

GREATER LONDON AUTHORITY

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD199

Title: Extension of the Independent Advice and Investigation Service

Executive summary:

Following the publication of the Independent Culture Review of London Fire Brigade in November 2022, the Deputy Mayor for Fire and Resilience Decision 187 (DMFD187) authorised the London Fire Commissioner to commit expenditure of £353,531 by the for the procurement of an independent advice and investigation service for LFB staff, for the period from 28 November 2022 to 31 May 2023. LFC had already committed expenditure of £149,958 on the service; the DMFD therefore approved an increase in overall expenditure to £503,489.

This paper seeks to update the approval given in DMFD187 in two ways:

- LFC has exceeded the authorised expenditure for the independent advice and investigation service for the period up 31 May 2023, and is now seeking retrospective approval for an increase in expenditure of £149,036.
- LFC is seeking to extend the independent advice and investigation service for an additional four months to 30 September 2023, with costs of £598,874.

The total amount of expenditure therefore requiring approval in this decision is £747,910. If agreed the total amount of authorised expenditure by LFC for this service over 10 months would be £1,251,399. LFC has provided an assurance to the Deputy Mayor that expenditure will be monitored closely to ensure expenditure above this amount will not be committed without prior approval.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire Commissioner to seek the prior approval of the Deputy Mayor before “[a] commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices...”.

Decision:

That the Deputy Mayor for Fire and Resilience approves the London Fire Commissioner committing an additional £747,910 expenditure for an independent advice and investigation service for LFB staff.

Deputy Mayor for Fire and Resilience

I confirm that I do not have any disclosable pecuniary interests in the proposed decision.

The above request has my approval.

Signature:



Date:

30 May 2023

PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE DEPUTY MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 Report LFC-23-044 to the London Fire Commissioner (LFC) explains that in November 2022, the Independent Culture Review of London Fire Brigade (LFB) was published. The final report highlighted:
- examples of unacceptable behaviours occurring within London Fire Brigade (LFB), which have not been dealt with, and in many cases not reported
 - a lack of trust in LFB processes, notably People Services and managers, preventing staff from raising concerns, in relation to bullying, harassment and discrimination.
- 1.2 To restore trust and improve how LFB manages cases, the independent investigation and advice service was set up to handle complaints relating to bullying, harassment and discrimination, and a review of historic cases going back five years. Expenditure of £353,531 was approved in Deputy Mayor for Fire and Resilience Decision (DMFD) 187 and London Fire Commissioner decision 0780. On top of the existing amount of £149,958 committed by LFC, the total approved expenditure for the period 28 November 2022 to 31 May 2023 was £503,489. The company CMP Solutions Limited was contracted to provide the service.
- 1.3 The LFC now seeks approval to increase the current approved budget allocation to cover existing service commitments and extend the period of service to the end of September 2023.

2. Objectives and expected outcomes

- 2.1 LFC was anticipating a significant workload for CMP Solutions under the contracted service, although use of the service has exceeded the earlier estimates set out in DMFD187. Data for the period up to 27 April 2023 is shown in Table 1 below.

Table 1 - Current usage statistics 28 November 2022 to 27 April 2023

Adviceline and Triage, CMP Practitioner calls and coaching and support to managers	233 contacts (including 55 coaching calls)
Investigations	55 live, 6 completed
Historic case reviews	32 of approx. 50 reviews
Historic case reviews – reinvestigation/no further action	5 re-investigations, 20 No further action, 7 decisions pending
Mediation	4 cases

- 2.2 LFC reports that feedback from users of the service has been positive (as set out in report LFC-23-044, appendix 1). 40 forms have been completed to date giving a majority excellent feedback assessment of the experience, helpfulness of the service, answering of questions and time allocated.
- 2.3 Part 2 of this decision sets out the costs incurred to date. Volumes of cases are monitored weekly by LFB to track expenditure and make sure the service is being used effectively and

appropriately. To ensure value for money, a monthly financial review meeting will be held to review costs against actual usage and budget remaining.

Costs for 28 November 2022 to 31 May 2023

- 2.4 At the time of writing, LFC has been invoiced for costs of £214,075 by CMP Solutions. Current live investigations in progress have an estimated cost of £358,950¹, which have not yet been invoiced, but the service has been provided and therefore the expenditure has been incurred. Totalling £653,447, this amount exceeds LFC's authorised expenditure of £503,489 by £149,036.
- 2.5 The contract between LFC and CMP Solutions does not include an upper limit on expenditure for the service, as LFC has determined that this would risk not resolving cases and providing the support LFC staff require. LFC reports that expenditure has been monitored closely during the period that the CMP Solutions service has been provided. However, the increase in expected costs above the amount approved by the Deputy Mayor was not reported to the GLA until after the costs had been incurred. This was discussed at the Deputy Mayor's Fire and Resilience Board on 12 May 2023. LFC has provided an assurance to the Deputy Mayor that expenditure will continue to be monitored and any increase in costs above the approved amount will be reported as soon as possible.

