



LONDON FIRE BRIGADE

Decision title

Fire Safety Specialist Short Term Skills Gap

Recommendation by
Assistant Commissioner, Fire Safety

Decision Number
LFC-0075-D

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Summary

LFC-0075 highlights the immediate skills gap faced by the Brigade's specialist fire safety teams, in an unprecedented time of demand combined with the lack of available qualified and competent staff nationally, both in the public and private sector.

The report recommends the extension of the provision detailed in the London Fire and Emergency Planning Committee report FEP 2795 to facilitate the fixed term re-employment of suitably qualified fire safety specialist officers for a two-year period. While the shortage of Fire Engineers is currently in focus, this paper seeks an 'in principle' agreement which could be applied to staff shortages in all fire safety specialist teams, including Enforcement Officers, Petroleum Inspectors and Fire Investigators, while a range of longer-term succession planning and skills development measures to address these particular staffing shortages are progressed.

If agreed, this fixed term proposal would not cause an overspend for the Fire Safety department, as additional cost burdens would be absorbed within the existing budget, held against the current vacancy margin.

Decision

The London Fire Commissioner agrees to:

- Extend the provision set out in FEP 2795 to facilitate the re-employment of suitably qualified fire safety specialist officers to bridge the immediate skills gap; and
- Review the suspension in respect of fire safety specialist officers in September 2020.

Dany Cotton QFSM
London Fire Commissioner

Date 21-11-18

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LONDON FIRE BRIGADE

Report title

Fire Safety Specialist Short Term Skills Gap

Report to

Date

London Fire Commissioner

10 October 2018

Report by

Report number

DAC Fire Safety Specialist Teams

LFC-0075

NOT PROTECTIVELY MARKED

Summary

1. This report highlights the immediate skills gap faced by the Brigade's specialist fire safety teams, in an unprecedented time of demand combined with the lack of available qualified and competent staff nationally, both in the public and private sector.
2. The report recommends the extension of the provision detailed in a committee report to the previous London Fire and Emergency Authority (FEP 2795), to facilitate the fixed term reemployment of suitably qualified fire safety specialist officers for a two year period. While the shortage of Fire Engineers is currently in focus, this paper seeks an 'in principle' agreement which could be applied to staff shortages in all fire safety specialist teams, including Enforcement Officers, Petroleum Inspectors and Fire Investigators, while a range of longer term succession planning and skills development measures to address these particular staffing shortages are progressed.
3. If agreed, this fixed term proposal would not cause an overspend for the Fire Safety department as additional cost burdens would be absorbed within the existing budget, held against the current vacancy margin.

Recommendations

The London Fire Commissioner agrees to:

1. Extend the provision set out in the report to the Resources Committee of the previous London Fire and Emergency Authority (FEP 2795) on 3 November 2017 to facilitate the reemployment of suitably qualified fire safety specialist officers to bridge the immediate skills gap. This will assist in meeting the Brigade's statutory functions and support the inspection regime through technical advice, and contribute to satisfying current and future service delivery demands.
2. Review the suspension in respect of fire safety specialist officers in September 2020.

Background

1. Since the Grenfell Tower fire, there has been an unprecedented demand on the Brigade's Fire Safety teams. The nature of this requirement has placed a specific demand on teams such as Fire Engineering, with a shortage of appropriately experienced and competent staff to respond to the workload.
2. After the Grenfell Tower fire, the pressures on specialist teams such as the Fire Engineering Group (FEG) have escalated significantly in addition to the teams having to manage 'normal business'. FEG for example have faced new burdens such as supporting the High Rise Task Force and the Grenfell Tower Investigation Team, dealing with (London based) cladding issues and providing their expertise to support national work on the Hackitt review and other key workstreams that will influence the delivery of fire safety in years to come.
3. Committee Report FEP 2795 was considered by the Resources Committee of the previous London Fire and Emergency Planning Authority on 3rd November 2017, with the recommendation that the Committee agreed to suspend the Authority's Pay Policy (Policy 821, Section 10.1) in respect of abatement of pensions for re-engaged Inspecting Officers (IOs) within Fire Safety. This facilitated the re-employment of suitably qualified fire safety IOs to bridge a skills gap and enable improvement of the inspection regime, thus satisfying the current and future service delivery demands. The paper also recommended this suspension be reviewed in November 2019. This was agreed by the Committee.
4. Since FEP 2795 was implemented, the Fire Safety department has successfully re-engaged a number of former IOs for a two year fixed term. These officers have been used to bring capacity and experience to the IO teams, supporting the development of existing IO's and as part of a

reorganisation and focus of the quality assurance function to enhance the inspection regime.

