

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD134

Title: Marauding terrorist attack collective agreement

Executive summary:

This report recommends that the Deputy Mayor gives approval for the London Fire Commissioner (LFC) to incur expenditure associated with the proposed collective agreement on responding to a marauding terrorist attack (MTA). This comprises:

- a permanent two per cent skills-based pay increase for all London Fire Brigade (LFB) operational staff from the ranks of Firefighter to Group Commander, at a total ongoing revenue cost of £5,415,313 from April 2022
- one-off equipment costs to be incurred in financial year 2021/22 of
 - £80,304 for the level 1 MTA response capability
 - £1,042,651 for the level 2 MTA response capability
- project team costs of £119,569.

This report provides further details of the negotiation and consultation taking place between the London Fire Brigade (LFB) and the Fire Brigades Union (FBU) to reach a collective agreement to respond to a Marauding Terrorist Attack (MTA) type incident. The negotiations and consultations are ongoing; this report provides the background to an agreement in principle, which has been reached with the FBU allowing both sides to continue with the negotiations to reach a satisfactory conclusion.

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:

This report seeks the approval of the Deputy Mayor for Fire and Resilience for the LFC to commit expenditure on implementing a Joint Collective Agreement on LFB’s MTA response, comprising a permanent two per cent skills-based payment from April 2022 for operational staff from Firefighters to Group Commanders, inclusive, at a total ongoing revenue cost of £5,415,313; a one-off equipment cost of £80,304 for MTA level 1 capability; and a one-off equipment cost of £1,042,651.20 for the level 2 capability and project team staff costs of £119,569 over 2021-22 to 2022-23.

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:

7 February 2022

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

Decision required – supporting report

1. Introduction and background

- 1.1 Report LFC-0570 to the London Fire Commissioner (LFC) sets out the background for the request to approve expenditure for the London Fire Brigade (LFB) to implement the financial costs associated with the collective agreement entered into with the Fire Brigade Union (FBU) in respect of a marauding terrorist attack (MTA). The proposed collective agreement is appended to report LFC-0570y.
- 1.2 The LFB responds to acts of terrorism as part of its statutory duty noted in the Fire and Rescue Services Act 2004. The UK terrorism threat level, which is assessed and set by the Joint Terrorism Analysis Centre, is currently “Severe” meaning an attack is likely. Terrorists have used a range of attack methodologies with a notable step change in terrorist activity since 2017. The response required by the emergency services is multi-agency, underpinned by the Joint Emergency Services Interoperability Programme (JESIP), which sets out the standard approach to multi-agency working and more directly by the MTA Joint Operating Principles (JOPs), which provides guidance on the roles and responsibilities for fire and rescue, police and ambulance services.
- 1.3 Discussions have been taking place with the Fire Brigades Union (FBU) since July 2020 and are focussed on delivering three levels of response across LFB with a phased training schedule tailored to achieve this. LFB are currently in negotiation and consultation with the FBU to reach a Joint Collective Agreement to deliver a MTA capability for London. The joint collective agreement concerns MTA and the role of LFB. It applies to all staff from Firefighter (FF) to Group Commander (GC) within the LFB covered by the National Joint Council (NJC) for Local Authority Fire and Rescue Services Scheme of Conditions of Service Sixth Edition 2004 (updated 2009).
- 1.4 The MTA response levels defined in the collective agreement are:
 - **Level 1 – Mass Casualty Rescue (MCR).** Every frontline LFB appliance will carry an MCR capability. This will include but is not exclusive of advanced trauma care equipment and fast evacuation stretchers. MCR includes responding to all incidents requiring the rescue and treatment of multiple casualties. This can include response to major incident types such as transportation accidents as well as low grade MTA incidents. This level of response is ‘business as usual’ activity and all FFs will receive appropriate training.
 - **Level 2 – Specialist Response.** This level provides a similar capability to level 1 but with the addition of ballistic protection to support the multi-agency response to a ‘known’ firearms attack or one involving more sophisticated weaponry. Along with level 1, this level will also provide a firefighting capability as outlined in the Joint Operating Principles (JOPs). All FFs in LFB up to and including the rank of GC will be trained to operate at this level.
 - **Level 3 – High Threat Environment.** Specialist teams able to provide an internal firefighting capability within a high threat environment. In London this level of response is provided by the Specialist Entry and Recovery Teams (SERT). Level 3 is not within scope of the joint collective agreement.
- 1.5 LFC and the FBU accept that the response to an MTA incident is often complex, fast paced and with significant variation in the type of attack methodology deployed. For example, the challenge posed to the emergency services by an individual with a knife is significantly different to that posed by a group of well trained, well equipped, and highly motivated terrorists. To reflect this complexity, a new concept of operations is being proposed, which is based on a ‘tiered’ response – operating at three

