

GREATER LONDON AUTHORITY

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD205

Title: National Operational Guidance Implementation

Executive summary:

This report requests the approval of the Deputy Mayor for Fire and Resilience to authorise the London Fire Commissioner (LFC) to commit revenue expenditure of up to £1,309,456, over two years, for additional staffing resource. This resource is intended to implement, embed and assure the effective implementation of fire standards and the associated National Operational Guidance. This will address an area for improvement identified by His Majesty's Inspectorate of Constabulary and Fire and Rescue Services.

The LFC Governance Direction 2018 sets out a requirement for 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...”.

Decision:

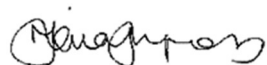
That the Deputy Mayor for Fire and Resilience approves the London Fire Commissioner's proposal to commit revenue expenditure of up to £1,309,456, over two years, for additional staffing resource for London Fire Brigade. This resource is intended to implement fire standards and the associated National Operational Guidance.

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:

31/07/2023

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

Decision required – supporting report

1. Introduction and background

- 1.1 National Operational Guidance (NOG) is the nationally recognised methodology for translating operational risk into safe systems of work, to support delivery of an operational capability across fire control and fire stations.
- 1.2 The full adoption and implementation of NOG into frontline operational capability will bring London Fire Brigade (LFB) into alignment with the rest of the UK fire sector and national best practice. NOG alignment will also improve sector interoperability, and ensure safer systems of work for frontline responders.
- 1.3 The Fire Standards Board creates fire standards; and oversees the identification, organisation, development and maintenance of professional standards for fire and rescue services (FRSs) in England. There are five fire standards that relate to response:
 - operational preparedness
 - operational competence
 - operational learning
 - fire control
 - emergency fire driving.
- 1.4 Each of these fire standards has some form of requirement associated with NOG. However, the operational preparedness fire standard directly identifies the requirement for FRSs to implement NOG by stating: “In order to prepare for and provide an operational response, FRSs must be able to evidence consideration of and actions taken in relation to these key activities.” The key activities are as follows:
 - legislative responsibilities
 - data management
 - risk management
 - health and safety management
 - site-specific risk information
 - emergency response plans
 - operational assurance
 - competence and training, including validation and revalidation
 - operational learning
 - participation in legal proceedings relating to operational training or activity.
- 1.5 These activities make up the ‘corporate guidance for operational activity’. Corporate guidance is not intended to prescribe the approach that individual fire and rescue authorities adopt. Its main aim is to support the implementation of NOG by FRSs.

- 1.6 To achieve the fire standard on operational preparedness, an FRS must:
- develop and embed operational policies, procedures and tailored guidance based on NOG, unless by evidenced exception its content is not relevant to the service
 - deliver the strategic actions provided in the suite of NOG, unless by evidenced exception a strategic action is not relevant to the service; the strategic gap analysis tool may be used to support this process
 - train its operational and fire control personnel to use the hazard and control measure approach provided in the NOG, applying risk assessment, decision-making and risk-management skills
 - align relevant policies, procedures and tailored guidance in preparation for working with other FRSs or responder agencies.
- 1.7 The overall expectation of the new fire standards on operational response is that an ‘all hazards’ approach is used for incident management. The primary focus of FRSs should be to ensure that attending officers understand how to identify the hazards that are present and the use of policies, procedures, equipment and other resources that their services provide to deal with those hazards (preparedness).
- 1.8 To adhere to the fire standard on operational response, the London Fire Commissioner (LFC) needs to fully implement NOG, National Operational Learning and the corporate guidance that supports these. This report identifies the appropriate multi-discipline resource requirements to deliver a sustainable business model and methodology; and to achieve this within a timeframe that will address the area for improvement identified by His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS).
- 1.9 In March 2022 the first phase of the LFB Implementation of NOG project was delivered. Whilst this was a significant milestone for the organisation, it is widely recognised both internally (in the report Major Incident Review: Extreme Weather Period 2022) and by external bodies (HMICFRS, the Grenfell Tower Inquiry and the independent operational assurance adviser) that further work is required to ensure full compliance with the fire standards regime and NOG, and to drive improvements to LFB’s operational capability. This report identifies the staffing resourcing required for Phase 2 of NOG implementation.

2. Objectives and expected outcomes

- 2.1 The commitment of extra staffing resource (outlined in the table below) is required to implement, embed and assure the effective implementation of the fire standards and the associated NOG.

Department	Role	Grade	Cost	Annual period	Total
Operational Policy and Assurance (OP&A)	Senior user, OP&A	Group Commander B Competent	£107,754	2	£215,508
OP&A	Support officer	Station Commander B Competent	£93,642	2	£187,284
OP&A	Support and administration	FRS D	£58,326	2	£116,652
OP&A	Support and logistics	Leading Firefighter Competent	£68,537	2	£137,074
Operational Resilience and Control	Senior user, Control	Assistant Operations Manager	£65,367	2	£130,734

Operational Resilience and Control	Senior user, Operational Resilience and Control	Station Commander B Competent	£93,642	2	£187,284
Learning and Professional Development (L&PD)	Senior user, L&PD	Station Commander B Competent	£93,642	2	£187,284
L&PD	Support officer	Station Officer Competent – 9DF	£73,818	2	£147,636
					£1,309,456

