

# GREATER LONDON AUTHORITY

## REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD32

### Title: Establishment of the Fire Central Programme Office

#### Executive Summary:

Report LFC-160z to the London Fire Commissioner (LFC) seeks approval to establish a Fire Central Programme Office (CPO) within a new contractual framework with the London Fire Brigade (LFB), as an evolution of the existing National Operational Guidance Programme Team, with extended functions and external funding. The CPO will deliver programmes of work on behalf of The Chief Fire Officers' Association. The outputs of these programmes will include national standards, guidance, doctrine and tools for use by all fire and rescue services in the UK.

The Commissioner's Board has considered and recommended the proposal to the LFC, who has indicated support, in principle, pending prior consent to incur expenditure from the Deputy Mayor for Fire and Resilience (the Deputy Mayor). The Deputy Mayor also considered the proposals to the LFC in report LFC-0160z at the Fire and Resilience Board on 14 May 2019 and indicated support.

The London Fire Commissioner 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 £150k or above as identified in accordance with normal accounting practices...".

#### Decision:

The Deputy Mayor for Fire and Resilience:

Consents to the expenditure of £2.6 million per annum by the London Fire Commissioner, jointly funded by Home Office grant and fire and rescue services, for the purpose of establishing and managing a Central Programme Office within a new contractual framework with the London Fire Brigade, as an evolution of the existing National Operational Guidance Programme Team with extended functions and external funding on behalf of the National Fire Chiefs Council.

#### 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:

15/7/2019

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

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1. The fire and rescue services in the UK require infrastructure to produce national standards, doctrine, guidance or tools for use by all services. The creation and maintenance of such material is essential in supporting all fire and rescue services to work in a way that is consistent and supports high quality service delivery to the public. Report LFC-0160z proposes that the LFC takes a leading role in addressing this issue.
- 1.2. The absence of a national infrastructure became apparent in the years running up to 2010 when it became clear that guidance that relates to the way the fire services respond to incidents (Operational Guidance) was out-of-date, inaccurate, inaccessible and repetitive. The lack of a clear way to establish or share good practice across all services led to a high-level of criticism, including from coroners, following the tragic deaths of firefighters at incidents: Harrow Court (Hertfordshire FRS); Atherston-on-Stour (Warwickshire FRS); Shirley Towers (Hampshire FRS) and Balmoral Bar (Lothian and Borders FRS, now Scottish FRS). There has since been further criticism from coroners that UK fire and rescue services do not share learning from fires and other emergencies.
- 1.3. In 2012, the London Fire and Emergency Planning Authority (LFEPA) agreed to take action and established a programme within London Fire Brigade (LFB) to deliver this work in collaboration with The Chief Fire Officers' Association and the Local Government Association (LGA).
- 1.4. The programme was effective and, in 2015, a collaborative arrangement was agreed between The Chief Fire Officers' Association Ltd and the Home Office (initially the then Department for Communities and Local Government) to jointly fund its continuation. The Chief Fire Officers' Association Ltd made its contribution by collecting a payment from every fire and rescue service in the UK. The programme completed in March 2018. It has now moved into a maintenance phase, which will continue as a part of the work proposed within this report.
- 1.5. The Government's fire reform agenda includes the development of a professional standards board for the fire services. Due to the success of National Operational Guidance (NOG), the Home Office agreed with key stakeholders that the CPO be the support and delivery arm for standards on behalf of the National Fire Chiefs Council (NFCC). A grant paid by the Home Office under Section 31 of the Local Government Finance Act 2003 is allocated to LFC to support the delivery of this function.

#### *The National Fire Chiefs Council*

- 1.6. Throughout this report, The Chief Fire Officers' Association Ltd is referred to because it is the legal body with which an agreement is proposed. It is important to understand the relationship with the National Fire Chiefs Council (NFCC). The NFCC is a council of chief officers created by The Chief Fire Officers' Association Ltd and which has representation from every fire and rescue service in the UK. The NFCC chair commissions the work from LFC, on behalf of The Chief Fire Officers' Association Ltd.

