

## REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD133

### Title: Home Office Grant Fund Expenditure Plan

#### Executive summary:

This report seeks the approval of the Deputy Mayor for Fire and Resilience for the London Fire Commissioner (LFC) to commit to expenditure of £1,700,000 (based upon existing costs) per annum for three years, for the recruitment of 40 Fire Safety Regulation staff.

In September 2020 the London Fire Brigade (LFB) received two grants from the Home Office totalling £5.5 million. These grants are to be used to bolster LFB protection activities and to assist in carrying out the Building Risk Review. A third grant of £3.9 million was received from the Home Office in April 2021.

This report sets out a proposed plan to allocate a spend against the grants. In order to support the various projects, both planned and ongoing, that meet the requirements of the grant offer letter, it is proposed to recruit additional staff as supernumerary for a number of years. These staff would be employed on a mixture of permanent and temporary bases, relating to their role. It is proposed to recruit Fire Safety Advisers and administrative support staff. This expenditure will require no funding from LFB existing budgets.

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 £150,000 or above as identified in accordance with normal accounting practices...”.

#### Decision:

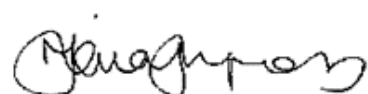
That the Deputy Mayor for Fire and Resilience authorises the LFC to commit expenditure of up to £1,700,000 per annum for three years, for the recruitment of 40 Fire Safety Regulation staff using fire protection grant income provided by the Home Office.

#### 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:

5/10/21

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

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

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

- 1.1 Report LFC-0566y to the London Fire Commissioner (LFC) sets out the background for the request to approve expenditure for the London Fire Brigade (LFB) to recruit 40 supernumerary Fire Safety Regulation (FSR) staff for three of years.
- 1.2 Grant funding was made available to LFB in September 2020 from the Home Office, the purpose of which was to “make a significant impact in driving improvement in the protection function within fire and rescue services, tackling risk in the built environment and supporting the Building Risk Review work” (Home Office Grant offer letter dated 29 July 2020).
- 1.3 Prior to, and since, the receipt of this fund, a great deal of work has gone on to identify ways LFB Protection (FSR) can improve its efficiency and deliver a better service. The major projects that are now under way are:
  - the Centre of Learning and Excellence: a bespoke training centre to ensure we have the best people trained to the levels set out in the National Fire Chiefs Council (NFCC) joint Competency Framework
  - Building Design and Consultation Hub: a new function of Fire Engineering where all aspects of the building consultation process are brought under one roof to ensure a consistently high standard of advice and guidance to address risk in the built environment
  - Building Risk Review team: a new team set up to manage and quality-assure the triage of over 8,000 high-rise residential premises in London. This task is on track to be completed by December 2021. There will also be a requirement for quality-assuring the work beyond December 2021.
- 1.4 These major projects require a significant number of qualified and experienced staff in order to deliver on these key goals. The Home Office made it clear in December 2020 that HM Treasury rules dictate LFB cannot use grant funds to pay for new posts that are filled with existing staff. This includes existing staff fulfilling different roles, which means operational staff cannot be used to fulfil Fire Safety posts whilst claiming back grant money. A separate workstream is under way to look at increasing the number of operational staff in Fire Safety. It must be new staff who are employed in order to fulfil the Home Office and Treasury conditions around expenditure. This rule presents all fire and rescue services with an acute problem due to the shortage of trained Fire Safety staff in the jobs market. Employing retired staff was also hindered by a rule forbidding pension abatement costs to be paid using grant funds.

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

- 2.1 In order to meet the requirements of the projects referred to in paragraph 1.4, above, staff have, and will be, seconded from existing posts in various Fire Safety departments (primarily Delivery) and these posts will require backfilling. Clarification from the Home Office in February 2021 means that LFB can employ full-time staff to backfill as long as there is clear “additionality”, a term used by the Home Office accountants. This additionality can best be demonstrated by employing staff on a supernumerary basis (beyond existing establishment levels).

