

Fire Safety Additional Training Costs

Report to:	Date:
Operational Delivery Board	20 July 2022
Commissioner's Board	03 August 2022
Deputy Mayor's Fire and Resilience Board	31 August 2022
Investment & Finance Board	23 June 2022
London Fire Commissioner	

Report by: Vicky Lowry, Deputy Head of Community Safety

Report classification:
For decision

For publication
PART ONE
Non-confidential facts and advice to the decision-maker

Executive Summary

This report seeks approval from the Deputy Mayor and London Fire Commissioner (LFC) to commit to draw down funding from reserves and commit to expenditure for various fire safety training courses over a four-year period (from 2022/23 – 2025/26) to address imminent changes to Fire Safety legislation, specifically the Fire Safety (England) Regulations 2022 (commencing January 2023) and the Building Safety Act 2022 (noting the Building Safety Regulator regime is due to be phased in from April 2023 through to October 2024). Approval is sought for this to be in the form of a flexible spending envelope to allow the arrangement of training according to need. Several projects are collated into this report to allow oversight of interrelated training packages at the same time.

If agreed, the recommendations set out within this report will allow Fire Safety Regulation to train and upskill London Fire Brigade (Brigade) staff to deliver Fire Safety checks, inspections, and consultations in line with the requirement of the National Occupational Standards, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and Grenfell Inquiry recommendations. This will in turn allow the Brigade to deliver a better service to London, while ensuring robust internal assurance processes are in place.

Recommended Decisions

For the Deputy Mayor

The Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to commit revenue expenditure of up to £657,500 for the purpose of training and upskilling of Brigade staff in fire safety in those matters set out in Table 1 of this report.

For the London Fire Commissioner

1. The London Fire Commissioner agrees 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 Brigade staff in fire safety in those matters set out in Table 1 of this report and delegates authority to the Assistant Director Procurement and Commercial to undertake the necessary procurements and sign the required contracts.

This LFC decision will only be taken after further consultation with the Greater London Authority's finance and legal advisers and Corporate Investment Board.

1 Introduction and background

- 1.1 The changes to the risks in the built environment in London which have been identified by Government and the National Fire Chiefs Council (NFCC) together with the findings of the Grenfell Tower Inquiry have increased the requirement on the Brigade 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 the Brigade to meet the requirements of the NFCC competency framework for Fire Safety Regulators and provide the prevention and protection activity that London requires.
- 1.2 The Brigade 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.
- 1.3 Due to staff retiring and an increased demand for these skill sets in the public and private sector, Prevention and Protection 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 the Brigade up-skill its remaining staff as the majority of these lost staff were highly trained and skilled officers. Although Prevention and Protection are continually working to address and reduce the attrition of staffing levels and increasing workloads, the Brigade must still recruit and train new staff.
- 1.4 The government requires Fire Safety Inspecting Officers to be professionally qualified to Level 4 Diploma level 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 to enable them to inspect the significant number of higher risk premises in London.
- 1.5 Due to the requirements that Fire Safety Regulators need to achieve recognised competence standards, it can take 18 to 24 months to fully train staff to Fire Safety Advisor level and a further 12 months for staff to complete the training to become a competent Fire Safety Inspecting Officer.
- 1.6 The Brigade is also required to train staff in preparation for the introduction of the Building Safety Regulator under the Building Safety Act (BSA) and will also need to train staff for other expected changes in fire safety legislation under both the BSA and Regulatory Reform (Fire Safety) Order 2005.

- 1.7 The consequence of the increased requirements set out above is that extensive additional training needs to be commissioned. Existing contracts for training that the Brigade 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 the Brigade will either need to amend those contracts, within the limits imposed by the statutory procurement rules, or procure additional training services to fulfil the new training requirements.
- 1.8 The Commissioner 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 2022/2023.
- 1.9 The Brigade 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 the Corporate Risk Register and is currently showing as 'red'.
- 1.10 The recommendations in this report, if approved, would not only support Prevention & Protection but would also support other departments such as Procurement and Training & Development to be able to procure, design and deliver training to react quickly to the changing landscape.
- 1.11 Prevention and Protection are therefore 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 for the purposes of training. This four-year period allows Prevention and Protection to train staff over a longer period on an 'as needed' basis (workforce planning assumptions may change over this time), as Training & Development have advised that the large number of station-based staff will not be able to be trained over a shorter period due to issues related to releasing them from operational duties.
- 1.12 The funding will come from the Home Office protection uplift grant fund currently held in reserves.
- 1.13 The Brigade 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 objective is to improve the training and competence in fire safety within the Brigade. This will improve organisational confidence and reputation and enable the Brigade to implement the recommendations for improvements from the regulator.
- 2.2 The outcome of this would enable the Brigade to upskill all relevant staff with fire safety knowledge as well as a professional qualification. This will mean that the Brigade will be able to deliver a better service to London.
- 2.3 This report seeks approval for a funding envelope to procure and delivery fire safety training in the most efficient way.