#### **2. Objectives and expected outcomes**

- 2.1. Hosting the CPO in LFB does come with some liabilities and risks to LFC, which set out in paragraphs 18–28 of Appendix A, which has been considered by the Deputy Mayor for Fire and Resilience at her board. In supporting the recommendations of this report, these have to be offset against the considerable benefits in supporting this work, as follows.
- 2.2. The national benefits to all Fire and Rescue Services (including LFB) of a CPO are:

- 2.3. *Collaboration* – Fire and Rescue Services have a duty to collaborate. There are long held views from Government, Inspectorate and from the sector itself that the services are often too locally focussed. The CPO provides all services with a specialist programme and project management capability producing high quality products centrally for the benefits of all services and is funded jointly by services and Government.
- 2.4. *Efficiency* – The issues being addressed by the CPO are common to many, if not all, fire and rescue services. When work is centralised, products are produced in a more efficient way and the use of them brings about consistency across the country. Duplicating the development process 50 times is inefficient and results in inconsistency across the UK.
- 2.5. *Quality* – The work of the CPO draws on expertise from every part of the UK and beyond. It draws together the work of academics, consultants and practitioners to work on its products. The CPO does not seek to be expert in all of the different fields in which it operates. It is expert in Portfolio, Programme and Project management, which is a structured way to tap into and use the diversity of skill and knowledge of those that contribute to the work. The products produced by the CPO will be subject to both internal and external quality assurance providing certainty for services that products are fit-for-purpose.
- 2.6. *Ownership* – Because of the way they are developed, the products of the CPO carry significant weight. The work is supported by key stakeholders, through continuous engagement and the products are approved by key players in the service.
- 2.7. *Improvement* – The CPO's work focuses not only on producing new work, but also on supporting its implementation. Its success is measured by the change and improvement that is achieved rather than by processes or products that are delivered.
- 2.8. *Standard setting* – Following successful lobbying by the NFCC, it secured government funding to support the production and implementation of Standards for fire and rescue services within England. The CPO is responsible for delivering this work on the NFCC's behalf. It will do so alongside delivery of other products such as guidance and policy support, so as to contribute an integrated package that can bring about change effectively.
- 2.9. *Inspection* – The CPO's work will result in standards, doctrine and guidance that will be used by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services(HMCFRIS) in their inspection and judgements about the performance of fire and rescue services, as they will represent national good practice. This places the ability to be clear about "what good looks like" in the hands of the fire services.
- 2.10. The specific benefits to LFC acting as host to the CPO are:
- 2.11. *Leadership* – The LFC is the largest fire and rescue organisation in the UK and protects the capital city. Hosting the CPO indicates the LFB's commitment and support to delivering the national benefits. It would also mirror the similar leadership role played by the Metropolitan Police Service in hosting the National Police Chiefs Council
- 2.12. *Support* – Hosting the CPO demonstrates a close working relationship with the NFCC as well as other key stakeholders. It also shows close support and commitment to central Government in developing and improving standards across the service.
- 2.13. *Capability* – LFC's experience in large programme and project management is second to none and has already been demonstrated in delivering NOG. This function is unlikely to be delivered to the same standards of quality in any other service.

- 2.14. *Influence* – By hosting the CPO within LFB, the LFB is able to contribute significantly to the development of the products of the CPO.
- 2.15. *Implementation* – The proximity of the team within LFB means that the implications of the products of the CPO are understood early by LFB and preparation can be made for their implementation.

