

GREATER LONDON AUTHORITY

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD212

Title: LFB People Services Transformation – Phase One

Executive summary:

The London Fire Commissioner (LFC) is requesting the approval of the Deputy Mayor for Fire and Resilience for expenditure of up to the amount specified in the Part 2 report to transform the LFC's People Services directorate and the procurement of a new external support service for staff complaints. In addition, LFC is requesting approval for expenditure of up to £150,000 for the continuation of the current CMP Solutions Limited external investigation and advice service contract until the end of December 2023, which was previously authorised in Deputy Mayor for Fire and Resilience Decisions (DMFDs) 187 and 199.

The proposals seek to address challenges set by an Independent Culture Review, the Independent Review of People Services and His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) spotlight report on Values and Culture, recognising the pivotal role that People Services plays in determining and sustaining the London Fire Brigade's workplace culture and the step change that is required for it to do so effectively.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire 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...".

Decision:

That the Deputy Mayor for Fire and Resilience approves expenditure for:

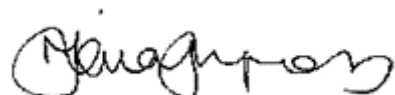
- transformation of the LFC's People Services directorate, costing up to the amount specified in the Part 2 report
- the continuation of the current CMP external complaints service contract until 31 December 2023, costing up to £150,000
- the procurement of an external support service for staff complaints, costing up to the amount specified in the Part 2 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:

18 September 2023

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

Decision required – supporting report

1. Introduction and background

- 1.1 Report LFC-086 to the London Fire Commissioner (LFC) explains that in March 2021, the LFC appointed Nazir Afzal to conduct an independent review of LFB’s workplace culture. His report was published in November 2022. Mr Afzal found that LFB, at its best, is a beacon of distinguished service, selflessness, and bravery. However, he also found evidence of institutional racism and misogyny, as well as poor treatment of staff with disabilities, including staff with neurodiversity. The review acknowledged the central role that human resources (HR) plays in determining organisational culture and described the LFB People Services department as non-strategic and disconnected, inefficient, ineffective and slow.
- 1.2 In total the Culture Review report made 23 recommendations, including a recommendation for a more detailed independent review of People Services by a HR specialist. In January 2023, Dr Jenny Simnett conducted an independent review of People Services and made a series of recommendations, including the creation of a new People Strategy, and transformation of People Services so that work is organised coherently, staff roles are clear and the HR service to the LFB improves.
- 1.3 Upon publication of the report, the LFC announced that all complaints relating to discrimination, harassment or bullying would be handed to an external complaints service, the expenditure for which was authorised by Deputy Mayor for Fire and Resilience Decision (DMFD) 187, to assure staff that their complaints would be handled independently and fairly, whilst improvements to LFB’s own functions were made. On top of the existing amount of £149,958 committed by the LFC, the total approved expenditure for the period 28 November 2022 to 31 May 2023 was £503,489. The company CMP Solutions Limited was contracted to provide the service.
- 1.4 An additional £747,910 expenditure to extend the contract was agreed in DMFD199 and LFC-0444. The contract for this service is due to end on 30 September 2023.
- 1.5 Shortly after the publication of the Culture Review report, LFB was put into enhanced monitoring by HMICFRS and has since been subject to regular scrutiny on progress against an action plan produced to meet both the HMICFRS and Culture Review report recommendations, which includes the review and improvement of People Services.
- 1.6 In April 2023, the HMICFRS released a Values and Culture spotlight report, considering findings from their inspections across the sector, making recommendations for all Fire and Rescue Services (FRS) to consider and adopt. These include the provision of a confidential reporting service for staff; the consideration of a Professional Standards function; increased background checks and the need to meet the National Fire Chiefs Council standards for managing people.

2. Objectives and expected outcomes

- 2.1 The proposals set out in this report aim to transform People Services into a customer-focused, high-value enabling function that will underpin a safe and professional working culture across the LFB. Part 2 of the report contains details of the proposals for People Services transformation and the procurement of an external support service for staff complaints.
- 2.2 In terms of the independent investigation and advice service, LFC was anticipating a significant workload for CMP Solutions Limited under the contracted service, although use of the service exceeded the earlier estimates set out in DMFD187. Data for the period up to 6 September 2023 is shown in Table 1 below.

Table 1 - Current usage statistics 28 November 2022 to 6 September 2023

Adviceline and Triage, CMP Practitioner calls and coaching and support to managers	295 contacts (including 51 coaching calls)
Investigations	34 live, 34 completed
Historic case reviews	31 reviews completed of 57 reviews identified
Historic case reviews – reinvestigation/no further action	6 re-investigations, 25 decisions pending
Mediation	6 requested

2.3 LFC reports that feedback from users of the service has been positive. 41 completed responses have been provided to date on the advice line, giving a very positive quantitative feedback assessment of the experience, helpfulness of the service, answering of questions and time allocated.

2.4 Volumes of cases are monitored weekly by LFB to track expenditure and make sure the service is being used effectively and appropriately. To ensure value for money, a monthly financial review meeting is held to review costs against actual usage and budget remaining.

Costs for 28 November 2022 to 6 September 2023

2.5 At the time of writing, LFC has been invoiced for costs of £608,000 by CMP Solutions Limited. Current live investigations in progress have an estimated cost of £430,000, which have not yet been invoiced, but the service has been provided and therefore the expenditure has been incurred.

2.6 The contract between LFC and CMP Solutions Limited does not include an upper limit on expenditure for the service, as LFC has determined that this would risk not resolving cases and providing the support LFC staff require. LFC reports that expenditure has been monitored closely during the period that the CMP Solutions Limited service has been provided.

