

REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD83

Title: Safety Event Reporting and Investigation Management Software Solution

Executive Summary:

This report seeks the approval of the Deputy Mayor for Fire and Resilience for the London Fire Commissioner to incur expenditure of up to £460,000 over five years to procure a management software solution for reporting and recording safety events and the associated investigation records and files.

The London Fire Brigade (LFB) requires a system with the core functionality of reporting and recording safety events and investigations in a timely and succinct way in order to facilitate compliance with health and safety legislation, including the Management of Health and Safety at Work Regulations 1999 and the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2012.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire Commissioner to seek prior consent before '*[a] commitment to expenditure (capital or revenue) of £150,000 or above*'. The Direction also provides the Deputy Mayor with the authority to '*give or waive any approval or consent required by [the] Direction*'.

Decision:

The Deputy Mayor for Fire and Resilience approves expenditure up to £460,000 to develop, implement, and maintain a safety event reporting e-solution over five years.

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:

8 October 2020

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

Decision required – supporting report

1. Introduction and background

- 1.1. The London Fire Brigade (Brigade) requires a system with the core functionality of reporting and recording safety events and investigations in a timely and succinct way in order to facilitate compliance with health and safety legislation, including the Management of Health and Safety at Work Regulations 1999 and the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2012.
- 1.2. In addition to the requirement to have a simple solution for the purposes of legal compliance there are many reasons for having an efficient, effective and comprehensive solution for safety event reporting, including:
 - reducing injuries and work-related ill health, to staff and members of the public;
 - reducing staff absence attributed to workplace injury and ill health;
 - reducing damage to Brigade vehicles and equipment; and
 - reducing the significant financial costs associated with all the above.
- 1.3. An effective solution for safety event reporting and investigation is integral to maintaining established performance reporting against a number of key corporate performance metrics, helps mitigate risk in relation to several corporate risks including CRR1 'Death or serious injury...' and supports the Brigade transformation strategy in a number of areas including ensuring the Brigade is the best place to work by supporting and enabling the Brigade to be a learning organisation and in delivering excellence by supporting operational assurance and improvement processes to improve the effectiveness of our service.
- 1.4. The Brigade has been using an electronic safety event reporting system for approximately 20 years. The contract with the current provider introduced a greater range of flexibility in the solution, including the ability to report different types of safety events on specially designed forms, to report near misses more quickly and anonymously if required and to use the solution remotely, including on portable devices. With the award of the last contract the Brigade also moved the solution off Brigade servers and to a hosted environment for the first time in accordance with the Brigade's ICT strategy. The current contract is ending in December 2020 and procurement needs to commence.
- 1.5. The current system provides reporting facilities for staff, allowing them to access a defined set of recording templates that can be amended as necessary to meet the needs of the Brigade. The main functions of the current system are as follows:
 - to report safety events including workplace injuries and ill health, near misses (including anonymous reports), vehicle events (e.g. road traffic collisions involving Brigade vehicles), environmental incidents and contamination events;
 - to complete investigation records that identify and record the causes of safety events and corrective actions;
 - to generate reports and allow trend analysis;
 - to complete and record health and safety audits; and
 - to electronically store all investigation records and associated documentation, policies, risk assessments, photographs and video files.

2. Objectives and expected outcomes

- 2.1. The primary objective of the procurement process is to identify and purchase a safety event reporting and investigation system which fully meets or exceeds our current requirement. In brief, this includes:
- intuitive data entry;
 - definable and configurable data capture;
 - definable and configurable reporting functionality;
 - monitoring of completion of investigation records and associated actions;
 - monitoring of work-related ill health;
 - control of access and system administration rights;
 - automated email or in-built notification functionality;
 - capacity to complete and record health and safety audits; and
 - paperless record keeping.

Procurement

- 2.2. The most recent contract was awarded through the Crown Commercial Services Digital Market place (G-Cloud) framework. As such there were limitations on the length of the contract, which currently stands at a maximum of 2 years, with potential to extend for a further year. Having come to the end of the contract it has become clear that 3 years is too short a timescale to allow consistency and stability in a new solution, including in terms of functional use (i.e. staff familiarity with the solution), employee training in the use of the system for safety event investigation and cultural improvement (i.e. staff engagement with the system increasing and leading to improved investigation and safety outcomes).
- 2.3. As such, it is proposed the next contract is awarded for a longer duration. A contract award of 5 years is considered optimal.
- 2.4. The LFB Procurement department have advised the best option for procurement is to undertake a restricted OJEU process, with a shortlist of suppliers being selected to invite to tender following expressions of interest and the completion of an online supplier questionnaire.
- 2.5. The contract will be awarded to the supplier submitting the most economically advantageous tender.