levels. The collective agreement only pertains to levels 1 and 2. Level 3 is currently out of scope for the purposes of reaching agreement.

- 1.6 The discussions have focussed on the consultation and negotiation for those matters which have a significant impact on the groups of employees represented by LFB and the FBU which relate to any of the following matters:
 - Terms and conditions of employment, including their reference to pay
 - Allocation of work or the duties of employment between employees or groups of employees
 - All policies and procedures related to conditions of employment
 - Facilities for accredited representatives of trade unions.
- 1.7 There are three distinct areas that must be delivered during acquisition training for all responders.
 - Police operations and tactics at an MTA incident
 - Casualty management
 - Fire, rescue, and hazard management.
- 1.8 The three areas are underpinned by the national MTA JOPs supported by individual service policies, procedures, and guidance. Delivery in London is a collaboration between the LFB, Metropolitan Police Service (MPS) and London Ambulance Service (LAS). LFB personnel will however always remain under the command and control of fire and rescue service commanders. Associated skills are already required as part of a firefighter's daily operational response. The training required takes those skills and tailors them for the tactics required to operate in an MTA environment. The operational tactics FFs to GCs will need to deliver are:
 - cover and movement (police)
 - treat, and leave, treat and recover (ambulance)
 - offensive or defensive firefighting, hazard management and rescue operations (fire service).
- 1.9 FFs to GCs will be required to complete the Action Counters Terrorism (ACT) awareness package. This package is supported by Counter Terrorism Policing for both the private and public sector focusing on safety at counter-terrorism (CT) incidents.
- 1.10 In addition, FFs to GCs will be required to complete lecture-based training modules to cover LFB policies that outline the requirements to respond to an MTA type incident. This will be delivered via mandatory training within the LFB's Development and Maintenance of Operational Professionalism programme (DaMOP).
- 1.11 A one-day mandatory course will also need to be completed which covers the three key areas and associated tactics. Completion of both elements will enable FFs to GCs to respond to MTA incidents. To complement the initial training all FFs to GCs will attend an MTA exercise within 12 months of acquisition training, where they will demonstrate all the skills and tactics required as part of the ongoing DaMOP process.
- 1.12 All FFs are already qualified to deliver immediate emergency care and carry equipment to support the treatment of casualties and associated injuries sustained from this type of incident. All FFs to GCs will receive level 1 training. This will be the foundation acquisition training that will also enable FFs to GCs to deliver a level 2 response in the future.
- 1.13 All FFs to GCs will be trained to operate as level 1 and level 2 responders. All FFs to GCs will be trained to operate as part of the multi-agency response to an MTA incident as outlined in the document Responding to a Marauding Terrorist Attack: Joint Operating Principles for the Emergency Services – Edition 2, published by Homeland Security formerly the Office for Security and Counter Terrorism (OSCT) within the Home Office. All training and specialist equipment including personal protective equipment (PPE) will routinely be updated and refreshed in line with normal policy requirements and operational practices within LFB.

