

GREATER LONDON AUTHORITY

REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD25

Title: Provision of Fire Safety Qualifications and Training

Executive Summary:

Report LFC-0129 to the London Fire Commissioner seeks approval to award a contract for the provision of Fire Safety training courses at a total cost of £550,680.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire Commissioner to seek prior approval from the Deputy Mayor for Fire and Resilience before making a commitment to expenditure (capital or revenue) of £150,000 or above.

Decision:

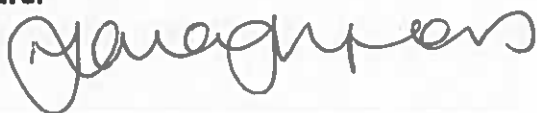
The Deputy Mayor for Fire and Resilience consents to the expenditure of £550,680 to Xact Consultancy and Training Limited for the provision of fire safety training courses for the objectives established by report LFC-0129 to the London Fire Commissioner.

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:

6.6.19

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

Decision required – supporting report

1. Introduction and background

- 1.1. LFC-0129 seeks approval to award a contract for the provision of Fire Safety training courses to Xact Consultancy and Training Limited.
- 1.2. The proposed contract award to Xact Consultancy and Training Limited will ensure Fire Safety qualifications are provided whilst achieving best value for money for London Fire Commissioner (LFC). The tender evaluation included rigorous evaluation of quality, price, financial standing and terms and conditions, with the quality evaluation being conducted by representatives of Fire Safety.
- 1.3. This report sets out the outcome of the procurement process and considerations of the procurement options with recommendations.

2. Objectives and expected outcomes

Strategic Drivers – regulatory framework and workforce requirements

- 2.1. The Regulatory Reform (Fire Safety) Order 2005 (Article 26) places a duty on the LFC as an 'enforcing authority' relating to those regulations to enforce the provisions of the Order. Further, under section 6(1) of the Fire and Rescue Services Act 2004, the Commissioner must "make provision for the purpose of promoting fire safety in its area". The provision of adequate training and qualifications relating to fire safety matters is a fundamental requirement of satisfying both obligations upon the Commissioner.
- 2.2. Under section 21 of the Fire and Rescue Services Act 2004, the Secretary of State must prepare a Fire and Rescue National Framework. The Framework:
 - a) Must set out priorities and objectives for fire and rescue authorities in connection with the discharge of their functions;
 - b) May contain guidance to fire and rescue authorities in connection with the discharge of any of their functions; and
 - c) May contain any other matter relating to fire and rescue authorities or their functions that the Secretary of State considers appropriate.
- 2.3. The National Framework states Fire and Rescue Services "must make provision for promoting fire safety, including fire prevention, and have a locally determined risk-based inspection programme in place for enforcing compliance with the provisions of the Regulatory Reform (Fire Safety) Order 2005 in premises to which it applies".
- 2.4. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services' (HMICFRS) Tranche 1 summary and individual service reports highlight the importance of appropriately resourced and trained Fire Safety protection officers to deliver the service Risk-Based Inspection Programme (RBIP) and subsequent enforcement action.
- 2.5. As such, the LFC must provide suitable trained, qualified and competent inspectors to satisfy these statutory functions.
- 2.6. In order to deliver these requirements, LFB's Fire Safety Department requires Fire Safety Inspecting Officers and Senior Fire Safety Officers to be working towards the following qualifications to demonstrate competence:

- Level 3 Certificate in Fire Safety (Fire Auditors)
- Level 4 Certificate in Fire Safety (Fire Auditors)
- Level 4 Diploma in Fire Safety (Fire Inspectors)

- 2.7. These qualifications follow the National Occupational Standard which have been agreed by Skills for Justice (SfJ) and National Fire Chiefs Council (NFCC). LFB has recently been lobbying and providing national representation to promote the need for competence and accreditation of individuals working within the fire sector. It is therefore essential that we can demonstrate our Fire Safety staff are trained to current recognised national occupational standards (NOS).
- 2.8. Previously Fire Safety qualification requirements were provided within the LFB training contract with Babcock. The Fire Protection Association (FPA) delivered this training through a commercial arrangement with Babcock. In 2016, Babcock advised that due to FPA withdrawal from this market that they would no longer be able to provide the courses. It was therefore agreed that courses which delivered a Fire Safety qualification would be removed from the LFB / Babcock training contract with appropriate financial adjustments and separate training provision requirements would be required to be funded by the LFB Training and Professional Development budget.
- 2.9. Interim arrangements were made with the Fire Service College to complete the courses for qualifications that had already commenced with the FPA. These short-term interim arrangements were single-sourced and not subject to a procurement framework. Separate procurement arrangements were commenced for future requirements which are detailed within the appended report to the Commissioner.
- 2.10. Following the completion of a procurement exercise (see section four), it is recommended that the contract be awarded to Xact Consultancy and Training Limited.
- 2.11. This contract will assist the LFB in delivering statutory requirements and London Safety Plan (LSP2017) commitment to its staff and public to aspire for excellence beyond competence and to better equip its staff to reduce risk to those who work, rest and play in the built environment in London through its risk-based inspection regime.

