

Independent Cultural Review of South Wales Fire & Rescue Service

Background

Following an ITV News report on 12 December 2022, during which witnesses gave examples of sexual harassment, inappropriate behaviours and a protective culture within the workplace of South Wales Fire and Rescue Service ("the Service"), the Chief Fire Officer, Huw Jakeway, committed to commissioning an independent cultural review ("the Review").

Context

Culture

“The deeper level of basic assumptions and beliefs that are shared by members of an organisation, that operate unconsciously and define, in a basic fashion, an organisation’s view of itself and its environment.” Johnson and Scholes

The Service has a very proud history of high performance and constantly improving the services provided to the communities across South Wales, as evidenced in annual improvement plans. However, following recent negative media coverage, the time is right to challenge the assumptions that Service may have of itself and to identify any cultural issues, to find solutions and address recommendations for improvement.

Across the Service various cultures exist due to the diversity of the workforce, the nature of roles, the locations and the terms and conditions of employment of personnel. The challenge for the Service is to align the core values and strategic intent with leadership and cultures to deliver positive outcomes across the entire Service.

Disciplinary processes and historic cases

The Service operates its disciplinary procedures in line with nationally agreed terms and conditions of employment regulations, which are aligned to ACAS recommended best practice. A review of the procedures in place will ensure they are appropriate and up to date with current guidance and assess the impacts on the constitution and other associated policies and procedures of the Service.

Reviewing the historic discipline cases will enable good practices to be highlighted and where necessary identify lessons learned to improve future performance.

Governance

An Independent Appointment Board will be established to appoint an Independent Chairperson for the Review. The Independent Appointment Board will be made up of the Chairperson of South Wales Fire and Rescue Authority, the Chief Fire Officer and at least three independent members from external stakeholders, including the wider public sector in Wales.

The Independent Chairperson will appoint a support team and will report periodically to an Authority Review Working Group. They will consider the ways in which policies, procedures and systems are applied in practice and how they see the culture.

The Authority Review Working Group will be made up of Members of South Wales Fire and Rescue Authority, supported by the Monitoring Officer, Director of People Services and the Temporary Deputy Chief Fire Officer.

Independent Review - Terms of Reference

Timeframes

The Review is anticipated to commence early April 2023 and is expected to conclude before the end of the calendar year.

Objectives

The objectives of the Review are to:

1. assess the existing policies, procedures and systems relating to bullying, harassment, grievances, whistleblowing concerns, dignity at work, complaints and any other processes for raising complaints and concerns of behaviour and standards. Comparing these to best practice and identifying any actual or perceived barriers to reporting or making complaints about bullying or harassment, discrimination or other inappropriate behaviour and consider the ways in which these policies, procedures and systems are applied in practice and how that impacts on culture;
2. assess existing policies and procedures relating to discipline of staff, comparing them to national terms and conditions of employment and best practice. Consider the ways in which these policies, procedures and systems are applied in practice;
3. review, consider and report on how over the last seven years historic reports and complaints of incidents of bullying, harassment, whistleblowing concerns, and dignity at work complaints and any other relevant complaints and/or grievances were dealt with and responded to by the Service;
4. review, consider and report on how historical staff disciplinary cases over the last seven years were dealt with by the Service, including consideration of whether there was any further action (positive or negative) in respect of the individuals complained of (for example, any further disciplinary cases against them, any patterns of behaviour and/or any promotions) and how that impacts on culture;
5. establish whether the Service has appropriate prevention and other control measures in place to deal with any reasonably anticipated risks arising from bullying, harassment, discrimination or other inappropriate behaviour;
6. assess the effectiveness of development programmes and training that support dignity, respect and prevention of bullying, harassment, discrimination or other inappropriate behaviour;
7. assess the effectiveness of development programmes and training for managers in dealing with complaints of and/or disciplinary cases related to bullying, harassment, discrimination or other inappropriate behaviour;
8. consider and comment on the values, behaviours, standards and decisions of leaders at all levels in the Service, both professional and personal (where relevant), and how they impact and/or influence culture;
9. consider the impact of individual or group behaviour and standards of staff, both professional and personal (where relevant), and how this influences culture;

10. consider and comment on the Service as a place of work with regard to ensuring the treatment of staff with dignity and respect and maintaining an open and supportive culture, and in particular establish whether the Service has appropriate support in place for staff experiencing and/or witnessing traumatising events and the impact those have on mental health, wellbeing and behaviour, and/or raising complaints of bullying, harassment, discrimination or other inappropriate behaviour;
11. identify within the Service areas of strength, examples of good practice and exemplar behaviours;
12. identify other relevant examples of best practice, guidance, policies and procedures;
13. consider for any other matters the Independent Chairperson considers are directly related to the purpose of this Review;
14. consider the difference in experiences of staff, including the impact of procedures, customs and practices, based on but not limited to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, any other difference including their occupational group and rank; and
15. make recommendations in the light of findings arising from the Review.

