

REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD117

Title: LFB Culture Review

Executive summary:

This report seeks the approval of the Deputy Mayor for Fire and Resilience, for the London Fire Commissioner to commit revenue expenditure up to £265,000 over the next 12 months for the purposes of undertaking the review of London Fire Brigade (LFB) culture.

The LFB proposes to undertake a review of its culture. The proposal, whilst triggered by the sad death of Firefighter Jaden Francois-Espirit, who passed away on 26 August 2020, also refers to wider reasons for an organisation-wide review of culture, including feedback from employees and findings from LFB's recent inspection report by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS).

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:

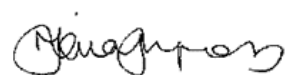
That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to commit revenue expenditure of up to £265,000 over the next 12 months for the purposes of undertaking the review of London Fire Brigade culture.

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:

16 July 2021

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

Decision required – supporting report

1. Introduction and background

1.1 Report LFC-0526 to the London Fire Commissioner sets out the background for the request to approve revenue expenditure for the London Fire Brigade (LFB) to undertake a review of its culture. The report proposes:

- that a Search Committee be established to establish and populate a panel to lead the search for the chair and panel members for the review
- the terms of reference for the review
- the operating protocols, which outline how the review will operate
- options for the budget for the review, including costs for staff support for the review.

1.2 The report explains the evidence which points towards the need for a wider review of culture.

Prevention of Future Deaths Report

1.3 On 22 February 2021, following an inquest into the death of Jaden Francois-Esprit, a firefighter on development who sadly died in August 2020, HM Coroner Mary Hassell signed a Prevention of Future Deaths (PFD) report, which was addressed to the London Fire Commissioner.¹

1.4 In the PFD report, the Coroner noted in her comments to the Commissioner:

“I should be grateful if you, or whoever you delegate to investigate this matter, would listen to the entirety of the recording of this inquest. The London Fire Brigade investigation report already produced, talks in some detail about the station culture. There were so many different aspects to the evidence that, without listening to the whole inquest, I am afraid that any understanding will not be as meaningful as it could be.”

1.5 LFB has had the inquest recording transcribed and will use elements of that transcript with staff members across the Brigade in order to learn lessons from the inquest.

The case for a culture review

1.6 The culture review was an action arising from the internal investigation report into the support available to Jaden Francois-Esprit. The report, authored by three members of LFB staff, led by the Head of Culture, made recommendations which have been accepted by LFB and form the basis of an action plan. The report also made one overarching recommendation:

“I recommend that the Brigade commissions an external review of the culture of watches on fire stations. The review should draw upon the findings of this investigation and put in place further

¹ To view the Prevention of Future Deaths report please see: <https://www.judiciary.uk/wp-content/uploads/2021/02/Jaden-Francois-Esprit-2021-0048-Redacted.pdf>.

recommendations to improve the culture of the Brigade. The review should also ensure that the culture in fire stations is aligned to the desired culture of the wider Brigade.”

