

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD177

Title: Fire Safety Additional Training Costs

Executive summary:

This report requests the approval of the Deputy Mayor for Fire and Resilience to authorise the London Fire Commissioner (LFC) to commit to revenue expenditure of up to £657,500 over the period of 2022-23 to 2025-26, for the purpose of training and upskilling of London Fire Brigade (LFB) staff in fire safety over these four years. The training will enable LFB staff to deliver fire safety checks, inspections and consultations in line with the requirement of the National Occupational Standards, and recommendations from His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, and the Grenfell Tower Inquiry. This will in turn allow LFB to deliver a better service to London, while ensuring robust internal assurance processes are in place. The training will be funded through a draw against the Home Office grant for protection uplift, which is held in the Fire Safety and Youth Engagement Reserve. That reserve has a forecast closing balance of £4,612,000 at the end of the 2022-23 financial year, before the proposed expenditure of £657,500, which should leave approximately £100,000 of previously unallocated protection uplift funding once this and other allocated expenditure have been taken into account over the lifetime of the 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 expenditure of up to £657,500 for training and upskilling London Fire Brigade staff in Fire safety over the period 2022-23 to 2025-26, as detailed in table 1 of the report.

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:

24/11/2022

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

Decision required – supporting report

1. Introduction and background

- 1.1 Report LFC-0736y to the London Fire Commissioner (LFC) sets out the background for the request to approve expenditure for London Fire Brigade (LFB) to draw down £657,500 from reserves, and commit revenue expenditure of up to £657,500 from the Home Office protection uplift grant fund, for the purpose of training and upskilling of LFB staff in fire safety in those matters set out in Table 1 of this report.
- 1.2 The changes to the risks in the built environment in London identified by Government and the National Fire Chiefs Council (NFCC), together with the findings of the Grenfell Tower Inquiry, have increased the requirement on LFB to have highly trained staff who are qualified to National Occupational Standards; are accredited; and have access to robust continued professional development (CPD). This is necessary to enable LFB to meet the requirements of the NFCC competency framework for Fire Safety Regulators, and to provide the prevention and protection activity that London requires.
- 1.3 LFB has a statutory obligation to ensure it can effectively enforce the Regulatory Reform (Fire Safety) Order 2005 (RRO), and support the forthcoming statutory Fire Safety Act and Building Safety Act.
- 1.4 Due to staff retiring and an increased demand for these skill sets in the public and private sectors, LFB's Prevention and Protection department lost 28 per cent of its staff in 2021, and has already lost a further 10 per cent in the first quarter of 2022. It is essential that LFB upskill its remaining staff as the majority of these lost staff were highly trained and skilled officers. Although the Prevention and Protection department are continually working to address and reduce the attrition of staffing levels and increasing workloads, LFB must still recruit and train new staff.
- 1.5 The government requires fire safety inspecting officers to be professionally qualified (with a Level 4 Diploma) and accredited with a professional body. This is part of a government-wide training requirement to ensure Prevention and Protection staff are upskilled to the correct level, enabling them to inspect the significant number of higher-risk premises in London.
- 1.6 Due to the requirement that fire safety regulators need to achieve recognised competence standards, it can take staff 18 to 24 months to fully train to fire safety adviser level; and a further 12 months to complete the training to become a competent fire safety inspecting officer.
- 1.7 LFB is also required to train staff in preparation for the introduction of the Building Safety Regulator under the Building Safety Act (BSA). LFB will also need to train staff for other expected changes in fire safety legislation under both the BSA and the Regulatory Reform (Fire Safety) Order 2005.
- 1.8 The consequence of the increased requirements set out above is that extensive additional training needs to be commissioned. Existing contracts for training that LFB has in place with suppliers only have limited scope for the additional training requirements. Consequently, where existing contractual arrangements are not sufficient to meet the increased training requirements set out above, LFB will need to either amend those contracts, within the limits imposed by the statutory procurement rules, or procure additional training services to fulfil the new training requirements.
- 1.9 The LFC has also made a commitment to upskill a number of operational staff with a fire safety qualification to enhance operational response/professionalism, which is reflected in the LFB Delivery Plan for 2022-23.

