

## REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD62

### Title: Additional PPE requirements in response to COVID-19 pandemic

#### Executive Summary:

The London Fire Commissioner is seeking to address an urgent requirement to assess the immediate, medium and longer term Personal Protective Equipment (PPE) requirements of the London Fire Commissioner (LFC) in response to the current COVID-19 pandemic. This urgency is a result of supply chain issues and decisions are required in order to meet a deadline of 1300 hours on the 1<sup>st</sup> of April 2020 to place an overseas order with Hunter Apparel Solutions. The LFC is currently managing the risk of COVID-19 infection at operational incidents using its current PPE and operational protocols. This guidance is regularly monitored and updated by colleagues from Operational Policy and Assurance.

This is visually different to the PPE used by the London Ambulance Service (LAS) when they are responding to suspected COVID-19 cases. Both however currently meet, and in the case of the LFB's response exceed, the standards laid down in the current Public Health England (PHE) guidance on PPE in response to COVID-19, see the appended report to the London Fire Commissioner (appendix 1 of that report and attached document COVID-19 National Fire Chiefs Council PPE Guidance, page 2). The LAS PPE solution is disposable, the LFB solution requires decontamination. In the event of the LFC being required to provide greater support to the LAS it is anticipated that a PPE solution that requires decontamination after every incident is unlikely to be sustainable.

The LFC are seeking volunteers to be seconded to the LAS to support their response. It is anticipated that PPE arrangements for these volunteers will be addressed as part of that project and is therefore out of scope for this report. The PPE provision for LFC staff providing current functional support to the LAS will be provided directly by the ambulance service therefore this request is for additional resilience so the LFC can be prepared and have the correct PPE for the ongoing protection of its staff should that role expand in any way in the short to medium term. The LFC has been asked to consider its projected PPE requirements if the decision is made for the LFC to provide greater support to the LAS. If this request is made, then the LFC would need to consider adopting LAS PPE protocols in order to be able to offer further sustainable operational support to our blue light partners.

Currently the LFC holds no PPE which matches the LAS PPE requirements. This report therefore requests the procurement of a one-month stock holding of this particular type of LAS type PPE. This would allow us to begin providing further operational support to the LAS immediately if requested to do so. The following report outlines the additional PPE that would be needed to be purchased if the LFB wished to match the LAS PPE protocols and their approximate costs.

London Fire Commissioner is seeking to delegate authority to the Director of Corporate Services to procure a one month resilience stock of PPE to meet or exceed the standards of PPE used by the LAS in anticipation of an increase in the numbers of incidents LFB crews are asked to attend where enhanced infection control measures are required up to a value of £427,000 via existing suppliers and the Crown Commercial Services identified supplier Hunter Apparel Solutions. This is a range of PPE which is not currently held as stock items in the Brigades Distribution Centre. 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:

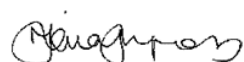
That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to incur expenditure of up to £427,000 to procure a one month resilience stock of PPE to meet or exceed the standards of PPE used by the LAS in anticipation of an increase in the numbers of incidents LFB crews are asked to attend where enhanced infection control measures are required.

#### 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:

2 April 2020

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

### Decision required – supporting report

#### 1. Introduction and background

- 1.1 The image below represents the minimum level of PPE when attending an incident potentially contaminated with Coronavirus and consists of:
- Full structural firefighting PPE: Our PPE is capable of blocking liquids and will protect against transmission of the virus;
  - Nitrile Gloves: Fire gloves may be worn over nitrile gloves where protection against sharp surfaces is required;
  - Breathing apparatus full face mask; and
  - Respirator filter (unopened): Respirators should only be opened and used on instruction from the Incident Commander. Filters have a finite life and should be disposed of after 50 breathing hours regardless of use type.
- 1.2 This PPE is comparable to the current level of protection the LAS have in place and exceeds the PPE requirements laid out in the current PHE guidance. However, full PPE and full facemasks may not be sustainable in term of cost, decontamination or replenishment if the current COVID-19 pandemic is protracted or becomes a 'new risk' in the majority of the incidents the LFC attends.