Extension of service from 1 October 2023 to 31 December 2023

2.7 To continue to provide a service to staff, the LFC requires an extension of the CMP Solutions Limited service from 1 October 2023 to 31 December 2023. Volumes of cases will continue to be monitored weekly to track expenditure and make sure the service is being used effectively and appropriately to ensure value for money.

2.8 Estimated costs for the extension period are £150,000. As before, there will be no upper limit to expenditure under the contract between LFC and CMP Solutions Limited. However, LFC has provided an assurance to the Deputy Mayor that expenditure will be monitored closely and any indication that approved expenditure may be exceeded will be reported to the GLA as soon as possible.

2.9 CMP Solutions Limited has provided LFB with a reduced rate on their standard charges per activity and have retained the same charges for the extension period. However, it should be noted that costs may increase in the extension period. The estimated costs for the extension period 30 September 2023 to 31 December 2023 are approximately £150,000. The reason for the anticipated increase in costs is there are now several large complex reinvestigation cases following the historic review process which will require significantly more time and resources from CMP than standard cases, and investigator briefings for hearing managers following investigations are now in place. In addition, there are costs included for training for hearing managers.

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 In terms of CMP Solutions, LFC has reported that there is no evidence that the provision of the investigation, helpline and triage service has had any adverse impact on those staff with a protected characteristic although LFB would recognise that further ongoing work is needed as this is an interim measure. An Equality Impact Assessment has been completed for the extension service and the overall equality impact of this policy, project, decision or activity remains low. This service provides an independent and anonymised advice line for staff and managers. The independent review of cases is capturing lessons learnt and identifying where changes need to be made to current practices and

policies, will address issues raised in the Culture Review, in relation to a lack of trust and confidence in how cases have been managed. There are multiple contact options to use the service, through phone, online form or email, sessions with practitioners are then agreed in a format best suited to the individual, for example on the phone, via Teams call or in person (based on reasonable adjustments). Whilst the service is a remote service, in-person interviews can be arranged for those with reasonable adjustments requirements. Remote service allows for flexibility and reduces the need to travel which better meets the needs of service users. Evidence from satisfaction surveys from service users has provided an overall 86.2 per cent satisfaction rating of very good or excellent in “your experience of the complaint line”. Therefore, the extension of the service is based on the requirement to continue to provide this external service for current and ex staff to access. The high usage of the service and significant increase in cases has also been shown to be delivering the expected results on providing an independent mechanism for staff to access guidance and advice and to raise complaints.

- 3.9 An equality impact assessment (EIA) has been completed for the People Services transformation proposals, and is attached to Part Two of this report along with specific equalities considerations. These equality considerations directly reflect and refer to the confidential elements of the People Services transformation proposals, and therefore captured within Part Two of this report.

4. Other considerations

Workforce

- 4.1 Part two of this decision sets out the workforce considerations.

Procurement

- 4.2 Authorisation for the LFC to commit expenditure for an additional three-month extension to the contract with CMP Solutions Limited to cover new investigations from October to December 2023 is requested. The contract with CMP Solutions Limited was awarded on 23 January 2023 for an initial period of seven-months with the option to extend 3 x 6 months (18 months in total). The first of the extensions takes LFB to 30 September 2023. As previously (DMFD199), LFB will be exercising the optional extensions provided for within the contract awarded. The scope of work will remain the same and therefore, this represents no material change.
- 4.3 Additional procurement considerations are set out in Part Two of this report.

Conflicts of Interest

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

5. Financial comments

- 5.1 The cost of the extension to the contract with CMP Solutions is £150,000, which will be funded from the Budget Flexibility Reserve.
- 5.2 The 2023/24 budget process included a savings target of £300,000 for the 2024/25 financial year and a further £600,000 from the 2025/26 financial year onwards for the Department. These saving targets are unchanged by the proposals in this report and will be set out in future reports and incorporated as part of the budget setting process for the 2024/25 and subsequent financial years.
- 5.3 Additional financial comments are set out in Part 2 of this report.
- 5.4 There are no direct financial consequences for the GLA from this decision.

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. 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 The Fire and Rescue Services Act 2004 provides under sections 7 and 8 the duty to secure provision for the personnel, services and equipment necessary efficiently to meet all normal requirements; that being the personnel needed to meet the statutory functions, and section 5A provides the power to do (a) anything it considers appropriate for the purposes of the carrying-out of any of its functions (its “functional purposes”), (b) anything it considers appropriate for purposes incidental to its functional purposes, (c) anything it considers appropriate for purposes indirectly incidental to its functional purposes through any number of removes. These powers and or duties provide the statutory basis for the decision set out herein regarding the proposed People Services transformation phase one.
- 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 ‘Directions’), 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 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...”. Each of the expenditure decisions proposed in this report involve commitments of £150,000 or more and so the Direction is engaged.
- 6.4 The prior approval of the Deputy Mayor is required only for expenditure on the People Services transformation programme, not for the initiation or delivery of the programme. LFC’s decision to pursue the transformation programme can be reasonably considered to be novel, contentious or repercussive in nature, and therefore requires prior consultation with the Deputy Mayor under Paragraph 3.1 (c) of the Direction. Prior consultation with the Deputy Mayor has taken place, primarily at a meeting of the Deputy Mayor’s Fire and Resilience Board on 8 September 2023.
- 6.5 Further legal comments are provided in Part 2 of this report.
- 6.6 These comments have been adapted from those provided by the LFC’s General Counsel Department in report LFC-23-086 to the LFC.

Appendices and supporting papers:

None.

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:

Until what date: 15 October 2023

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 – Yes

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 18 September 2023.

✓

INTERIM CHIEF FINANCE OFFICER:

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

Signature:



Date:

18 September 2023