Outline costs

- 2.6. The value of the contract is estimated to be a maximum of £460,000 over five years (see table below). These costs cover functional system development, ICT Security testing and systems integration costs, which will be required if we move to a new supplier and additionally for the ongoing licensing, maintenance and support costs over five years.

| | Pre release (Year 1) £ | Year 1 £ | Year 2 £ | Year 3 £ | Year 4 £ | Year 5 £ |
|--|---------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| System development, ICT security testing and systems integration | 160,000^ | | | | | |
| Licensing, technical support and system maintenance | | 60,000 | 60,000 | 60,000 | 60,000 | 60,000 |

Table 1. Costs over 5 years

^ - costs required to be met if a new supplier is awarded the contract and new system development, configuration and testing is required

Collaboration

- 2.7. Under the Policing and Crime Act 2017, the LFC has a duty to keep collaboration opportunities (with police and ambulance services) under review and, where it is in the interests of efficiency or effectiveness, to put those collaboration opportunities into practice.
- 2.8. Expressions of interest from other Fire and Rescue Services (FRS's) and the wider Bluelight community were requested. Details of the procurement were posted on the NFCC ICT Managers group, the NFCC Procurement group and the Bluelight Procurement Database forum. One potential expression of interest was received from Buckinghamshire Fire and Rescue Service, who have now confirmed that they would be interested in collaboration, subject to costs and financial approval, and this is now being explored further.
- 2.9. Use of the TfL ICT Resellers Framework has been considered, however the most common Safety Event Reporting software used by FRS's is not available via the resellers listed, therefore this procurement route has been discounted.
- 2.10. The LFB contacted the GLA Collaborative Procurement Team requesting: (1) if there was already a collaborative contract in place for this type of software that the LFB could utilise; and (2) if any of the other functional bodies had a similar requirement and would be interested in collaborating with the LFB. The GLA Collaborative Procurement Team contacted TfL to ask if there was anything in place for the GLA or TfL that LFB could utilise. TfL responded that they did not know of any other similar procurements in place in the GLA and they did not mention any potential to use any existing system that TfL utilise.
- 2.11. The OJEU notice states that this contract will be available for use by the other functional bodies, and the other FRSs within the UK.

3. Equality comments

- 3.1. The London Fire Commissioner and decision takers are required to have due regard to the Public Sector Equality Duty (s149 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, Sexual orientation.
- 3.4. The Public Sector Equality Duty requires us, in the exercise of all our functions (i.e. everything we do), 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 was undertaken on 7 May 2020. The impact assessment found mainly neutral impacts but a potential adverse impact on disabled staff (those with learning needs/dyslexia). This will be mitigated by ensuring there is a requirement in the software specification for the system to be compatible with Brigade Assistive Technology solutions.

4. Other considerations

Sustainability

- 4.1. Health, safety and wellbeing is one of the five themes under the Brigade's sustainable development framework. This report is consistent with the objective under the Sustainable Development Strategy 2016-20 (FEP 2580) to 'protect and promote the health, safety and wellbeing of our staff' through the monitoring of performance data to reduce the impact of injuries and days lost to safety events.

5. Financial comments

- 5.1. This report recommends that revenue expenditure of up to £460,000 is approved to develop, implement and maintain a safety event reporting e-solution over five years. This expenditure is made up of £160,000 in implementation costs and maintenance costs of £60,000 annually for five years. The one-off implementation costs of up to £160,000 can be funded from the revenue ICT development reserve. There is an existing revenue budget for maintenance of the current system, which the £60,000 annual cost will be contained within.
- 5.2. There are no additional financial implications for the GLA.

6. Legal comments

- 6.1. The report seeks approval of expenditure in order to procure and award a contract for a new safety event reporting and investigation management software solution.
- 6.2. 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.
- 6.3. Section 1 of the Fire and Rescue Services Act 2004 (the "2004 Act") states that the Commissioner is the fire and rescue authority for Greater London. Under section 7(2)(a) of the 2004 Act, the Commissioner has the power to secure the provision of personnel, services and equipment necessary to efficiently meet all normal requirements for firefighting. The procurement of the contract is in keeping with the above and the Commissioner's powers under section 5A of the Fire and Rescue Services Act 2004 to procure services they consider appropriate for purposes incidental to their functional purposes.
- 6.4. Section 327D of the Greater London Authority Act 1999, as amended by the Policing and Crime Act 2017, states 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.
- 6.5. 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").
- 6.6. 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...". Based on the values set out in this report, the Deputy Mayor's approval is accordingly required for the London Fire Commissioner to procure and award this contract.
- 6.7. The report confirms procurement services are fully engaged in this matter. This will ensure the conduct of the procurement exercise and the subsequent contract award is made in compliance with the Public Contracts Regulations 2015.

Appendices and supporting papers:

Appendix 1: LFC-0381 – 'Procurement of a Safety Event Reporting and Investigation Management Software Solution'

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:

The commercial interests of the London Fire Commissioner require deferral of the decision until after the cooling off period for the contract award has expired.

Until what date: 1 November 2020.

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 agreed by the Corporate Investment Board on 21 September 2020.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature



Date

8 October 2020