- 1.10 LFB holds a substantial risk with regard to ensuring competency of staff regarding the built environment. This is one of the risks recorded under the heading of 'OD1' in LFB's Corporate Risk Register, and is currently showing as 'red'.
- 1.11 The recommendations in this report would support not only Prevention and Protection, but also other LFB departments – such as Procurement, and Training and Development – to procure, design and deliver training to react quickly to the changing landscape.
- 1.12 The funding will come from the Home Office protection uplift grant fund, currently held in reserves. Deputy Mayor for Fire and Resilience Decision (DMFD) 133 explained that in September 2020, LFB received two grants from the Home Office totalling £5.5m. These grants were to bolster LFB protection activities, and to assist in carrying out the Building Risk Review. A third grant of £3.9m was received from the Home Office in April 2021. DMFD133 authorised 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.
- 1.13 LFB will be reporting quarterly to the NFCC and Home Office on the training that has taken place using this funding.
- 1.14 Further reporting may be required subject to any additional unknown factors that may influence training requirements over and above those stated within this report, particularly with regard to the requirements for additional staff to support the Building Safety Regulator.

2. Objectives and expected outcomes

- 2.1 The LFC is seeking to be able to draw down £657,500, which will allow staff to be trained over a four-year period, from the Home Office protection uplift grant fund. This four-year period allows the Prevention and Protection department to train staff over a longer period on an 'as needed' basis (workforce planning assumptions may change over this time), as Training and Development have advised that the large number of station-based staff cannot be trained over a shorter period due to issues around releasing them from operational duties.
- 2.2 Table 1, overleaf, provides examples of the training required over the next four years, with professional estimates exceeding £150,000.

Table 1

Training	Detail	Estimated cost
Level 3i Introduction to Fire Safety, with the potential to offer Level 2 if this is adopted within the competency framework, which would provide better value for money	A variation to the contract needs to be placed to increase the number of slots, to enable station-based staff to be trained. The total value for this contract has exceeded 50 per cent of the original contract, and will therefore involve a new procurement process.	£157,500

Level 3 Fire Safety, Level 4 Certificate, and Level 4 Diploma in Fire Safety	To enable LFB to train fire safety inspecting officers and senior fire safety officers to the required standard. LFB will be required to go out to tender for a second two-year contract to run parallel with the existing training contract for these Skills for Justice qualifications.	£350,000
Master's Degree in Fire Engineering	To enable LFB to have an appropriately skilled Fire Engineering department – new tender. If LFB decides to stay with the same supplier and vary the contract, this may exceed £150,000. Based on updated Government guidance, all existing fire engineers will now need to be qualified to Master's level.	£150,000
Total		£657,500

- 2.3. In addition, further additional training may be required to react to the upcoming changes to fire safety legislation. Although not expected, if this is the case, adjustments may have to be made within the proposed funding bids on a prioritised basis (noting all bids have to be cleared by NFCC/Home Office to ensure eligibility). There will not be additional growth bids outside of this process.

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 An Equalities Impact Assessment has been written to support this report. One potential adverse impact was identified in terms of neurodiverse staff members. This impact has been mitigated by having mechanisms in place to identify issues and support candidates with their training through the use of reasonable adjustments.

4. Other considerations

Workforce comments

- 4.1 There are implications for the workforce because they will need to be trained, and to pass the training, in order to deliver the service to the standards required. This will upskill the staff and provide them with a professional qualification. The workforce will maintain these skills and qualification through regular supervision and CPD. The representative bodies for LFB staff were consulted on this report.

Sustainability comments

- 4.2 This report does not introduce any new sustainability impacts. Where new policies and/or corporate projects arise, they are subject to LFB's sustainable development impact assessment process.