- 1.7 The culture review is proposed to go beyond the culture in fire stations, to be an organisation-wide review of culture, which encompasses everyone, up to and including the Commissioner and looks at every occupational group.
- 1.8 LFB wants its culture to be shaped by an increasingly diverse workforce at all levels, representing London’s communities, and one where diversity is embraced, as is outlined in LFB’s Togetherness Strategy.² This will enable LFB to be at the centre of its communities, make better decisions, increase public trust, and ensure that every member of staff would recommend working for LFB to their family and friends.
- 1.9 The draft Terms of Reference below will make it clear that the review will look at areas of both strength and development within LFB. There is much to be positive about in the Brigade and this should be recognised. Across the organisation, there will be many more examples of a positive culture which this review should capture, share and celebrate. This report, however, highlights some of the data that points towards areas for development, including data from the Grenfell Tower Inquiry Phase One report, the Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) report, LFB’s People Survey (2018), LFB’s human resources data and the recent audit of LFB’s culture.
- 1.10 Findings from the HMICFRS 2018-19 inspection report, based on a staff survey conducted in 2019, included:³
 - Regarding promotion processes at middle and senior management level, HMICFRS found: “Record keeping was often poor or inaccurate, and the rationale for making selections wasn’t clear and was sometimes unavailable. This echoes strong staff feelings of unfairness and a lack of openness in selection at this level.”
 - A lack of a corporate process for assessing performance, with HMICFRS finding: “At the time of inspection, most staff hadn’t had a recent meaningful performance review, and therefore weren’t aware of any personal objectives. In the year to 31 March 2019, only 25 percent of wholetime staff had one, and this was lower for other staff groups that is, 17.4 percent of support staff and 5.4 percent of control room staff. Because of this, staff lack confidence in how managers manage performance and believe that access to development opportunities isn’t open or fair. There is little training for managers or staff in using feedback effectively, and therefore learning opportunities are potentially stifled.”
 - Regarding diversity in the workforce, HMICFRS found: “Not all staff understand and value the benefits of the brigade’s approach to making the workforce more diverse. There is no corporate equality, diversity and inclusion training. We were troubled to hear that staff from a BAME background, those with a disability and female uniformed staff need to use counselling and trauma services more often than other colleagues.”
 - On staff being able to challenge and give feedback, HMICFRS found: “Many staff don’t feel confident in expressing their views or challenging the current situation without fear of reprisal. Nor do they believe that their ideas or suggestions will be listened to. We heard about actions from brigade surveys being put into departmental plans but not progressing or being completed. Of the 377 respondents to our staff survey, 64 percent felt unable to challenge ideas without any detriment as to how they will be treated afterwards, and 28 percent reported feeling bullied or harassed in the past 12 months.”

² The Togetherness Strategy can be found here: https://www.london-fire.gov.uk/media/4598/togetherness-strategy-summary_web_singlepages.pdf.

³ To view the inspection report please visit: <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/frs-assessment-2018-19-london/>.

1.11 LFB produced an action plan to address HMICFRS's findings and recommendations. On the culture of the organisation, a key early action was conducting a culture audit. The consultancy Engage was tasked with undertaking an audit to gather views on culture within LFB. They conducted a survey and talked to staff at all levels, both operational and non-operational, along with key stakeholders, including the GLA. A total of 1,024 employees completed the culture audit between February and March 2020. This comprised 12 per cent of uniformed operational staff, 47 per cent of Fire and Rescue Service (FRS) staff, 22 per cent of control and 7 per cent of temporary staff (17 per cent of all employees). Whilst this audit was not specifically focused on diversity and inclusion, it provided key insights into the culture of the organisation. In particular, the survey asked staff to describe the existing culture and describe the ideal culture. The results demonstrated:

- LFB's existing culture was based on the following sentiments: target-driven, aggressive, structured, demanding, stable, efficiency, forceful, predictable, control and accomplishment-driven.
- The ideal culture, which the report identified, should be based on the following sentiments: supportive, open, dynamic, innovative, mentoring, developmental, trusting, empowering, inclusive and challenging.

1.12 The audit concluded that LFB's Transformation Delivery Plan (TDP) was already addressing some of the elements highlighted as areas of concern; however, more work was required to create transformative change. Three areas were identified by the audit as being harder to achieve and longer-term in their focus. They were:

- Increasing trust:
 - lack of trust and empowerment
 - cynicism and distrust
 - encourage more constructive challenge
 - empower and challenge teams
 - local ownership for community relations.
- Simplifying:
 - rules, policy and bureaucracy are getting in the way
 - simplify and focus
 - make the best use of technology.
- Learning and improving:
 - fear and risk aversion
 - learn from failures and mistakes
 - learn from elsewhere
 - put learning into practice
 - innovation / improvement culture and processes
 - coach and role-models.