### **3. Equality comments**

- 3.1. The Public Sector Equality Duty under section 149 of the Equality Act 2010 and the potential impacts of this decision on those with relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation) have been considered by the LFC and the Deputy Mayor at the Fire and Resilience Board on 14 May 2019.
- 3.2. Under section 149 of the Equality Act 2010, the LFC and the Deputy Mayor must have due regard to the Public Sector Equality Duty when they make decisions. The duty requires them to have regard to the need to:
- a. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Equality Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
  - b. Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
  - c. Foster good relations between people who share a relevant protected characteristic and those who do not including tackling prejudice and promoting understanding. This will be supported by work undertaken by the People programme through its Inclusion programme as well as the balanced risk approach of the Community Risk programme.
- 3.3. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Equality Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 3.4. The CPO does not provide services directly to the communities who access fire and rescue services. However, all programmes and projects delivered by the CPO will be subject to a specific Equality Impact Assessment (EIA). Where the outputs are likely to impact on service users, the equality impact assessment will take the wider population into account.
- 3.5. The review and assurance process of programmes and projects will ensure EIAs are completed and kept under review throughout the life of each programme/project.
- 3.6. Additionally, the CPO will ensure LFC policies and procedures are applied when recruiting new staff. Although the composition of the team will be a blend of permanent, fixed term and seconded staff, the CPO will ensure vacant positions are widely advertised.
- 3.7. The NOG programme had a strong record on employing from a diverse section of the population. The current make-up of the CPO is 57 per cent male and 43 per cent female. The senior leadership team is 56 per cent female.
- 3.8. Representation from Black and Minority Ethnicity (BAME) and Lesbian, Gay, Bisexual and Transgender (LGBT) groups is lower, with both being approximately 10 per cent of the team. As the team is mainly drawn from within current fire and rescue service personnel, this area has proven difficult to improve due to the current fire and rescue operational staff employment demographic.

- 3.9. It should be noted however, that the responsibility for carrying out EQIAs on the impact of adopting any of the national tools or good practice produced by the CPO, on specific communities or groups of individuals, remains with the fire and rescue authority for that area.

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

##### *Procurement*

- 4.1. The Chief Fire Officers' Association Ltd is financially stable, with secure income and a reserve equivalent to more than a whole year of expenditure. The NFCC is a committee of The Chief Fire Officers' Association Ltd and has been commissioned by Government to produce professional standards and to support continuous improvement across all UK fire and rescue services. The work of the NFCC is strongly identified in the Government's National Framework for the Fire and Rescue Service in England. All services are required by the framework to have due regard to the professional standards that will be produced by the CPO on behalf of the NFCC.
- 4.2. The draft contract has been subject to negotiation with The Chief Fire Officers' Association Ltd. The details of the proposed agreement are outlined in the Heads of Terms available within report LFC-0160z to the LFC.
- 4.3. To achieve clarity in the expectation on both sides, a schedule of services will be agreed annually, before December, in each preceding financial year, from December 2019. At this point, a commitment will be made for the subsequent year's funding.

##### *Strategic drivers*

- 4.4. As discussed under the 'objectives and expected outcomes' section, there are a number of strategic drivers for the development of this function in the London Fire Brigade.

##### Collaboration

- 4.5. The Policing and Crime Act 2017 created a statutory duty under part 1, chapter 1, section 2 on fire and rescue authorities, police forces, and ambulance trusts to:
- a) Keep collaboration opportunities under review;
  - b) Notify other emergency services of proposed collaborations that could be in the interests of their mutual efficiency or effectiveness; and
  - c) Give effect to a proposed collaboration where the proposed parties agree that it would be in the interests of their efficiency or effectiveness and that it does not have an adverse effect on public safety.
- 4.6. A portfolio management approach will be used by the CPO, ensuring that subject matter expertise from across the UK fire and rescue services is benefitted from—and, importantly, that the ensuing work is engaged with locally.
- 4.7. Each project or programme of work is led by a chief fire officer or chief executive (who is normally the national lead for that particular area) from a different part of the UK and is supported by committees and subject matter experts from a wide variety of disciplines. Where other services or agencies need to be involved, contacts and contributions are sought and included. The work is co-ordinated across the UK and is inclusive and collaborative.

##### London Safety Plan

- 4.8. Page 51 of the London Safety Plan, under 'The journey from operational competence to operational excellence' prioritises: *"Building in consideration of national fire service learning"*. Page 61, under principle five of the new governance arrangements, 'Collaboration', says: *"London Fire Brigade will continue to identify further opportunities that maximise learning and best practice from across the country and internationally, working towards the combined vision to make London 'the safest global city' through a commitment to partnership, collaboration, innovation and co-operation"*.