Methodology

The Review will undertake desktop research to examine all relevant policies and any other material relevant to the terms of the Review, including reviewing documentation relating to previous complaints and disciplinary cases which are within the scope of this Review.

Relevant current and former staff, management and South Wales Fire and Rescue Authority Members will be interviewed and provided with the opportunity to share their relevant perspectives by outlining in person (or via Teams) and/or in writing, their experiences of perceived bullying and harassment, including sexual harassment, discrimination or other experiences of inappropriate behaviour.

The Review may engage with current staff through online staff surveys and focus groups to share views, insights and experiences of working for the Service.

Methods of secure and private communication will be established to ensure current and former staff know how to participate in this Review if they wish to do so.

The Review may engage with representative bodies (FBU, GMB, Unison etc) and relevant external partner agencies as the Independent Chairperson considers necessary.

The Review may include station visits to talk to staff on the job and assess workplace culture.

For the avoidance of doubt, no Service staff (current or past) can, or will, be compelled to participate in this Review.

Resources

Logistical support for the Independent Chairperson and their team will be provided by the Service staff and legal team. The costs of the Review will be drawn from within existing budgets and earmarked reserves.

Reporting

The Independent Review Chairperson will produce a draft report to the Independent Appointment Board to ensure factual accuracy before publication of the final report and recommendations.

Publication

A publication date and method will be agreed between the Independent Chairperson and the Independent Appointment Board prior to initial presentation to South Wales Fire and Rescue Authority, media release and internal communications.

Annex to the Terms of Reference – Confidentiality, Privacy and Privilege

1. The findings of the Review are to be made public subject to any relevant legal considerations.
2. Personal data (i.e., data from which a person may be identified) will not be included in any published report without the express consent of the person in question.
3. Persons providing information to the Independent Chairperson for the purposes of the Review are encouraged to do so in an open and "on the record" basis. This will help the Independent Chairperson to reach fully informed conclusions by enabling them to put information and concerns to other persons for their consideration and comment. Without that openness and transparency, the reliability of the information provided is difficult to assess and the Independent Chairperson's ability to further investigate and consider any concerns raised in the context of the Inquiry may be hindered.
4. Should a person who wishes to provide information request to speak with the Independent Chairperson in confidence, the Independent Chairperson will proceed on a confidential basis but subject to the following limitations:
 - 4.1 In the event that civil proceedings concerning any matter that was the subject of the Review are raised against the Service or the Independent Chairperson, the Independent Chairperson may be ordered by a court or tribunal to disclose documentation and information in relation to the Review;
 - 4.2 In the event that a person discloses information which raises a concern regarding the safety or wellbeing of an individual, the Independent Chairperson may decide to disclose this information to the Service and/or a regulatory body for the purpose of ensuring health and safety;
 - 4.3 In the event that a person discloses information which raises a concern regarding a potential criminal offence, the Independent Chairperson may decide to report the matter to the Service and/or to the police.
5. In the event that information is disclosed to the Service, a regulatory body or to the police, the Independent Chairperson will use reasonable efforts to avoid disclosing the identity of any person who has requested anonymity but this is not guaranteed. If it becomes necessary to disclose the identity of the person who has provided the information this will be discussed with that person in advance except where there is an immediate risk to health or safety.
6. In the event that a person discloses information which gives rise to a need to launch a disciplinary investigation, or the information is relevant to an ongoing disciplinary process against one or more current employees of the Service, the Independent Chairperson will seek the permission of the person who provided

the information to disclose the information and their identity. The information provided will not be used without the person's permission unless a court or tribunal orders disclosure. Please note that if permission is not given by the provider of the information to use the information and to disclose their identity for the purpose of disciplinary proceedings, it may hinder the ability of the Service to take disciplinary action