5. The average time to develop a new IO to a competent level is approximately 18 months. With the additional support of development officers and mentors provided through this arrangement, of the 30 IOs on development in November 2017, 20 have been supported from development to competence in the last 10 months and the remaining 10 have progressed significantly and have formalised development roadmaps and support in place to complete their development soon.

The provision enabled by FEP 2795 is delivering short term (two year) outcomes which are in turn enabling medium to long term staffing strategies to be successfully implemented.

Example of Specialist Officer shortage: Fire Engineering Group¹

6. The work FEG undertakes on behalf of the Brigade relies on the group being staffed by competent and experienced fire safety officers with specialist fire engineering knowledge, qualifications and experience. Within the industry, and even more so following the Hackitt review, there is a major focus on competencies within the design and build processes, and there is a lack of suitably qualified individuals to meet this demand.
7. FEG's current establishment consists of two senior fire engineers, nine fire engineers and four fire engineer technicians². Despite running promotion rounds which included external recruitment advertisements, FEG still have two fire engineer and two fire engineer technician vacancies which the team are actively seeking to fill. The team are also currently supporting four individuals through their fire engineering degree, which is supported and funded by the

¹ Further background to this example appear in Appendix 1

² The engineering technicians are to be recruited in 2 phases due to the capacity to support and develop them.

Brigade. The challenges that impact on FEG's ability to maintaining staffing levels include the qualification

timeline (see para 15 below), limited availability of competent engineers both internally and externally, private sector remuneration rates and officer retirements.

8. Currently, the overall levels of experience within the team is close to the lowest it has been as can be seen by the graph in appendix 1. This situation has been exacerbated by the loss of an experienced engineer to Ministry of Housing, Communities and Local Government (MHCLG³) and the impending retirement of another experienced engineer. The levels of relevant experience in the team has a direct impact on the team's ability to support the development of qualifying and newly qualified engineers and as such our ability to support succession planning for this essential team.
9. The core work of the FEG is Building Control Consultations⁴ (BCC). BCCs are not submitted to the Brigade on a planned/predictable basis, so the flow of work can vary from month to month. This has an impact on resource planning and combined with the team being under-established, additional demands post Grenfell Tower and work arising out of the Hackitt review has contributed to a backlog BCCs.
10. Whilst the aim is to respond to BCCs within 10 days currently, the backlog is leading to a delay of around 4-6 months with approximately 70 projects awaiting review by fire engineering. This is purely BCC work and does not factor in other work as detailed above.
11. The ability to handle, prioritise and process the work coming into the group in a timely manner depends on the level of competence of the engineer. Alongside the academic requirement to complete the fire engineering degree over three years, the workplace development for a fire engineer working within the team to achieve a suitable level of competence with the day to day duties is a minimum of two and a half years. To progress to the more complex work and representing LFB on technical committees etc., ideally a minimum of four years experience within the team would be expected.

Pressures from the private sector

12. The Brigade offers a unique working environment for officers with technical expertise such as fire engineers and fire investigators. The ability to directly contribute to public safety, to undertake London and national preventative work (such as sitting on standards committees) and the diverse range of the Brigade's work can all potentially assist with staff recruitment and retention.
13. However, market rates of pay for qualified and competent staff in the private sector are normally significantly higher. This has led to the loss of some experienced and qualified staff from both FRS and operational staff groups. For example, in the last 18 months 2 experienced fire engineers have left for more lucrative careers and 2 operational (Watch Manager) fire investigators have left within their last 3 years of service to work in the private sector, despite the impact on their pension.