- 1.14 MTA JOPs are the multi- agency principles that guide the operational response. The JOPs will be used to inform an updated LFB policy note (PN) 882 - Responding to an MTA and supported by a new Stay Safe training programme. In addition, PN 259 - Terrorist Related Incidents, will also be updated.

2. Objectives and expected outcomes

- 2.1 The threat posed by both international and domestic terrorism remains a reality for those who live, work, or travel through London. LFB have a responsibility to provide an appropriate response to terrorist activity, including MTA incidents.
- 2.2 The collective agreement will ensure the contractual requirement for appropriately trained and equipped FFs to CGs work in accordance with the document Responding to a Marauding Terrorist Attack: Joint Operating Principles for the Emergency Services – Edition 2, the Joint Emergency Service Interoperability Principles (JESIP) and National Operational Guidance as a part of a multi-agency response to a terrorist incident, including an MTA.
- 2.3 The LFB will respond to a known incident, which has one or more of the following attack methodologies:
- bladed weapon
 - vehicle as a weapon
 - fire as a weapon
 - improvised Explosive Device (IED) / Grenades
 - firearms
 - siege
 - chemicals.
- 2.4 In agreeing these attack methodologies, it is jointly acknowledged that they are likely to continue to evolve over the coming years, and therefore there is an ongoing requirement to keep the methodologies under review and make any adjustments of the incident types to which LFB would respond based on the outcomes of that review.

Training Delivery

- 2.5 The training will be delivered by the High Threat Response and Training team from LFB's Operational Resilience and Control department (OR&C) and National Interagency Liaison Officers (NILOs). These officers have the subject matter expertise in MTA. They currently deliver training to armed police officers, ambulance services, military, and other partners in London and across the UK.
- 2.6 FFs to GCs are scheduled to complete the ACT safety awareness training. FFs to GCs will receive mandatory training in priority order. For example, when all staff at a fire station reach 80 per cent confidence levels the station will become available for deployment to MTA incidents. Training will continue to strive for 100 per cent confidence levels for all FFs to GCs utilising the available training evolutions.
- 2.7 The acquisition training requirement will be extensive to upskill all staff from FF to GC, but a robust development plan will be created. This will be co-ordinated by LFB's OR&C and delivered by an internal LFB training team who currently deliver multi-agency training in terrorist environments. Whilst not essential, the preference would be for the MPS and LAS to support the internal training delivery team with officers on short term (six-month secondments). This would increase training capacity and support the multi-agency elements of training delivery.
- 2.8 The delivery plan will schedule training for all FFs to CGs, prioritising those in central London located within or surrounding the Government Security Zone (GSZ) and other high-risk sites or locations. With

the potential support from partners, delivery could be complete in 24 months across the 32 boroughs and the City of London for all FFs to GCs to be trained up to level 2. This will be pending any COVID-19 training restrictions. Continuous Professional Development will be delivered by embedding the MTA response into periodic training which sets minimum training requirements each day for FFs to GCs.

Implementation cost

- 2.9 Negotiations with the FBU have been ongoing via local and national structures. Now there is an opportunity to reach a joint collective agreement to deliver a frontline MTA response in London. Below are the costs for a two percent skills-based payment that would be pensionable for the ranks between FF and GC and support the level 2 response

Table 1: Impact of two per cent skills-based payment for FFs to GCs

Rank/Grade	Establishment (Number of Officers)	2% Increase (£)	Total 2% Cost (£)
Group Commander	67	2,004	134,268
Station Commander	155	1,777	275,435
Station Officer	291	1,305	379,755
Sub Officer	506	1,227	620,862
Leading Firefighter	589	1,161	683,829
Firefighter	3,157	1,052	3,321,164
	4,765		5,415,313

- 2.10 The table below details the cost of equipment required to deliver a level 1 response to terrorist incidents from all frontline pumping appliances, 14 Fire Rescue Units (FRUs), one river boat and 11 aerial appliances. The equipment required is skeds, a type of rescue stretcher.