#### 2. Objectives and expected outcomes

##### *PPE requirements if the LFB adopted LAS PPE protocols*

- 2.1 In order to forecast PPE requirements, colleagues in Operational Policy and Assurance have conducted forward planning based on PPE standards adopted by the LAS and the volume of incidents the LFC responded to during the recent corresponding trials conducted across a number of London boroughs. This provides an approximate prediction of the number of incidents where this additional PPE may be required. A further multiplier of four was applied to this figure to take into account an expected increase in call rates and additional PPE requirements at routine Fire Service calls with close patient interaction.

- 2.2 The following table shows potential “worst case” PPE requirements based on LFC adopting LAS PPE protocols and the LFC having to enhance its PPE requirements at routine Fire Service incidents.

| PPE requirements                 | No of Units      |                  | Costs                           |                |                  |                |
|----------------------------------|------------------|------------------|---------------------------------|----------------|------------------|----------------|
|                                  | Per quarter      | Per year         | Cost per unit                   | Cost per month | Cost per quarter | Costs per year |
| Hand hygiene (gel) 50ml dose     | 67,500           | 270,000          | £47.95 (5 litre container)      | £11K           | £33K             | £396K          |
| Nitrile gloves                   | 67,500           | 270,000          | £8.56 (per 100)                 | £2K            | £6K              | £24K           |
| Disposable Plastic apron         | 67,500           | 270,000          | No price available at this time | NA             | NA               | NA             |
| Disposable plastic sleeves       | 67,500           | 270,000          | No price available at this time | NA             | NA               | NA             |
| Facemask (surgical)              | 67,500           | 270,000          | £0.94                           | £22K           | £65K             | £259K          |
| P2 Facemask                      | 67,500           | 270,000          | £2.89                           | £65K           | £196K            | £784K          |
| Eye protection (fluid resistant) | 67,500           | 270,000          | £5.96                           | £134K          | £402K            | £1608K         |
| Fluid repellent coverall         | 67,500           | 270,000          | £8.56                           | £193K          | £578K            | £2,311K        |
| FFP3 respirator                  | Already on order | Already on order |                                 |                |                  |                |
| <b>Totals</b>                    |                  |                  |                                 | <b>£427K</b>   | <b>£1280K</b>    | <b>£5382</b>   |

- 2.3 The costs laid out in the table above are drawn from the supplier Hunter Apparel Solutions. They have been identified by the Crown Commercial Services and by Kent FRS who are facilitating the UK FRS PPE response.
- 2.4 As mentioned in the summary above, the LFC does not currently hold these items as stock and therefore this will be a direct procurement from Hunter Apparel (an existing LFC contractor using the arrangement negotiated by Kent FRA acting on behalf of the national FRS and taking advantage of the immediate stock availability and agreed lead times for delivery.)
- 2.5 Lead times for the products listed above are between 2 and 4 weeks although it is expected that these lead time may well be improved on by the use of airfreight. The use of airfreight also explains why these costs are higher than normal.

### 3. Equality comments

- 3.1 The London Fire Commissioner and the Deputy Mayor for Fire and Resilience are required to have due regard to the Public Sector Equality Duty (s149 of the Equality Act 2010) when taking decisions.
- 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:
- (a) Eliminate discrimination, harassment and victimisation and other prohibited conduct.
  - (b) Advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it.
  - (c) 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:
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic;
  - (b) 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 (;
  - (c) 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—
- (a) tackle prejudice, and
  - (b) promote understanding.
- 3.8 An Equality Impact Assessment (EIA) has not been undertaken in this case. An EIA was not required because of the urgency required in meeting the deadlines for placement of the order.

#### **4. Other considerations**

##### *Workforce comments*

- 4.1 Senior Brigade management are in daily contact with the London Region FBU to discuss issues relating to the Brigade's COVID-19 response, and this includes PPE as an important item. The recommendations within this report will be shared with the FBU.