Extension of service from 1 June 2023 to 30 September 2023

- 2.6 To continue to provide a service to staff, the LFC requires an extension of the CMP Solutions service from 1 June 2023 to 30 September 2023. In Part 2 of the report there is a table that sets out the indicative extension costs which are based on current usage rates. Volumes of cases will continue to be monitored weekly to track expenditure and make sure the service is being used effectively and appropriately to ensure value for money.
- 2.7 CMP Solutions will largely provide the same service to LFC during the extension period. However, LFB will now make use of other options within the suite of available CMP services including investigators briefing hearing managers for any actions resulting in disciplinary process and training for hearing managers.
- 2.8 Estimated costs for the extension period are £503,489. As before, there will be no upper limit to expenditure under the contract between LFC and CMP Solutions. However, LFC has provided an assurance to the Deputy Mayor that expenditure will be monitored closely and any indication that approved expenditure may be exceeded will be reported to the GLA as soon as possible.
- 2.9 CMP Solutions has provided LFB with a reduced rate on their standard charges per activity and have retained the same charges for the extension period. However, it should be noted that costs per month are expected to increase in the extension period. With the increased expenditure proposed in this report, the costs for period 28 November 2022 to 31 May 2023 are approximately £107,000 per month. The estimated costs for the extension period 1 June 2023 to 30 September 2023 are approximately £126,000. The reason for the anticipated increase in costs is there are now several large complex reinvestigation cases following the historic review process which will require significantly more time and resources from CMP than standard cases, and investigator briefings for hearing managers following investigations are now in place. In addition, there are costs included for training for hearing managers.
- 2.10 The total amount of expenditure requiring approval under this decision, for both the initial contract period and extension, including contingency, is £747,910.

¹ Figures in this paper exclude VAT as VAT is treated as recoverable.

3. Equality comments

- 3.1 The LFC and the Deputy Mayor for Fire and Resilience are required to have due regard to the Public Sector Equality Duty (section 149 of the Equality Act 2010) when taking decisions. This in broad terms involves understanding the potential impact of policy and decisions on different people, taking this into account and then evidencing how decisions were reached.
- 3.2 It is important to note that consideration of the Public Sector Equality Duty is not a one-off task. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken.
- 3.3 The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership (but only in respect of the requirements to have due regard to the need to eliminate discrimination), race (ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, and sexual orientation.
- 3.4 The Public Sector Equality Duty requires decision-takers in the exercise of all their functions, to have due regard to the need to:
- eliminate discrimination, harassment and victimisation and other prohibited conduct
 - advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it
 - foster good relations between people who share a relevant protected characteristic and persons who do not share it.
- 3.5 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.6 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include steps to take account of disabled persons' disabilities.
- 3.7 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- tackle prejudice
 - promote understanding.
- 3.8 LFC has reported that there is no evidence that the provision of the investigation, helpline and triage service has had any adverse impact on those staff with a protected characteristic although LFB would recognise that further ongoing work is needed as this is an interim measure. An Equality Impact Assessment has been completed for the extension service and the overall equality impact of this policy, project, decision or activity remains low. This service provides an independent and anonymised advice line for staff and managers. The independent review of cases is capturing lessons learnt and identifying where changes need to be made to current practices and policies, will address issues raised in the Culture Review, in relation to a lack of trust and confidence in how cases have been managed. There are multiple contact options to use the service, through phone, online form or email, sessions

with practitioners are then agreed in a format best suited to the individual, for example on the phone, via Teams call or in person (based on reasonable adjustments). Whilst the service is a remote service, in-person interviews can be arranged for those with reasonable adjustments requirements. Remote service allows for flexibility and reduces the need to travel which better meets the needs of service users. Evidence from satisfaction surveys from service users has provided an overall 86.2 per cent satisfaction rating of very good or excellent in “your experience of the complaint line”. Therefore, the extension of the service is based on the requirement to continue to provide this external service for current and ex staff to access. The high usage of the service and significant increase in cases has also been shown to be delivering the expected results on providing an independent mechanism for staff to access guidance and advice and to raise complaints.

4. Other considerations

Workforce comments

- 4.1 This is an interim measure for further four months whilst LFB’s People Service operating model is defined. Any permanent changes being considered as part of the work to transform the People Directorate into a modern HR function including future modelling and functionality of the employee relations function would be consulted on with the appropriate representative bodies and will form part of specific reports.

