

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD175

Title: Approval for the reintroduction of a second operational director post

Executive summary:

This report recommends that the Deputy Mayor for Fire and Resilience approves the London Fire Commissioner (LFC) committing annual revenue expenditure of up to £240,000 for the purpose of funding the reintroduction of a second operational director post for London Fire Brigade (LFB).

The Deputy Commissioner and Director for Operational Delivery, Richard Mills, has announced his retirement from LFB. The Operational Delivery Director post is held by LFB's second operational officer; this is, at present, the statutory Deputy Commissioner. The decision to move to a single operational director model was taken in 2020; previously there had been two operational Deputy Commissioners, with varying responsibilities.

The reintroduction of a second operational director post will ensure the LFC is equipped with the necessary capacity and capability within the Executive team to deliver the scale of transformation required including the commitments set out in the LFB's Community Risk Management Plan.

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 London Fire Commissioner to commit annual revenue expenditure of up to £240,000 for the purpose of funding the reintroduction of a second operational director post.

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:

4/10/22

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

Decision required – supporting report

1. Introduction and background

- 1.1 Report LFC-0738x to the London Fire Commissioner (LFC) explains that in May 2022, Deputy Commissioner and Director for Operational Delivery, Richard Mills, announced his intention to retire from London Fire Brigade (LFB). The Operational Delivery Director post is held by LFB's second operational officer; this is, at present, the statutory Deputy Commissioner. The decision to move to a single operational director model was taken in 2020; previously there had been two Operational Director posts, with varying responsibilities. The third officer role is held by an Assistant Commissioner who is given a Special Responsibility Allowance for the additional responsibility.
- 1.2 The vacancy created by the retirement of the incumbent post-holder affords the LFC the opportunity to reflect on the most appropriate structure for LFB at the director rank/grade. This paper recommends the reintroduction of a second operational director which will support:
 - the ability of the LFC and the Mayor of London to succession-plan effectively
 - the direction of travel laid out in the draft Community Risk Management Plan (CRMP)
 - addressing the perception of a diminished operational voice at the top of the organisation.
- 1.3 The reintroduction of a second Operational Director post is intended to enable the LFC to consider the most appropriate division of responsibilities that support the delivery of its strategic priorities. This report includes a recommendation on the functions within the responsibility of each Operational Director post; and a recommendation on the division of responsibilities for the Assistant Commissioner posts.

2. Objectives and expected outcomes

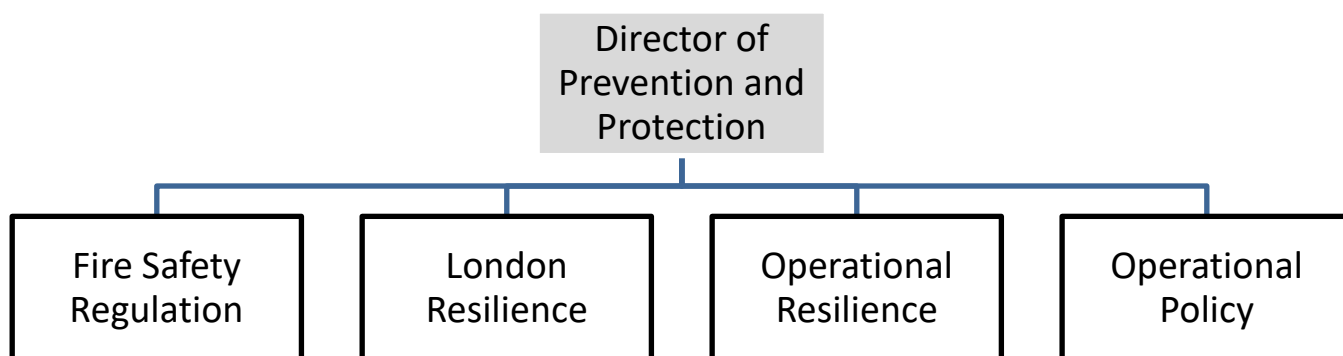
- 2.1 The content of this proposal reflects advice given by the LFC to the Deputy Mayor for Fire and Resilience (the Deputy Mayor). In keeping with the GLA's commitment to operational independence for the LFC, reflected in the principles of the Mayor's LFC Governance Direction 2018, the Deputy Mayor has provided feedback on the content of the proposals to the LFC. This decision primarily concerns the required approval for the expenditure the LFC needs to incur in delivering his preferred approach.
- 2.2 The LFC is responsible for leading LFB through a period of unprecedented change. The publication of LFB's second full inspection report undertaken by His Majesty's Inspectorate for Constabulary, and Fire & Rescue Services has set out further recommendations for improvement. Combined with likely further outcomes from the Grenfell Tower Inquiry, LFB's own review of its culture being published in November 2022 and the development of the CRMP, the scale of transformation required across all parts of the organisation is substantial.
- 2.3 The current structure of the LFC's executive team has been in place since 2020, with the decision taken to retain all elements of operational accountability under one director role, which also serves as the statutory Deputy Commissioner post. Whilst maintaining that the current model