1.13 LFB's internal human resources data also shows:

- a review of LFB disciplinary processes in 2020 identified that Black, Asian and minority ethnic (BAME) staff are disproportionately more likely to be disciplined than White staff
- the highest number of employment tribunals within LFB since 2005 have involved claims relating to disability discrimination
- staff who are from BAME backgrounds are more likely to be re-coursed (to be taken off their Firefighter training course and put back on at a later date) than their White counterparts⁴
- BAME staff are clustered around the lower and middle-management occupational grades within FRS (non-operational) teams, as shown in the table below:

Grade	Proportion of BAME staff
FRS B (most junior grade)	24.6%
FRS C	24.6%
FRS B/C	1.5%
FRS D	21.6%
FRS C/D	3%
FRS E	16.3%
FRS F	6.4%
FRS G	1.9%

2. Objectives and expected outcomes

Engagement with key stakeholders

- 2.1 To inform this proposal, including learning lessons from a wide variety of stakeholders, the LFB's Cultural Change team met with a range of people and organisations including the Deputy Mayor for Fire and Resilience, the Deputy Mayor for Community and Social Justice, LFB staff representative bodies, the LFB's Togetherness Board (including its three external members), LFB heads of service, and other fire and rescue services.

Type of culture review

- 2.2 A review of culture could be structured in different ways. Broadly, LFB considered two. Firstly, a procured organisation being brought in to conduct the review. Secondly, a panel of experts, led by a chair, overseeing a review and authoring a report, with the support of either internal or external staff as required.
- 2.3 Initial discussions led to the conclusion that a review led by an external chair, appointed through a specialist recruitment agency with clear terms of reference and the independence to publish what they found, would be likely to attract the confidence of internal and external stakeholders alike.

Appointment of the chair and panel

- 2.4 Following feedback from representative bodies, equality support groups (ESGs) and the GLA, LFB proposes that appointment of the review chair and the panel members is made by a three-person Search Committee. It is proposed that the three members of the Search Committee will be equally involved in the decision-making process. The three people represented will be the London Fire Commissioner (or his representative), the Deputy Mayor for Fire and Resilience (or her representative) and the Chair of LFB's Audit Committee.
- 2.5 The Search Committee will be responsible for appointing a specialist recruitment agency to inform the search, in compliance with the Public Procurement Regulations and LFB standing orders. The Search

⁴ Between June 2019 and June 2020, 19 per cent of the 257 trainee firefighters recruited identified as BAME, yet BAME staff made up 28 per cent of those re-coursed.

Committee would also be responsible for agreeing the role descriptions for the chair and panel members, in accordance with the Terms of Reference. The agency would be responsible for providing a list of suitable candidates for the positions of chair and panel members. The agency would then be responsible for arranging interviews and negotiating any contracts between parties. The intended approach is for the chair and panel members to be paid via the recruitment agency. It is envisaged that the chair would be the first appointment, so that they can be involved in the appointment of the panel members. If the chair wished to be involved in the process of interviewing panel members, that cost would be covered from within the 24 days allocated.

- 2.6 It is anticipated that once approval for the approach outlined in this report is given, the proposed order of actions is as follows:
- each organisation or officeholder must name a representative to form the Search Committee
 - the LFB Procurement team will draft a specification, based on the content of this report for approval by the Search Committee
 - the Search Committee will meet to approve the specification for the agency to be procured
 - the LFB Procurement team will begin the procurement process.
- 2.7 Once the recruitment agency has been procured, the Search Committee will convene again to agree the role descriptions for the chair and panel members, in line with the terms of reference.
- 2.8 The LFB Procurement team have held initial discussions with four recruitment agencies, all of which have confirmed that they are able and interested in supporting the appointment of the chair and panel members.

