

Item Number	Item 5 – Paper 2
Title of Paper	Response to <a href="#">HMICFRS Misconduct Review</a>
Decision or Information	For discussion and decision
Date of Meeting	12 December 2024
Presented by	FST
Attachments	<b>Appendix A:</b> NFCC Response to Misconduct Review <b>Appendix B:</b> HMICFRS Misconduct Thematic Recommendations

## Summary

This paper presents the proposed plan the Fire Standards team could adopt in 2025/26 in response to the HMICFRS’s misconduct thematic review, “*Standards of behaviour: The handling of misconduct in fire and rescue services*”, published in August 2024. The approach’s aim is to establish whether the existing suite of Fire Standards provides the appropriate level of assurance and professional standard an FRS should reach in order to meet the recommendations of the thematic review.

## Recommendations and decisions required

The Board is asked to discuss and if content agree the plan, subject to adequate staff resources to deliver activity 3.

## Background

Further to the agenda item raised at the September 2024 Board meeting by Mark Hardingham being the “NFCC Response to HMICFRS’s Misconduct Review”, the Fire Standards team has engaged with colleagues to establish how the Fire Standards Board might respond.

There are 15 HMICFRS misconduct recommendations (at appendix A) which address a range of subjects including code of ethics, HR policies and workforce planning. There is also a recommendation stating that the FRS should have a “professional” standards function to oversee misconduct concerns.

It is possible that the activity of the Fire Standards team may already adequately address these recommendations, so the proposal is for the Board to agree to the team undertaking as a first step an evidence gathering exercise to determine if this is the position all or in part and identify any potential gaps.

The NFCC is also undertaking work in this space, driven through the specialist People, Culture and Leadership Hub (PCL Hub), which is outlined below in appendix B.

## **Fire Standards Misconduct Activity Plan**

The Fire Standards team suggests three key activities for the Fire Standards misconduct review as follows:.

### **Activity 1 – Mapping Exercise**

The Fire Standards team will undertake a mapping exercise to identify whether existing individual Fire Standards, in particular the Code of Ethics, Leading the Service and Leading and Developing People, adequately cover the recommendations.

If there are gaps, the team will make recommendations to the Board on how these might be addressed through the Fire Standard review and maintenance cycle or with the potential development of a new Fire Standard, if appropriate.

### **Activity 2 – Fire Standard Implementation Workshops**

Using the activity 1 mapping exercise as a guide, the Implementation team will then adapt the existing Fire Standard Implementation workshop approach to accommodate any recommended changes or gaps in the existing provision. This may also include making recommendations to other NFCC teams, including the PCL Hub, to consider any suggested changes, adaptations or additional new guidance or toolkits to support services to address misconduct.

### **Activity 3 – Deliver new activity**

The mapping exercise and implementation approach may highlight potential new activity which either the Fire Standards or implementation team will deliver, subject to there being appropriate resources, aimed at supporting services in realising the benefits of Fire Standards and Implementation Support.

## **Timeframe**

Subject to the review and maintenance schedule remaining constant, the team should be able to undertake Activity 1 during Q2 of the 25/26 financial year. Activity 2 will be ongoing business as usual, so is already scheduled into the 25/26 Implementation team strategic plan, although some activity may need to be adapted. Any new activities under Activity 3 would be subject to decision and approval made to the Fire Standards Board and Home Office partners and may require additional funding.

# Appendix A

## NFCC Response to Misconduct Review

The NFCC People, Culture and Leadership Hub (PCL), has analysed the 15 recommendations and placed them in one of four categories illustrated below:



Beyond this, the NFCC is not yet engaging in developing new work to support the recommendations, instead offering to help services based on demand for support. The Implementation team is providing direct support to a number of services by providing Leadership Thematic Fire Standard workshops, which frame NFCC products and guidance, including Core Code of Ethics and the Leadership Framework in how they support FRS to embed the two leadership Fire Standards.

# Appendix B

## HMICFRS Misconduct Thematic Recommendations

### Recommendation 1:

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

### Recommendation 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 FRSs 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.

### Recommendation 3:

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."

### Recommendation 4:

By 1 February 2025, chief fire officers should make sure their FRS create or have access to a dedicated professional standards function to oversee the investigation of concerns raised within a FRS 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.

### Recommendation 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:

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

## **Recommendation 6:**

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"

## **Recommendation 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 NFCC, should make misconduct processes consistent for all staff irrespective of the terms and conditions of their employment."

## **Recommendation 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 FRs:

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

## **Recommendation 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.

### **Recommendation 10:**

By 1 May 2025, chief fire officers should make sure their FRSs 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."

### **Recommendation 11:**

By 1 May 2025, chief fire officers should review the training their FRSs 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."

### **Recommendation 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."

### **Recommendation 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, fire and rescue authorities and chief fire officers should make sure all FRS managers and members of fire and rescue authorities who hear appeals receive appropriate training.

Chief fire officers should make sure FRSs have a consistent approach to hearing appeals."

### **Recommendation 14:**

By 1 November 2025, chief fire officers should implement a process that makes sure they can oversee and scrutinise their FRS's performance relating to misconduct issues. This process should provide:

- a strategic overview of performance and analysis of trends, including disproportionality;
- regular reporting of issues, outcomes and trends to the fire and rescue authority; and
- identification of learning outcomes and how they will be shared with FRS staff, to prevent repeat behaviours"

### **Recommendation 15:**

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.

By 1 May 2025, 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."