Work to address capacities, competence and staffing shortfalls

14. There are several initiatives (both regular and innovative) FEG have or are introducing to address high workloads and staffing shortfalls, which include;

³ This was done on a 2 year secondment to improve the chances of longer term retention (as opposed to the individual actually leaving).

⁴ BCCs are part of the Brigade's statutory function/delivery.

- Supporting the fire safety area teams when they consult with FEG, to ensure (that FEG) are able to focus on the fire engineered aspects of the design. This helps to develop inspecting officers while improving efficiency in the consultation process through the correct allocation of work.
- Weekly triaging of outstanding BCCs according to risk.
- Trialling a temporary remote engineer role to support local Fire Engineering Liaison Officers⁵ (FELO) development, which will improve BCCs and the inspection regime.
- An increased drive on workload monitoring – currently being lead by fire engineers but this will be devolved to an office manager role once administrative support is in place.
- A recruitment process to fill current vacancies (discussed in Appendix 1).
- The continuation of two internal secondments (FELOs who are close to attaining their fire engineering qualifications under the Brigade supported scheme).
- The creation of a structured external secondment process, whereby private sector fire engineers gain Brigade experience while working on less complex consultations. This is typically for an 8 week period and is virtually cost neutral. A secondment is planned for Autumn 2018.
- A ‘call-off framework agreement’ has been formulated, which has allowed the development of a small list of approved contractors that FEG could approach for engineering services on an hourly rate. This framework was being held against one FRS E vacancy for budget purposes. Only three of the five companies contacted put forward any proposals. The costs have come back and are in the range of £95 to £150 per hour for the standard type of BCC (circa 4 hours work) i.e. not a complex consultation as this might require a more senior fire engineer which would be between £190 and £220 per hour (this compares to circa £25 per hour⁶ for a competent FEG fire engineer). The benefits of a framework include the opportunity to introducing flexible support to reduce the backlog of work and focus internal resourcing on work which cannot be sub contracted such as that directly relating to enforcement cases, support for public inquiry etc. However, as can be seen this is a costly solution and the preference will remain to have sufficient internal staff with the appropriate qualifications and experience.
- Degree students - FEG have ensured that current students (who are LFB staff) are well supported on technical, developmental and pastoral matters. The aim continues to be to support 5 staff members per year to enter the fire engineering degree. Due to the significant investment in students, a ‘buy back’ clause has to be signed by all new students which seeks to recoup costs on a sliding scale should they leave LFB during or immediately after the course. FEG are in the process of running another selection round for degree students and are looking to ensure that every effort is made to ensure successful outcomes, with open days, mentoring etc.
- The increase in establishment agreed (2017/2018) which includes an additional level below that of the current fire engineer position, called a ‘fire engineering technician’.
- Exploration of developing students into role earlier and seeking prospective students from elsewhere in the Brigade (this has usually been restricted to Fire Safety).
- Seeking engineers from other disciplines such as mechanical or chemical engineering and retraining them in the fire specific areas required of a fire engineer.
- A trial of contracting agency workers - qualified engineers - which was unsuccessful. This was hampered by a restriction of remuneration available and only succeeded in gaining one applicant who was qualified. The applicant only stayed for 16 weeks and completed just 21

⁵ An IO with additional basic fire engineering training and duties

⁶ The pay band range for an FRS E is £20.19 to £24.12 per hour

projects. It was evident that their lack of experience played a major part in this low number of project responses and created a significant impact in terms of mentoring times from the senior fire engineers at a time when other new team members also needed mentoring.

Risks

15. Should the recommendation of this paper not be agreed, there will be short term resourcing issues – for example, FEG are facing a critical skills shortage with a lack of qualified and competent people. This may:
- Affect the fulfilment of FEG’s statutory function (e.g. BCCs)
 - Impact on the ability of FEG to effectively support the inspection regime (by the provision of technical expertise to inspecting officers)
 - Prevent the effective contribution to work-streams that could affect long term public safety e.g. BSI and building standards work.
 - Reduce the ability of experienced members of staff to mentor and develop less experienced staff and the overall succession plan.