Procurement comments

- 4.2 Due to the value of the contract, and urgency of the service provision a framework was considered the best value for money route to market.
- 4.3 LFC utilised the Eastern Shires Purchasing Organisation (ESPO) framework for Strategic HR Services (reference 3S-22) which covers a range of advice, support, and provision of service in relation to HR consultancy, in order to place a contract with CMP Solutions Limited under the Direct Award provision of the framework agreement. The framework is compliant with UK procurement legislation including regulation 33 of the Public Contract Regulations (2015) (PCR) and the Direct Award provision is allowed under the terms of the framework. All suppliers listed on the framework were assessed during the framework procurement process for their financial stability, track record, experience, and technical and professional ability.
- 4.4 A capability review was undertaken via email with the other suppliers on the framework Lot. The responses received indicated that CMP Solutions Limited were the only framework provider with the capability and/or capacity to deliver the requirement. CMP Solutions Limited were identified to have the best value offer under the ESPO Framework – Strategic HR Services: Ref 3S_22 which allowed for a direct award which has been pursued with help from the framework manager.
- 4.5 Due to the immediate need of this service – post culture review: an initial short form was drafted for this enabled LFC to immediately utilise CMP Solution Limited’s services, whilst the call off contract was being drafted. All procurement activity has been conducted in compliance with PCR, and LFB’s internal policies and procedures.

Conflicts of interest

- 4.6 There are no conflicts of interest to declare from those involved in the drafting or clearance of this decision.

5. Financial comments

- 5.1 This report requests approval for LFC to commit £747,910 of revenue expenditure under a contract with CMP Solutions for the provisions of an independent advice and investigations service, in addition to £503,489 of expenditure already agreed. This will cover both an increase in costs for the current contract 29 November 2022 to 31 May 2023, and an extension of the contract to 30 September 2023.
- 5.2 The cost to cover existing service commitments of CMP Solutions Limited is estimated to be £149,036 over the £503,489 existing allocation. This expenditure has already been incurred. The expenditure of an extension to the service, if agreed, is an estimated £598,874. This would be spent in the 2023/24 year between April and September 2023.
- 5.3 The current agreed funding is set at £503,489 to be covered from LFC's Community Risk Management Plan (CRMP) Reserve. It is proposed that in the first instance, any underspends or savings in the People Services budget for this year would contribute towards the additional funding requirement, before drawing on Budget Flexibility Reserve (given that the CRMP Reserve will have other demands placed on it). The Budget Flexibility Reserve currently has a forecast balance of £7,300,000 at the end of the 2023/24 financial year as set out in the 2023/24 LFC Budget Report. The additional expenditure included in this report will reduce this forecast balance to £6,550,000. The LFC also maintains a General Reserve at a balance of £16,387,000. This is based on a minimum general reserve requirement of 3.5 per cent of the net revenue expenditure.
- 5.4 As discussed in paragraph 2.3, LFB monitors volumes of cases weekly to track expenditure and make sure the service is being used effectively and appropriately. To ensure value for money, a monthly financial review meeting will be held to review costs against actual usage and budget remaining.
- 5.5 There are no direct financial implications for the GLA.

6. Legal comments

- 6.1 Under section 9 of the Policing and Crime Act 2017, the LFC is established as a corporation sole with the Mayor appointing the occupant of that office.
- 6.2 Under section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, the Mayor may issue to the LFC specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.
- 6.3 By direction dated 1 April 2018, the Mayor set out those matters, for which the LFC would require the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience (the "Deputy Mayor"). Paragraph (b) of Part 2 of that direction requires the LFC to seek the prior approval of the Deputy Mayor before "[a] commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices...".
- 6.4 The decision to incur expenditure to increase expenditure on the independent advice and investigation service and extend the service therefore requires approval from the Deputy Mayor.
- 6.5 The statutory basis for the actions proposed in this report is provided by Section 5A of the Fire and Rescue Services Act 2004. Section 5A allows the LFC to procure personnel, services and equipment they consider appropriate for purposes incidental or indirectly incidental to their functional purposes.
- 6.6 The report confirms the provision of the independent advice and investigation service will be secured via a direct award provision of a Public Contracts Regulations 2015 compliant framework agreement.

(ESPO framework for Strategic HR Services).

6.7 These comments have been adopted from those provided by the LFC's General Counsel Department in report LFC-23-044 to the LFC.

Appendices and supporting papers:

Appendix 1 - LFC-23-044 Part 1

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – YES

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer

Richard Berry has drafted this report with input from the LFC and in accordance with GLA procedures and confirms the following:

✓

Assistant Director/Head of Service

Niran Mothada has reviewed the documentation and is satisfied for it to be referred to the Deputy Mayor for Fire and Resilience for approval.

✓

Advice

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

A summary of this decision was reviewed by the Corporate Investment Board on 30 May 2023.

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature**Date**

30 May 2023

pp. Anna Casbolt, Assistant Director, Financial Services on behalf of David Gallie.