Table 2: Level 1 equipment costs

Item	Cost
Skeds - 168 at £478 per appliance	£80,304
Total	£80,304

- 2.11 This table details the costings associated with the delivery of a level 2 response to terrorist incidents from technical centres and the river boat. This will be from 14 land-based stations and one river station.

Table 3: Level 2 equipment costs

Item	Cost
Ballistic Personal Protective Equipment* - Vest & Helmet	£302,232 (£514 per unit for 588 sets)
Coveralls & Gloves (personal issue)	£257,856 (£268.60 per person 960 sets)
Goggles (personal issue)	£36,729.60 (£38.26 per person 960 sets)
Headset with boom microphone	£445,833.60 (£464.41 per position 960 sets)
Total	£1,042,651.20

*All ballistic protection is covered by a 10-year warranty. (see financial comments in section 5 below).

- 2.12 There will be costs of establishing a project team, consisting of one FRS (non-operational) grade E staff and one Station Officer as project support. The Project Manager post already resides in

Operational Resilience, with no additional expenditure required. It is anticipated the project team will be in place over the remainder of 2021-22 and throughout 2022-23.

Table 4: project team costs

Grade/Rank	Cost
FRS E as project support	£54,906
STNO as project support	£64,663
Total	£119,569

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, 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 An Equality Impact Assessment (EIA) was undertaken. It found no detrimental impact to most groups. However, it did note the potential impact for those who have learning difficulties, sensory issues and are neurodiverse. To mitigate this, the LFC will provide learning support for all staff during training. All individuals attending traumatic incidents are referred to counselling and wellbeing as per Policy Note 915 "Recognising and coping with potentially traumatic events". In summary, the overall equality impact is medium for individuals with learning difficulties, and low in all other groups.
- 3.9 Delivering the MTA response via the frontline will deliver the opportunity to all staff to respond to CT. Previously, this was only available to specialist responders and often seek as a niche capability open to limited numbers of staff. Level 2 responders will have BPPE available for all sizes and specific ensembles for women.
- 3.10 This will also deliver a response to CT via all frontline appliances to all London communities, aligned to the attendance standards noted in LFB's integrated risk management plan (currently the London Safety Plan).

4. Other considerations

Workforce comments

- 4.1 The subject matter of this report concerns LFB's proposed MTA capability which will impact on all operational staff as set out in the report, and the ongoing negotiations with the FBU to reach agreement on the arrangements for delivery of this capability.

Sustainability implications

- 4.2 The report does not introduce any new sustainability impacts. Where new policies and/or corporate projects arise, they are subject to LFB's sustainable development impact assessment process.

5. Financial comments

- 5.1 The report identifies the following financial costs:

	21/22	22/23	Funding Type	Funding Source
	£	£		
2% Skills-based payment for all FF's and GC's		5,415,313	Ongoing	LFC Budget Submission to May
Level 1 equipment costs	80,304		One-off	In-year underspends
Level 2 equipment costs	1,042,651		One-off	In-year underspends
Project Team	17,081	102,488	One-off	In-year underspends
	1,140,036	5,517,801		

- 5.2 Notes:

- Funding for these proposals did not form part of the 2021-22 budget report but were included as a potential risk
- The ongoing revenue pay increase pressure was considered and addressed as part of the 2022/23 budget process and was included in the LFC's Budget Submission to the Mayor. This pressure, including future years, has been incorporated in the Mayor's funding allocation to LFC in the Consultation Budget 2022-23. It is for the Assembly to ultimately agree the mayor's budget proposals. If agreed this funding will therefore be in the base budget for 2022/23 and all future years. If the Mayor's proposals are not agreed, this will result in an immediate forecast

overspend for LFC of £5.4m which will need to be addressed via underspends, in-year savings or a drawdown from the Budget Flexibility Reserve. Officers currently believe it is highly unlikely the Assembly will not accept this budget proposal.