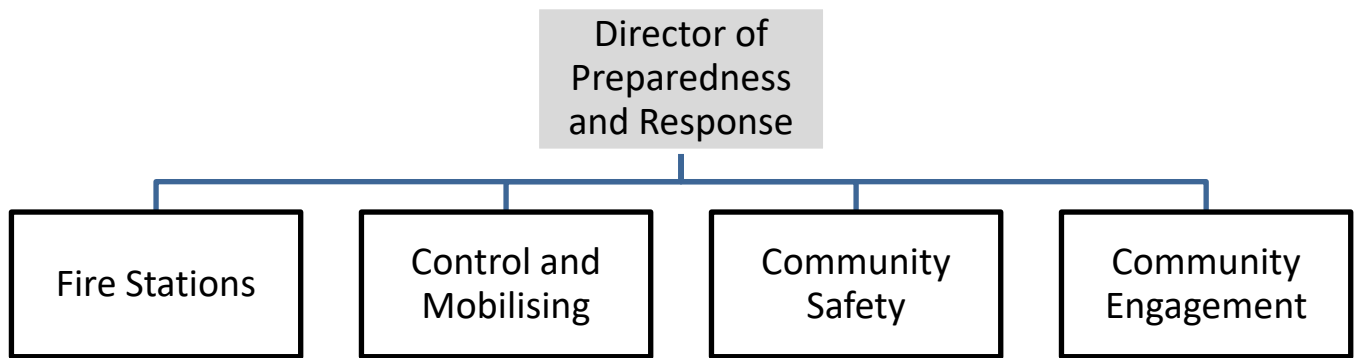
retains some advantages, in terms of a single point of accountability for all operational matters, the LFC has advised it is unlikely to provide sufficient capacity and leadership in delivering the scale of transformation and cultural change necessary across the operational workforce to support the LFC in the delivery of the commitments set out in LFB's CRMP. The LFC has advised that moving back to a model of two operational posts also ensures a wider option in terms of succession planning for the post of LFC, as well as addressing an established view that senior operational roles are under-represented at executive level in LFB.

- 2.4 The LFC has advised that the most logical split of functions is based on LFB's outward-facing relationships: first, an Operational Director who is responsible for how LFB relates to other businesses and agencies (business-to-business (B2B) relationships) and second, an Operational Director who is responsible for how LFB relates to the people we serve (business-to-customer (B2C) relationships). Both director posts would be responsible for driving and delivering transformational change, improving culture and delivering against LFB's corporate objectives in their functions. Prospective applicants will be tested in the assessment process against these elements, and they will also be prioritised in the job descriptions.

Table 1 – Operational Director functional responsibilities and organograms

B2B	B2C
<i>Prevention and protection functions</i>	<i>Preparedness and response functions</i>
Fire Safety Regulation (function from Operational Delivery)	Fire Stations (function from Operational Delivery)
London Resilience (function from Operational Delivery)	Control and Mobilising (function from Operational Delivery)
Operational Resilience (function from Operational Delivery)	Community Safety (function from Operational Delivery)
Operational Policy (function from Operational Delivery)	Community Engagement (function from Communications Directorate)





2.5 The final title of the director posts will be determined following the appointments process, as will the decision on which of the post-holders undertake the statutory role of Deputy Commissioner which will be addressed as part of the assessment process. The functions that sit below each director, as set out in table 1 (above) will be subject to further consultation and review with the successful post-holders and the teams affected. LFB currently has a budget and an operational requirement for six Assistant Commissioners. In the proposed structures in table 1 the indicative division of responsibilities under each Director would include the following functions:

- Reporting to the Director for Preparedness and Response:
 - Assistant Commissioner for Fire Stations
 - Assistant Commissioner for Control and Mobilising
 - In addition, it is recommended that consideration be given to the Community Safety and Community Engagement function being led by an Assistant Director role, separate from Fire Safety and Regulation
- Reporting to the Director for Prevention and Protection:
 - Assistant Commissioner for Operational Policy
 - Assistant Commissioner for Fire Safety and Regulation
 - Assistant Commissioner for Operational Resilience
- Reporting to the Director for Transformation: Assistant Commissioner for Service Delivery Assurance.

2.6 The organisation structure will be reviewed and amended to reflect the changes at Deputy Commissioner and Assistant Commissioner levels; and to allow the new directorate and departmental structure to be confirmed, and to support systems aligned to this.

2.7 Any further change to how the Assistant Commissioner areas of responsibility under each function are then organised is to be determined once the post-holders are in place.

2.8 Following the review being undertaken into LFB's Central Operations and the Establishment Performance team, consideration will be given as to the future function and disposition of this team. This is consistent with the recommendation made when the People Directorate was established in 2020.

2.9 Recruitment to the posts will commence with the Assistant Director for People Services having accountability for undertaking a full search across the UK fire sector and, where practical,

overseas. A full assessment process will be undertaken with the final shortlisted candidates being assessed by a panel chaired by the LFC, supported by the Independent Operational Assurance Adviser, with representation from the Deputy Mayor and the Home Office. It is currently planned to complete this by the 30 September 2022.

