HR team will enable the team to provide more tailored support to the managers involved in the process.

The team have also engaged with an external Investigating Officer in order to progress some of the complex investigations which would benefit from the Investigating Officer being outside of the service.

The HR team training plan includes planned training for managers in regards to

- Investigations (including misconduct)
- Holding dismissal hearings
- Holding fact finding meetings

A number of cases have involved the personal behaviours of employees (or alleged behaviours). This mirrors some of the HMI spotlight report findings and the People & Talent team have a specific action plan in place to address the findings of the spotlight report and HMI inspection.

### **4. Recommendation**

That, the Panel note the report.