The Terms of Reference

- 2.9 The Terms of Reference are intended to be the guiding document for the chair of the review. It gives them the scope for their investigation. The stakeholders set out above have been consulted on the proposed Terms of Reference. The proposed Terms of Reference are:

The review will assess the existing culture of the London Fire Brigade (LFB) and consider the extent to which the Brigade and its employees have created a culture free from discrimination, unfairness and inequality. The review will seek to identify areas for improvement and areas of strength, publishing a report and making recommendations for improvement where appropriate. To achieve this purpose, the review of culture will:

- 1) consider the impact of policies, processes, systems and ways of working on people and culture
- 2) consider the way in which policies, processes and systems are applied and interpreted by staff and how that impacts on people and culture
- 3) consider the impact of individual or group behaviour on people and culture
- 4) consider the impact of team-based customs and traditions within the Brigade on people and culture
- 5) consider the impact of barriers to progression, real and perceived, on people and culture
- 6) consider the difference in experiences of staff, based on, but not limited to their:
 - age
 - disability and neurodiversity
 - race
 - sex
 - other forms of difference, including occupational group and rank.

- 2.10 The Terms of Reference will not be finalised until after a chair of the review has been appointed, and will be agreed after consultation with the chair.
- 2.11 In addition, anticipating the level of internal and external interest in the Culture Review, it was decided to draft 'operating protocols' for the review, which are intended to be the rules on which the review is undertaken. These have been shared with the stakeholders set out above. They are attached as appendix 3 of the appended report, LFC-0526.

Costs

- 2.23 In this section, estimated costs are given for the review. These include options for an internal staff team to support the project; indicative costs for the chair and panel; alternative costs for support for the project if internal support is not viable; and an initial estimate for activity costs (that have not been planned for elsewhere, such as the People Survey).
- 2.24 The estimated maximum cost of the review, to be incurred over a 12-month period, is £265,000; this comprised the amounts in the table below, totalling £241,406 plus a 10% contingency. This budget is comprised of the following costs:

Cost	Amount
Staff costs for the review secretariat (expected to be two members of staff, hired or seconded to the project)	£117,713
Cost of the chair of the review, including payments to the chair and agency search fees	£40,176
Cost of panel members, including payments to members and agency search fees	£68,832
Staff travel costs (based on zone 1-9 travelcard for three people for 12 months)	£11,580
Staff out-of-pocket expenses (based on the LFB maximum expenses per week of £19.91, set out in LFB Policy Number 0514)	£3,105

- 2.25 At this stage of the review, the above costs are estimates and may need to be further refined following the appointments of a recruitment agency, Chair and panel. It is envisaged that the review secretariat will consist of two members of staff, hired or seconded to the project for a 12-month period; these appointments would be made in line with LFB's human resources policies. Travel and expenses costs referred to above would cover the Chair and secretariat. The LFB staff grades would be FRS F and FRS D. The exact way the estimated staff cost can be spent should remain flexible to suit the preference of the Chair; for example, if the Chair requests the support of a specialist consultancy to carry out focus groups and interviews, it would be drawn from staff costs given above. Any such services would be procured in accordance with LFB policies and procurement regulations.
- 2.26 Any required expenditure above the total budgeted amount of £265,000 would be subject to further approval by the Deputy Mayor for Fire and Resilience. The appended report LFC-0526 includes further options on other options that were considered for the activity and costs of the review.
- 2.27 At present, the LFB's Cultural Change Team have identified £100,000 of funding from within existing budgets in this financial year, to put toward this project in financial year 2021-22 and a further £100,000 in financial year 2022-23. All other costs are new and therefore have not been budgeted for, requests for funding will be made to the Transformation Reserve.

GLA collaboration and lessons learned

- 2.28 LFB has a history of proactively collaborating with the GLA Group that includes members of the LFB ESGs representing on the GLA Family Race Network. The focus has been on creating priorities and

opportunities for future collaboration using initiatives such as the Stronger Together Network established via the LFB Togetherness Strategy.

- 2.29 In order to learn from colleagues in the GLA, MOPAC and TfL, who are at different stages in undertaking similar projects, discussions will continue to be held throughout the life of the review. It is proposed that a peer-learning network is established across the GLA Group for staff members working on major reviews of culture to look at sharing best practices, learning and implementing recommendations together. The group should also consider drawing on best practices from across the relevant sectors represented (fire and rescue services, transport, local government, policing and others).

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 (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 and promote understanding.