2.4 Table 1 provides examples of the training required over the next four years, with professional estimates over £150,000:

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 percent 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 the Brigade to train Fire Safety Inspecting Officers and Senior Fire Safety Officers to the required standard. The Brigade 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 the Brigade to have an appropriately skilled Fire Engineering department – new tender. If LFB decide 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 Masters level.	£150,000
Total		£657,500

2.5 In addition, further additional training may be required to react to the upcoming changes to fire safety legislation.

3 Proposals

3.1 Option 1

The Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to draw down £657,500 from reserves and commit to revenue expenditure of up to £657,500 from the Home Office Protection Uplift Grant Fund for four years (from 2022/23 to 2025/26) for the purpose of training and upskilling of Brigade staff in Fire Safety.

This LFC decision will only be taken after further consultation with the Greater London's Authority's finance and legal advisers and Corporate Investment Board.

The London Fire Commissioner agrees 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 four years for the purpose of training and upskilling of Brigade staff in Fire Safety.

If the money for these training courses is not fully spent, the remaining total will be moved back into reserves.

3.2 Option 2

To progress individual requests and requirements for training provision and expenditure where contracts exceed or will exceed £150,000 separately. Due to the changing legislative and training requirements a significant number of new contracts and variations to contracts are expected to be necessary with a consequent significant impact on training delivery.

To proceed with option 2 would risk limiting boards' and decision taker's ability to consider the wider organisational and budgetary impacts of the collected training requirements as each request would need to be submitted separately through the full governance process over a period of months. This could lead to challenges providing effective oversight and potentially delay the commissioning of the required courses creating an organisational risk.

4. Equality comments

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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.

4.8 An Equalities Impact Assessment (EIA) has been written to support this report. One potential adverse impact was identified in terms of neuro-diverse 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.

5. Other considerations

Workforce comments

5.1 There are implications for the workforce because they will need to be trained and 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. This report has been sent to the unions for consultation and we are awaiting a response.

Sustainability comments

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

Communications comments

5.3 Not applicable.

Procurement comments

5.4 The contents of this report have been discussed with Procurement and Learning & Development.

5.5 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.

6 Financial comments

6.4 This report recommends that revenue expenditure of £657,500 is agreed for training and upskilling Brigade 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 £4,528,000 at the end of the 2022/23 financial year.

6.5 The Board is asked to note that 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.

7 Legal comments

- 7.1 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
- 7.2 In accordance with Sections 5A of the Fire and Rescue Services Act (FRSA) 2004, the Commissioner, 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 Regulatory Reform (Fire Safety) Order 2005 (the "RRO") the Commissioner is the enforcing authority for Greater London and must enforce the provisions of the RRO. The Commissioner carries out the above duty by appointing fire safety inspecting officers.
- 7.3 The Commissioner 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 Commissioner 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.
- 7.4 Under the Commissioner's Scheme of Governance, the following decisions are reserved to the Commissioner:
- A commitment to expenditure (capital or revenue) and business or commercial arrangements with a value of £150k and above.
- 7.5 The Commissioner may also approve spending below that value at his discretion, the expenditure identified in Table 2 of this report therefore may be approved by the Commissioner.
- 7.6 The Commissioner may also approve the movement of sums from reserves or from a Government Grant into departmental budgets at his discretion and may delegate to one of his officers authorities to conduct a procurement and enter into contract with an external supplier of services.
- 7.7 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"). 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...".
- 7.8 The Deputy Mayor's approval is accordingly required for the London Fire Commissioner to expend the monies requested in Table 1 of this report as each proposed expenditure exceeds that threshold.
- 7.9 All procurement activity will be undertaken in accordance with the Commissioner's Standing Orders on Procurement and The Public Contracts Regulations 2015.

Appendix	Title	Open or confidential*
1	Equalities Impact Assessment	Open

Part two confidentiality

Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part Two form, together with the legal rationale for non-publication.

Is there a Part Two form: No

Originating officer declaration

Reporting officer to confirm the following by using 'x' in the box:

Reporting officer

Vicky Lowry has drafted this report and confirms the following:

1. Assistant Commissioner Charlie Pugsley has reviewed the documentation and is satisfied for it to be referred to Board for consideration

X

2. Advice

The Finance and Legal teams have commented on this proposal:

Natasha Singh and Thomas Davies, **Legal Advisors** on behalf of General Counsel (Head of Law and Monitoring Officer).

David O'Sullivan, Financial Advisor, on behalf of the Chief Finance Officer.

X