- 2.2 Due to the aforementioned shortage of trained staff in the marketplace, recruiting and training staff without a requirement for prior fire safety qualifications is the only viable option. The role of Fire Safety Adviser (FSA) is the entry-level role for LFB's Protection department. As of February 2021, the FSA establishment (number of budgeted posts) in LFB is 24. In contrast to the difficulty faced in recruiting trained staff, FSA roles have attracted approximately 100 applicants each time a recruitment round has been advertised. These applicants are of diverse backgrounds and experience, which is of additional benefit to LFB. It is possible that COVID-19 has encouraged many people to consider a change of career.
- 2.3 It is recognised that FSAs require training as they can be employed with little or no fire safety experience. Therefore LFB Fire Safety would, as a matter of normal business, forward-plan its recruitment to take the training period of about six months into consideration. Following this period, an FSA should undergo further development and attain the role of Inspecting Officer (IO) in approximately one year. Staff turnover means that approximately 15 IO roles become vacant every year due to staff leaving or retiring.
- 2.4 Employing 36 FSAs immediately, along with four Administrative Support Officers, would enable LFB to start addressing the issue of backfilling posts that will be vacated. The costs would be:
- FSAs: £42,837 x 36 = £1,542,132 per annum (current costs)
  - Administrative Support Officers: £36,911 x 4 = £147,644 per annum (current costs)
- 2.5 This staffing level will therefore cost approximately £1,700,000 per annum. The current grant level (and expenditure rules) would enable LFB to employ this number of staff for three years.
- 2.6 During this three-year period LFB could reasonably assume to lose 45 FSR staff (mainly IOs) and, therefore, these supernumerary staff will be available to take up establishment positions and be assimilated before the grant funding is exhausted. The staff turnover rate, including promotions and leavers, will be carefully monitored by a new role in the establishment team as this may have an effect on the number and duration of the funded posts. It is accepted that there is a risk of carrying supernumerary staff without future funding guaranteed; this will be added to the corporate risk register with the requisite control measures in place.
- 2.7 As of August 2021, Fire Safety has an establishment of 199 IOs and FSAs with 156 of these currently filled. This leaves 43 vacancies. Current plans allow for a minimum of 48 new FSAs taken in per year. Taking in a predicted loss of 15 staff per year, full (current) establishment should be reached by the end of 2022, with the supernumerary 36 FSAs covered by this paper in place by the end of 2023. These figures are based upon the minimum level of recruitment.
- 2.8 In order to measure the benefit these additional staff will bring, LFB will carry out a quarterly evaluation of audit and enforcement numbers, in line with the return that the NFCC requires to show the Home Office how their investment is bolstering the protection function.
- 2.9 To date LFB has drawn down on £1,100,000 of the available grants; this has, in the main, been on staffing costs. This expenditure would account for approximately £5,000,000 over three years. LFB is preparing plans for the remaining grant expenditure. As set out in Appendix 1 of the appended report LFC-0566x, projected costs are:
- £6,000,000 on staff wages (including this proposal)
  - £20,000 on overtime

- £756,853 on a range of training packages and courses
- £40,000 on travel and subsistence
- £307,182 on software and IT
- £400,000 on capital expenditure projects

2.10 There is a contingency of approximately 10 per cent which has not been allocated to any projects. It should be noted that the figures above are estimates based upon early projections of project costs and consist of multiple separate projects under each heading, most of which will be under £150,000 individually. LFB has confirmed that none of the above costs have yet been incurred. Where proposed expenditure is above £150,000, in accordance with the Mayoral Direction (as discussed in paragraph 6.3), the Deputy Mayor's approval will be sought for the expenditure.

### **3. Equality comments**

- 3.1 The LFC 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
  - promote understanding.
- 3.8 As this report deals with the recruitment of additional staff fulfilling existing, agreed role maps, it is assessed that there are no additional considerations in this instance. All considerations will have been assessed in the existing roles EIAs. Recruitment to posts will be undertaken in line with relevant Equal Opportunities and Recruitment policies.

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

##### *Workforce comments*

- 4.1 Report LFC-0566x was circulated by LFB to the Fire Brigades Union, GMB and Unison for comment. No comments were received.

##### *Sustainability implications*

- 4.2 There are no appreciable sustainability impacts as this is a proposal to employ more staff on existing conditions.

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

- 5.1 This paper recommends that the LFC approves the recruitment of 40 supernumerary FSR staff. This is at a total cost of £1,689,776 per annum from 2021-22, for an estimated three-year period. The cost of this will be contained from within the £9.4m in fire safety grants from the Home Office. Staff turnover and any resulting vacancies against these 40 supernumerary positions may impact their forecast duration. Spend against this will be monitored and is reported, as required, on a quarterly basis in the regular financial position reports and also to the Home Office.
- 5.2 Total spend of £1,100,000 has been made against the grant income in 2020-21. In addition, planned expenditure includes £600,000 on training and development; £400,000 on property works; and £200,000 on a new web-based auditing tool. These items are in addition to the planned supernumerary staff costs, resulting in a total of £7,367,000. Additional information on these spend areas and residual grant balances will form part of future reports as required, to ensure governance requirements are met.
- 5.3 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 LFC 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 LFC 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 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...”.
- 6.4 The Deputy Mayor's approval is therefore required for the expenditure of the grant funding as set out in this report.
- 6.5 The relevant statutory duties and powers are to be found under section 6 of the Fire and Rescue Service Act 2004 (FRSA 2004) whereby the Commissioner “must make provision for the purpose of promoting fire safety in its area”. In making such provision the Commissioner must “in particular, to the extent that it considers it reasonable to do so, make arrangements for ... the provision of information, publicity and encouragement in respect of the steps to be taken to prevent fires and death or injury by fire”, “the giving of advice, on request, about how to prevent fires and restrict their spread in buildings and other property; and the means of escape from buildings and other property in case of fire.”
- 6.6 Furthermore under section 5A of the FRSA 2004, the LFC, being a “relevant authority,” may do “anything it considers appropriate for the purposes of the carrying-out of any of its functions”, including anything incidental, to any number of removes.
- 6.7 The proposals in this report therefore fall within the Commissioner’s functions under section 6 and under the powers set out in section 5A FRSA 2004.
- 6.8 The creation of any additional posts and recruitment to those posts should be undertaken in line with LFC’s usual policies and procedures.

## **Appendices and supporting papers:**

Report LFC-0566y – Home Office Grant Fund Expenditure Plan

**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**

**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**

\_ 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 4/10/21.

✓

**EXECUTIVE DIRECTOR, RESOURCES:**

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

**Signature**

**Date**

5/10/21