- 2.10 Appointment to the Operational Director posts will be subject to further Deputy Mayor approval. This will also include a recommendation to the Mayor of London concerning which of the proposed post-holders is appointed to the statutory Deputy Commissioner role. The prior approval of the Mayor is required before the appointment of the Deputy LFC can be made pursuant to Paragraph 3 of Schedule 27A of the GLA Act 1999. Approval will be via a letter from the Mayor.
- 2.11 The introduction of a second Operational Director provides an opportunity to expand and codify the direct reports into the LFC and other key officers into an expanded Commissioner's Executive team (CET). This group would meet on a weekly basis and be responsible, as an executive team, for the day-to-day leadership of LFB. Alongside this, the support required to the expanded CET will be reviewed – including staff officers, executive assistants and drivers – and may require some additional posts. It is also planned that the organisational structure will be reviewed.
- 2.12 In addition to changes to responsibilities at the Assistant Commissioner level, the CET will reflect on whether the division of responsibilities at Deputy Assistant Commissioner level is aligned to the CRMP, particularly but not limited to fire stations. This would be the subject of a separate report if required.

3. Equality comments

- 3.1 The LFC and the Deputy Mayor 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 The report focuses on the creation of a new position where there will be opportunities for LFB to develop its inclusion work with other businesses, considering the impact of the Public Sector Equality Duty, and more broadly, the Equality Act 2010. Drawing on the diversity of other organisations externally will also give the LFC an opportunity to observe best practice and experience in order to strengthen our own inclusive practices. This will be a positive change broadly, as consideration of inclusion externally can be drawn into the job description, as well as the recruitment process. Inclusive B2B practices are a principle that will need to be explored as a theme, whether at sift or assessment level.
- 3.9 The recruitment process itself presents opportunities for positive action work, noting the composition of the senior leadership team and specifically, Heads of Service and Directors. Seeking suitable candidates who can demonstrate diversity of thought, lived experience of London, and an understanding of the issues facing LFB in relation to the Togetherness Strategy. Particular attention will be paid to inclusive advertising in a range of locations, the content and presentation of the advertising, and consideration of how to attract diverse talent through a variety of channels. The recruitment process will also drive the importance of inclusion and our responsibilities relating to the Equality Act 2010, and should have a dedicated focus as well as a thread through all the assessment stages. Any recruitment agency should be considered against their performance in terms of attracting diverse talent, and their own inclusion policies.

4. Other considerations

Workforce comments

- 4.1 Representative bodies have been consulted on the proposed reintroduction of a second Operational Director. Prospect union was invited to comment and suggest any

amendments it considered necessary. Feedback included the need for further consultation with staff who have leadership responsibility for the functions beneath Director level; this will be undertaken following appointment to the roles. Broader consultation will commence with employees impacted by the change once approval is received.

Conflicts of interest

- 4.2 There are no conflicts of interest to declare from those involved in the drafting or clearance of this decision.

5. Financial comments

- 5.1 This report recommends that a second Operational Director (Deputy Commissioner) post is established at an annual revenue cost of £240,000. This will have a part-year impact (based on an implementation date of 1 October 2022) of £120,000 in 2022-23, which will be funded from the Budget Flexibility Reserve (BFR), which at the end of quarter 1 is forecast to be £27,084,000. If agreed this cost will be added to the LFC's Medium Term Financial Plan (MTFP) for future years, and additional savings will be identified in the LFC's 2023-24 Budget Submission, due on 25 November 2022, to fund this ongoing pressure in the future.
- 5.2 The new Operational Director post leads to an expansion of the CET; therefore, a review of the support to the CET is also required. Any cost of an increase to the support arrangements would also be met from the BFR in 2022-23 and added to the MTFP for future years. This review is being undertaken by the office of the LFC; it is not anticipated that a further Deputy Mayor for Fire and Resilience Decision will be required.

6. Legal comments

- 6.1 Section 1 of the Fire and Rescue Services Act 2004 states that the LFC is the fire and rescue authority for Greater London. Section 327A (5) of the Greater London Authority Act 1999 requires the LFC to secure that the London Fire and Rescue Service is efficient and effective. This means the personnel, services and equipment secured by the LFC for the purposes of carrying out the LFC's functions.
- 6.2 In accordance with Section 5A Fire and Rescue Services Act 2004 (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'. This is a matter coming within that power.
- 6.3 Under section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, 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 his or her functions. 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. 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...". The costs in this report exceed that threshold and accordingly, prior approval is required.

6.4 These comments have been adopted from those provided by the LFC's General Counsel Department in report LFC-0738x to the London Fire Commissioner.

Appendices and supporting papers:

LFC0738x Approval for the reintroduction of a second Operational Director post

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

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

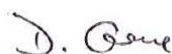
A summary of this decision was reviewed by the Corporate Investment Board on 3 October 2022

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature



Date

4/10/22