- 2.2 Implementing NOG will enable the LFC to demonstrate how its preparedness, protection, prevention and response activities will be used collectively to prevent and/or mitigate fires and other incidents – thereby reducing the impact on London and its communities, and enhancing the safety and wellbeing of LFB’s firefighters.
- 2.3 A strategic gap analysis tool is provided by the National Fire Chiefs Council (NFCC) to all FRs. This tool enables FRs to understand and record the levels of compliance and implementation of NOG, as well as the level of impact of implementation of these strategic requirements. The tool is then used by HMICFRS inspectors to help assess the effectiveness and efficiency of the FRs they inspect.
- 2.4 The LFC’s strategic gap analysis tool may be used in combination with the identification of risk undertaken as part of the Community Risk Management Plan process. This will enable the LFC to evidence how it will prioritise and plan for the review of new and existing policies, procedures and associated training requirements. These requirements will be developed in response to the existing and emerging local, regional and national hazards, supporting transparent and inclusive decision-making.
- 2.5 The NOG (phase two) implementation project will be coordinated as a cross-directorate project by OP&A, with the support of the Programme Management Office, to ensure the project workstreams are prioritised and that resources are managed efficiently and effectively.
- 2.6 The project will draw together the expertise of specialists within Strategy and Planning; Health and Safety; Information Management; L&PD; Operational Resilience; Fire Control; and fire stations. This will deliver a joined-up and holistic approach in the way in which LFC meets its legal responsibilities, identified within ‘corporate guidance for operational activity’.
- 2.7 Consultation between all the responsible departments has identified that, if this project to implement NOG as an end-to-end business process is delivered within any short-to-medium-term timeframe, and is not to impact on the other current departmental critical areas of business, it will require dedicated resource as additional growth. This is because full implementation requires the review of existing, and the creation of the new, processes and procedures, as identified above.

3. Equality implications

- 3.1 The LFC and the Deputy Mayor for Fire and Resilience (the Deputy Mayor) 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, in particular, 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 All fire standards published by the Independent Fire Standards Board and all published NOG are subject to robust equality impact assessments, meaning their adoption and implementation of local policies and procedures will continually improve the LFC's alignment with national best practice.

3.9 As NOG continues to be implemented, any revised or newly created policy or procedure will be subject to its own individual equality impact assessment. This provides an opportunity for the LFC to holistically review all current operational response related policies and procedures equality impact assessments and embed the 'cultural' fire standards.

4. Other considerations

Workforce comments

4.1 Consultation at this scale will impact on the resource requirements of the representative bodies. As part of the development of the revised implementation process of NOG, it will be recommended that members of representative bodies will be embedded within the process and form part of the implementation team.

Conflicts of interest

- 4.2 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 seeks approval for the LFC to commit annual revenue expenditure of £654,728 for two years, up to a total of £1,309,456, for the purpose of funding a multi-discipline resource requirement to implement NOG.
- 5.2 The 2023-24 budget includes annual funding of £297,000 over three years. If approved this recommendation would result in an additional pressure of £357,728 in 2023-24 and 2024-25, with a saving of £297,000 in 2025-26.
- 5.3 This additional pressure in 2023-24 could be drawn from LFC's Budget Flexibility Reserve. The Budget Flexibility Reserve has a forecast balance of £17.7m as at the end of the 2023-24 financial year, reflecting the revised 2022-23 outturn position (£24.8m), budgeted drawdowns per the 2023-24 Budget Report (£6.3m), and further commitments of £750,000 made in DMFD199).
- 5.4 The pressure in 2024-25 will be considered as part of LFC's budget process for 2024-25.
- 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. 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.
- 6.2 Section 1 of the Fire and Rescue Services Act 2004 (FRSA 2004), states that the LFC is the fire and rescue authority for Greater London.
- 6.3 NOG has been produced by the NFCC and spans a wide range of activity. The guidance is structured so that it starts with the elements that affect all incidents, then explores the environments in which FRSs work and, finally, the activities that are carried out.
- 6.4 When carrying out its functions, the LFC, as the fire and rescue authority for Greater London, is required to 'have regard to the Fire and Rescue National Framework prepared by the Secretary of State' (FRSA 2004, section 21). Furthermore, the Fire and Rescue National Framework states, "The NFCC represents the sector in local and national structures, helping to develop national policies and strategies."
- 6.5 In accordance with the LFC's Scheme of Governance the LFC has reserved to himself authority 'to agree all matters that have a significant impact on the organisation or service delivery, as determined by a Director'.
- 6.6 In accordance with the LFC's Scheme of Governance the LFC has delegated authority to all Directors:
- to agree the Directorate Plan
 - to agree any amendments to the Directorate Plan
 - to decide actions on the Directorate Plan

- to determine matters of substantial importance that have a risk or impact for the directorate
 - to determine matters that relate to the internal management of the directorate
 - to determine approval for outline business cases and full business cases for new matters that affect the Directorate Plan.
- 6.7 Consequently, the LFC has reserved authority to himself to implement the changes set out in this report. Directors are empowered to make changes at their Directorate to effect the LFC's decision.
- 6.8 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.
- 6.9 Paragraph (b) of Part 2 of the said 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".
- 6.10 The Deputy Mayor's approval is accordingly required for the LFC to expend the monies set out in this report.
- 6.11 It should be noted that if the staff requirements set out in appendix 2 to LFC-23-051 result in new staff being hired then advice should be taken from People Services in consultation with LFC's General Counsel to minimise any redundancy risk to staff on the expiration of the funding and/or project completion.
- 6.12 These legal comments are adapted from those provided by LFC's General Counsel in the appended report LFC-23-051.

Appendices and supporting papers:

Report LFC-23-051 – National Operational Guidance Implementation

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 be published either 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

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 – NO

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 31 July 2023.

✓

INTERIM CHIEF FINANCE OFFICER:

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

Signature:

Ana Custodt

Date:

31/07/2023

PP on behalf of Enver Enver