##### *Sustainability implications*

- 4.2 The Commissioner's waste contractors provide a hazardous waste collection service on request, which is expected to be able to manage any hazardous waste arising from this situation. It will be investigated further to ensure appropriate requirements are in place should the need arise.
- 4.3 Hunter Apparel Solutions are classified as a Small to Medium Enterprise, and as such are not required to issue a Modern Slavery Statement.

#### **5. Financial comments**

- 5.1 The report recommends that delegated authority is provided to procure a one month stock of PPE, to meet the standards of PPE used by the LAS. This is at an estimated cost of £427k for which no funding was allocated in the 2020/21 budget report. The impact of any spending on this area will be reported as part of the regular financial position reporting along with any potential impact on General Reserve levels. If additional PPE is required to cover a longer period a subsequent report will be prepared at that time.
- 5.2 There are no additional financial implications for the Greater London Authority.

#### **6. Legal comments**

- 6.1 Under section 9 of the Policing and Crime Act 2017, the London Fire Commissioner (the "Commissioner") 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 Commissioner specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.
- 6.2 By direction dated 1 April 2018, the Mayor set out those matters, for which the Commissioner would require the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience (the "Deputy Mayor").
- 6.3 Paragraph (b) of Part 2 of the said direction requires the 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...".
- 6.4 The Deputy Mayor's approval is accordingly required for the London Fire Commissioner to place orders for PPE via existing suppliers and the Crown Commercial Services identified supplier Hunter Apparel Solutions.
- 6.5 The statutory basis for the Commissioner's power to assist the London Ambulance Service by re-deploying firefighters onto driving ambulances is section 11 of the Fire and Rescue Services Act 2004 (FRSA 2004) which states that:

11. Power to respond to other eventualities

- (1) A fire and rescue authority may take any action it considers appropriate -
  - (a) in response to an event or situation of a kind mentioned in subsection (2);
  - (b) for the purpose of enabling action to be taken in response to such an event or situation.
- (2) The event or situation is one that causes or is likely to cause -
  - (a) one or more individuals to die, be injured or become ill;...
- (3) The power conferred by subsection (1) includes power to secure the provision of equipment.
- (4) The power conferred by subsection (1) may be exercised by an authority outside as well as within the authority's area.

- 6.6 The COVID-19 pandemic is a situation that causes or is likely to cause one or more individuals to die or become ill, and therefore as an FRA (see s 1(2)(c)) the LFC may take any action he considers appropriate to respond to that situation. Such action includes action to support the LAS in driving ambulances and (see s1(3)) providing the equipment referred to in this report.
- 6.7 The LFC may procure goods, services and works with extreme urgency. The LFC is permitted to do using regulation 32(2)(c) under the Public Contract Regulations 2015 i.e. a direct award due to reasons of extreme urgency as COVID-19 is serious and its consequences pose a risk to life.
- 6.8 Regulation 32(2)(c) of the Public Contract Regulations 2015 is designed to deal with this sort of situation. Regulation 32(2) sets out the following:
- The negotiated procedure without prior publication may be used for public works contracts, public supply contracts and public service contracts in any of the following cases: ...
  - insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with.
  - ... the circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority.
- 6.9 Therefore, in responding to COVID-19, the LFC may enter into new contracts without competing or advertising the requirement so long as we are able to demonstrate the following tests have all been met:
- a) There are genuine reasons for extreme urgency,
  - b) The events that have led to the need for extreme urgency were unforeseeable,
  - c) It is impossible to comply with the usual timescales in the Public Contract Regulations 2015,
  - d) The situation is not attributable to the contracting authority.
- 6.10 It is therefore permissible under the Public Contract Regulations 2015 and allied procurement rules for the London Fire Commissioner to enter into both new procurements or additional call offs from extant frameworks as discussed in this report.

## **Appendices and supporting papers:**

Appendix 1: Report to the London Fire Commissioner - Additional PPE requirements in response to COVID-19 pandemic

**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? Yes**

1 May 2020 to allow for completion of the procurement process.

**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 made outside the usual decisions process, with the agreement of the Chief of Staff, and will be noted by the Corporate Investment Board on 6 April 2020.

**EXECUTIVE DIRECTOR, RESOURCES:**

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

**Signature**

**Date**



1 April 2020