Procurement comments

- 4.3 The contents of this report have been discussed with the Procurement, and Learning and Development departments.
- 4.4 New requirements for fire safety training will be considered in the context of existing LFB contracts, and whether there is scope to meet the requirement. Fire safety requirements that are new or exceed the scope of existing contracts and are over the £10,000 threshold will be subject to a formal tender process.

Conflicts of interest

- 4.5 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 revenue expenditure of £657,500 is agreed for training and upskilling LFB staff in fire safety over the period 2022-23 to 2025-26. The report recommends that this cost is funded through a draw against the Home Office grant for protection uplift, which is held in the Fire

Safety and Youth Engagement Reserve. That reserve has a forecast closing balance of £4,612,000 at the end of the 2022-23 financial year (before the proposed £657,500 spend) which will give a closing balance of £3,028,266.67 by the end of 2022-23 from the £6,237,759 in funding provided in 2021/22 and prior years. It should also be noted that further funding of £3,201,325 is now also expected in 2022/23, which will increase the closing reserve balance to £7,813,325 once received.

- 5.2 The LFC is required to provide regular returns to the Home Office on the use of the grant, and the agreement to the proposals in this report will demonstrate further progress.

Table 2: Protection grant fund spends

	Total	Projected spend	Variance
Previous funds	£6,237,759	£6,121,094	£116,665
2022-23 funds	£3,201,325	£3,289,835	– £88,510
	£9,439,084	£9,410,930	£28,154

Previous funds spend breakdown summary

Staffing	£4,931,537
Training and professional development	£948,416
IT	£241,141
Total	6,121,094

Note the training and professional development expenditure forecast above includes the £657,500 in expenditure requested in this paper.

2022-23 funds breakdown summary

Staffing	£2,400,610
Training and professional development	£100,836 (from previously allocated funding from 2022-23)
IT	£766,246
Other	£22,142
Total	3,289,835

Overall spend breakdown

Staffing	£7,332,148
Training and professional development	£1,049,252
IT	£1,007,387
Other	£22,143
Total	£9,410,930

Please note, the above figures with regards to planned spend may be subject to amendment if a reprioritisation of spend is required (all detail has to be agreed by NFCC/Home Office prior to commitment).

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 Greater London Authority Act 1999, as amended, 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. Section 1 of the Fire and Rescue Services Act 2004 states that the LFC is the fire and rescue authority for Greater London.
- 6.2. In accordance with sections 5A of the Fire and Rescue Services Act 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”; and, in accordance with articles 25 and 26 of the RRO, the LFC is the enforcing authority for Greater London and must enforce the provisions of the RRO. The LFC carries out the above duty by appointing fire safety inspecting officers.
- 6.3. The LFC must also have regard to the Regulators’ Code (the Code), made under the Legislative and Regulatory Reform Act 2006, in enforcing the Order. This includes a duty to ensure enforcing officers have the necessary knowledge and skills to support those they regulate. The LFC should therefore assure himself that fire safety inspecting officers and others supporting enforcement work have appropriate training and experience to align with the requirements of the Code. This report sets out additional training requirements and related expenditure required to comply with the requirements of the Code.
- 6.4. 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). Paragraph (b) of Part 2 of that 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 is identified in accordance with normal accounting practices...”.
- 6.5. The Deputy Mayor’s approval is accordingly required for the LFC to expend the monies requested in Table 1 of this report as each proposed expenditure exceeds that threshold.
- 6.6. All procurement activity will be undertaken in accordance with the LFC’s Standing Orders on Procurement and the Public Contracts Regulations 2015.
- 6.7. These comments have been adopted from those provided by the LFC’s General Counsel Department in report LFC-0736x to the LFC.

Appendices and supporting papers:

Report LFC-0736y – Fire Safety Additional Training Costs

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

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

Ross Jardine 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 21 November 2022.

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature:

Date:

23/11/2022