3. Equality comments

- 3.1. The Public Sector Equality Duty – and the potential impacts of this decision on those with protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation) – has been considered by the London Fire Commissioner and the Deputy Mayor for Fire and Resilience.
- 3.2. The Public Sector Equality Duty applies to the London Fire Brigade when it makes decisions. The duty requires us to have regard to the need to:
 - a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the 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 protected characteristic and those who do not.
 - c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 3.3. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The 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 equality impact assessment for duties (a) – (c) described in paragraph 3.2 was performed by the Fire Safety team and discussed during the consideration of recommendations to the Commissioner and the Deputy Mayor. It indicates that the proposals in this report will not have a disproportionately adverse effect on any persons with a particular characteristic and that the procurement of training and qualifications services to satisfy requirements under the Regulatory Reform Order and the Fire and Rescue Services Act does not provide a direct opportunity nor risk in relation to duty (c).
- 3.5. The preferred bidder was able to demonstrate an understanding of requirements and provide confirmation that all of their trainers have received knowledge and skills input into facilitating training for different learning styles as recognised and required within the Equality Act 2010.
- 3.6. Within the provider's tender submission, they included their policy on inclusion and diversity. They were also able to demonstrate that their trainers receive regular Continuing Professional Development on unconscious bias, equality and inclusion.
- 3.7. They provided evidence and examples of bespoke inputs for individuals that had specific requirements in respect of their learning style or environment.
- 3.8. This was evidenced during document disclosure to the London Fire Brigade's Procurement Department and a sample lesson input by Fire Safety quality assessors including specific questioning.
- 3.9. The Commissioner is satisfied that arrangements meet the requirements of Equality Act 2010 and their responsibilities within Public Sector Equality Duty.

4. Other considerations

Procurement

- 4.1. On 26 June 2018 procurement initiation consent was granted by the Commissioner's Director of Corporate Services to commence the procurement for the provision of Fire Safety Qualification Training.
- 4.2. A specification was developed by Fire Safety taking into consideration stakeholder requirements and lessons learned during the provision of these courses both in house and latterly through the Babcock training contract. A four-year contract is appropriate considering the varying duration of training courses to be provided through the contract and to provide the Brigade with sufficient capacity and coverage to promote consistency as required. Contract specification included requirements for futureproofing and currency of the courses / qualifications delivered.
- 4.3. The contract value for this requirement was below the EU procurement threshold for the Light Touch Regime for Training Services (currently £615,278). Market research indicated that there were a limited number of providers who would be able to deliver this requirement for the LFC. Following consultation with LFB Procurement, the most appropriate route to market to source this requirement was to advertise this contract through an Open Procedure.
- 4.4. On 23rd August 2018 Invitations to Tender documentation packs were advertised through an Open Procedure protocols and a tender deadline of 25 September 2018 was set. 15 expressions of interest were submitted. Following expiration of the response deadline, three tender responses were received.

4.5. The award criteria used in the procurement process was as follows:

Criteria	Item	Section Weighting (%)	Overall Weighting (%)
Price:	Price per course offered (Form of Tender summary)	100	30%
Quality	Sample Lesson delivery	30	70%
	Trainers and resources	15	
	Learning Environment and Support Offered: Including Equalities considerations	20	
	Evaluation process & reporting structure	20	
	Implementation	15	

Note: A detailed breakdown relating to the tender evaluation is provided in Appendix 1 – Confidential Tender Evaluation to the report to the Commissioner, LFC-0129, which is appended to this report.

- 4.6. It is worthy of separate comment that of the three bidders Xact Consultancy and Training Limited was the only one who gave adequate reassurance to the quality panel in respect of their knowledge, understanding and arrangements in respect of provision of learning support and reasonable adjustments to support the needs of future trainees.
- 4.7. To April 2023 this contract will deliver:
- 6 Level 3 Certificate in Fire Safety courses;
 - 10 Level 4 Certificate in Fire Safety courses; and
 - 8 Level 4 Diploma in Fire Safety courses.
- 4.8. Each course consists of a number of separate modules which will train and assess 16 candidates. LFC has agreed with the supplier that unused training spaces can be sold by LFC to other Fire and Rescue Services at cost, as this practice is common in other services.
- 4.9. Based on the number of candidates, course and unit contact time together with the quality of learning support provided, LFC Fire Safety and Procurement Departments are satisfied that this contract delivers value for money for LFC by quality and effectiveness.
- 4.10. By way of comparison, the costs to implement interim arrangements with the Fire Service College (December 2017 to December 2018) was £105,411 for the delivery of the following complete courses to 12 candidates:
- 1 Level 3 Certificate in Fire Safety
 - 3 Level 4 Certificate in Fire Safety
 - 2 Level 4 Diploma in Fire Safety.

Note: Indicative candidate costs per qualification for these courses £1464.00.

5. Financial comments

- 5.1. LFC-0129 to the London Fire Commissioner recommends the award of a contract for the provision of Fire Safety Training Courses at a total cost of £550,680 over a four-year period, to be funded from the Commissioner's budgets. No additional funds are sought or required from 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 Commissioner to award a contract to Xact Training and Consultancy Limited for the provision of fire safety qualifications for a cost of £550,680.
- 6.5. The statutory basis for the actions proposed in this report is provided by article 26(1) of the Regulatory Reform (Fire Safety) Order 2005 which states that "Every enforcing authority must enforce the provisions of this Order". Furthermore, under section 6(1) of the Fire and Rescue Services Act 2004 the Commissioner must "make provision for the purpose of promoting fire safety in its area".
- 6.6. The Commissioner's General Counsel also notes that the procurement process was completed in compliance with Public Contracts Regulations 2015.
- 6.7. Officers must ensure that appropriate contract documentation is put in place and executed by the London Fire Commissioner and Xact Training and Consultancy Limited before the commencement of the services.

Appendices and supporting papers:

1. LFC-0129 – 'Provision of Fire Safety Training and Qualifications and Training'

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

If YES, for what reason: Commercially sensitive information regarding a public procurement.

Until what date: 1 August 2019

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 28 May 2019

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

M. J. Allen

Date

29.5.19