- It is proposed the £1.1m of revenue equipment costs, to be incurred in 2021-22, will be funded from underspends identified as part of the monitoring of the 2021-22 financial position. If the expenditure for these equipment costs is not incurred in 2021-22 these underspends identified will be transferred into a new earmarked reserve for this purpose, to fund this cost in 2022-23. The equipment will be covered by a 10 year warranty, which is included within the purchase price.
- The one-off project team costs are expected to be funded from underspends identified in the 2021-22 year. These underspends which will total £119,569 to fund the team costs will then be transferred into a new earmarked reserve to fund these costs in 2022-23. If underspends are not found, agreement to this sum will result in an immediate pressure on the LFC's budget in 2022/23. These costs do not include a project manager as this has been found within the establishment of Operational Resilience.
- The report also sets out the training requirements necessary to introduce the new capability. The cost of these requirements will all be contained within existing training contract budget.

5.2 In total it is proposed that £1,242,524 is funded via underspends across LFC. To provide context, the LFC forecast an underspend against its 2021/22 revenue budget of £667k at the end of September 2021 and has continued to update those forecasts which are now sufficient cover the full £1,242,524 requirement in 2021/22. The LFC has also delivered the following underspends against its revenue budget over the past three years:

2020/21	£9,369k
2019/20	£6,260k
2018/19	£4,146k

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 Section 1 of the Fire and Rescue Services Act 2004 (FRSA) states that the LFC is the fire and rescue authority for Greater London.
- 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").
- 6.4 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...".
- 6.5 The Deputy Mayor's approval is accordingly required for the LFC to commit to the expenditure set out in this report.
- 6.6 The Civil Contingencies Act 2004 (CCA) requires the Commissioner to consider terrorism as a factor in its emergency planning where a terrorist related emergency would either 'obstruct' the performance of its functions or where it is considered necessary or desirable to prevent or mitigate the emergency and this would require additional resources or alter the deployment of resources.
- 6.7 The CCA requires the LFC to assess: the risk of a terrorist incident occurring; the risk that a terrorist incident will require us to perform our functions; to maintain plans for ensuring that in that

eventuality we can continue to perform our functions; to maintain plans to perform our its functions so far as necessary or desirable for the purpose of preventing the emergency, reducing, controlling or mitigating its effects, or taking other action in connection with it.

- 6.8 Separately, in assessing what provisions to make it is reasonable, having considered the recent history of terrorist incidents in the UK, that officers may make provision for terrorist incidents when considering the LFB's core functions as part of our 'normal' activities.
- 6.9 Therefore, the LFC may consider terrorist activities both as part of the LFB's normal assessments when it makes provision for its services and when considering its duties in relation to the CCA 2004.
- 6.10 Additionally, 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 (Framework) prepared by the Secretary of State (Fire and Rescue Service Act 2004, section 21).
- 6.11 Paragraph 3.10 of the Framework states as follows:

"Fire and rescue services must be able to respond to the threat of terrorism and be ready to respond to incidents within their areas and across England. Fire and rescue services should also be interoperable to provide operational support across the UK to terrorist events as required. Government recognises the critical contribution of fire and rescue services when responding to acts of terrorism. This is an agreed function of fire and rescue services as set out in the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service ("the Grey Book") and is encompassed within the broad descriptions within the existing agreed firefighter role maps: to save and preserve endangered life, and safely resolve operational incidents."

- 6.12 Section 11 of the FRSA empowers the LFC to take any action considered appropriate in response to an event or situation that causes or is likely to cause one or more individuals to die, be injured or become ill. This power includes power to secure the provision of equipment.

Appendices and supporting papers:

Appendix 1 - Report LFC-0570y - Marauding Terrorist Attack collective agreement.

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

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 – 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


This decision was considered by the Corporate Investment Board on 7 February 2022.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date



7 February 2022