## **5. Financial comments**

- 5.1. LFC-0160z to the LFC sets out the proposals to define the CPO team within a new contractual framework with the LFB, as an evolution of the existing National Operational Guidance Programme Team, with extended functions and external funding. The report notes that the team is funded via a Home Office grant of £1.5m per annum in 2019/20. The team will also receive further collaborative contributions from all UK fire and rescue services, including London, totalling £1.1m. This will result in total funding being available for the CPO of £2.6m for 2019/20.
- 5.2. Expenditure of the £2.6m for 2019/20 is broken down in the schedule attached to the Heads of Terms. Expenditure on the CPO for 2018/19 was £300k below budget. Of this, £150k (of £1.5m Home Office funding) has been transferred into an earmarked reserve held by the LFC to support the expenditure in the subsequent financial years. The remaining £150k (The Chief Fire Officers' Association Ltd's share of funding to the LFC currently held by The Chief Fire Officers' Association Ltd) will similarly be paid to LFC in subsequent years. The actions that will be taken year-on-year to protect LFC from unfunded liabilities are stated in the Heads of Terms and are outlined above.
- 5.3. The CPO has committed to refund all direct costs to the LFC, including staff salaries and expenses for seconded and employed staff to the team, and any costs to the LFC through the provision of corporate services incurred as a result of their work, which includes funding in the Finance department to support ongoing requirements. These costs are funded by the income received by the LFC. However, the LFC will continue to provide office space for the team, which is currently 16 desks. If these desks were not required by the team it is expected that the LFC would seek to rent out that space at about £160k pa. As a result, this contribution of space can be viewed as a further cashable contribution by the LFC. Additionally, the LFC will also continue to provide senior management to the programme through the Assistant Director for Strategy and Risk, and the opportunity cost of this time is estimated at about £45kpa.
- 5.4. The LFC will also continue to pay its annual membership fee to The Chief Fire Officers' Association Ltd, which includes LFC's element of the overall £1.1m contribution from UK fire and rescue services to the funding of this project. The 2019/20 Budget Report (LFC-0133) agreed a total contribution to the NFCC of £65k annually to deliver a range of activities.
- 5.5. As outlined above, if LFC expenditure in support of the CPO is likely to exceed normal resource requirements, the CPO will provide additional funding from its resources to support this.
- 5.6. There are no direct financial implications for the Greater London Authority.

## **6. Legal comments**

- 6.1. The Policing and Crime Act 2017 amended the Greater London Authority Act 1999 (GLA Act 1999) by abolishing LFEPA and establishing the LFC as a corporation sole with the Mayor of London appointing the occupant of that office. Under section 327D of the GLA Act 1999 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 their functions.

- 6.2. 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.
- 6.3. Paragraph (b) of Part 2 of the 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...". The Deputy Mayor's approval is accordingly required for the LFC to establish the CPO team within LFB at a cost of £2.6 million.
- 6.4. The arrangement proposed in the report is consistent with the LFC's power, under section 12 of the Fire and Rescue Services Act 2004, to provide the services of any persons employed by it or any equipment maintained by it to any person for any purpose that appears to the authority to be appropriate.
- 6.5. The LFC's General Counsel has been fully involved in the negotiation of the contract with The Chief Fire Officers' Association Ltd to give effect to the proposals contained within the report.
- 6.6. In taking the decisions requested, the Deputy Mayor must have due regard to the Public Sector Equality Duty, under section 149 of the Equality Act 2010. To this end, the Deputy Mayor should have particular regard to section 3 above of this report.

#### **Appendices and supporting papers:**

1. LFC-0160z – *'Establishment of the Fire Central Programme Office'*.

**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 – NO**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to confirm the following (✓)

**Drafting officer**

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

✓

**Assistant Director/Head of Service**

Tom Middleton 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 agreed by the Corporate Investment Board on 15 July 2019.

**EXECUTIVE DIRECTOR, RESOURCES:**

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

Signature

Date

15-07-19

*Tom Middleton*  
Tom Middleton on behalf of Martin Clarke