- 3.8 The recommendation set out in this paper aims to ensure that LFB meets its duty under s.149 demonstrating due regard, as the terms of reference specifically address the issue of discrimination. As a result of the culture review, it is expected that equality of opportunity will be advanced between people who do not share a protected characteristic and those who do, including but not limited to those listed in the terms of reference. As a result of this, it is intended to reduce prejudice and increase integration. In addition, through engaging with different equality staff networks to ensure their perspectives are included in the design of the review LFB is seeking to demonstrate that it has sought sufficient evidence to give proper consideration to the potential impact of the culture review on people with protected characteristics. Given the complex nature of the project, an Equality Impact Assessment (EIA) is being carried out for each stage of the process, with any recommendations made ahead of key decisions.

4. Other considerations

Workforce comments

- 4.1 There is ongoing staff engagement on a number of themes within this report with stakeholders – that is, staff representative bodies, ESG representatives and heads of service. Engagement and consultation will continue throughout and beyond the review of the culture. Specific amendments have been made to the proposals to ensure that representative bodies and ESGs are represented fully in the process.
- 4.2 The Culture Review will seek to engage staff throughout the process, in the establishment of the review, in the review itself and in the recommendations arising from the review. The Chair of the Review, however – working with staff representative bodies, ESGs and others – will determine the exact ways in which this will happen.

Sustainability implications

- 4.3 The LFB's Procurement team have been involved with regard to sourcing the recruitment agencies, complying with the relevant legal framework and LFC's procurement standing orders. LFB will ensure that it satisfies its duties under the Equality Act 2010. Any third parties engaged by LFB shall provide their services in such a way that assists LFB in discharging its duties.

5. Financial comments

- 5.1 The report seeks approval for estimated expenditure of £265,000 for the cost of the review over the next 12 months, spread over two financial years. The funding for this is to largely come from the existing budget for Cultural Change with £100,000 to be provided in each financial year 2021-22 and 2022-23, therefore providing a budget of £200,000. Based on current planning, costs on the review will be incurred over 12 months from August 2021, and would see £160,937 (total spending over eight months) of costs incurred in the current financial year, with the remaining £80,469 (total spending over four months) incurred in the next financial year. Therefore the profile of the expenditure against the budget available requires an additional allocation of £60,937 in the current financial year, but with £19,531 of this then offset by the balance on funding available in the coming financial year. The net balance of funding of £41,406 plus £24,140 is planned to be funded from the Transformation reserve. The final amount to be transferred from the reserve will be confirmed once the arrangements for the review are in place.
- 5.2 There are no additional financial implications for the GLA.

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 Section 1 of the Fire and Rescue Services Act (FRSA) 2004 states that the Commissioner 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 Commissioner 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 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”.
- 6.5 The work to be undertaken is consistent with the London Fire Commissioner’s (LFC’s) statutory function under section 6 of the Fire and Rescue Services Act 2004 (the Act) which requires the LFC to make provision for the purpose of promoting fire safety, and in doing so may make arrangements for the provision of information, publicity and encouragement in respect to the steps needed to be taken to prevent fires and death or injury by fire.
- 6.6 Under section 7 of the Fire and Rescue Services Act 2004, the Commissioner has the power to secure the provision of personnel, services and equipment necessary to efficiently meet all normal requirements for those functions. Furthermore, in accordance with section 5A of the Fire and Rescue Services Act 2004 (FRSA 2004), the Commissioner, being a ‘relevant authority’, may do ‘anything it considers appropriate for the purposes of the carrying-out of any of its functions’. This includes putting in place a Culture Review to improve efficiency of personnel in meeting the functional requirements.
- 6.7 The LFB’s General Counsel also notes that the proposed procurement of the service provider is in compliance with the Public Contracts Regulations 2015 and LFC standing orders.

Appendices and supporting papers:

Appendix 1 - LFC-0526

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

Soeli Dayus 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.

✓

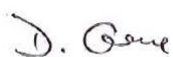
Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 5 July 2021.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature



Date

16 July 2021