There is also a critical shortage of Fire Investigation Officers at this current time due to early retirements and the ‘in principle’ agreement sought by this paper would be used to support short term pressures in this area.

16. Additional financial burden on re-engaged member: The individual(s) who may be potentially engaged under this process, if agreed, may be subject to external taxation or financial penalties associated with any pension payments (due to the ‘Protected Pension Age’⁷ issue). The onus on understanding the potential impacts would be on the individual and they should ensure that they take their own independent pension advice. It is expected that an individual would have to have a break in service of at least 1 month and 1 day.

Costs

17. Input from finance and the pension administrators has been sought regarding the potential costs. An example comparison for a Station Manager retiring and returning as an FRS E (abated - e.g. as a Fire Engineer) has been provided below.

18. The costs⁸ for the two example posts are:

Post	Overall ‘unit cost’ of post	Salary cost	Potential abatement cost ⁹	Unit cost with maximum abatement	Salary cost with maximum abatement
FRS E	£53,287	£43,992			

⁷ As advised by Finance, failing to account for this could have significant tax implications for the individual. ⁸

Source: Finance team, PN 716 & 558.

⁹ Approximate figure based on maximum commutation as calculated FEP2795.

Station Manager	£74,330	£58,395	£30,000	£83,287	£73,992
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The cost of bringing back an abated Station Manager into an FRS E role would result in a projected maximum increase to the unit cost of the post of around 12% (circa £9k), or 35% (circa 15.5k) to the salary cost.

This does not account for 'hidden' costs or benefits such as the abated officer no longer providing operational cover or conversely, potentially having increased available fire engineering working hours as an FRS member of staff.

19. The figures can only be indicative as the pension/abatement costs could change based on the decisions that the individual makes. However, an additional cost based on salary of 50% has been applied – actual costs may be lower. For example, input from the pension administrators has been sought regarding the potential abatement costs of bringing back a SM for a FRS E job. Assuming the officer retires after 30 years in November 2018, their pension would be abated by £7,779 on the lower pay band and £14,942 on the higher pay band⁷.
20. If the member is under age 55, Protected Pension Age issues would apply and the relevant checks would need to be carried out (see 'Risks').
21. This proposal is in line with FEP 2795, in that it is seeking a 2 year fixed term option for fire safety staff. This should not cause an overspend for the Fire Safety department as additional cost burdens would be absorbed within the existing budget, as it would be held against the current vacancy margin (which would continue to exist while vacancies remain unfilled).

Conclusion

22. Urgent action is required to address the skills shortage in the fire safety specialists teams (specifically Fire Engineering). Despite significant and diverse efforts to recruit and retain competent staff, the issue is unresolved. Extending the provision set in in FEP 2795 may assist in the short term alleviation of this matter.

Finance comments

23. This report sets out to seek approval to extend the provisions of FEP 2795 that allows for the temporary suspension of the LFB's pay policy on pension abatements for Inspecting Officers (IOs) to include other officers within the Fire Safety department.
24. The potential individuals affected by the extension of these provisions could come from both uniformed operational and FRS staff groups. The financial impact of the provision would vary dependant on the staff group and role in which the individual was employed and the role to which they were to be re-engaged. Paragraph 22 of this paper sets out an example using a current SM fire engineer being re-engaged as an FRS E.
25. Where the operational staff are re-employed and the Authority chooses not to abate their pension, the Authority is required to pay the amount that would have been abated into the pension fund. To date, a total of £76,322 has been incurred on abatements and this is expected to be contained within the existing budgets for Fire Safety.

Workforce comments

26. The proposal represents an extension of previously agreed arrangements that are temporary in nature to address immediate skills shortages and manage the risks associated with them.
27. The current use of this provision within Fire Safety has been managed in such a way as to not only meet the immediate business needs but also to enhance support to the succession planning and development of officers to provide a more sustainable level of skills within the department. This proposal sets out similar expectations for the additional roles to which the provision may

⁷ As noted, this may not reflect all costs involved, hence the 50% abatement figure used in the table.

be applied and the additional steps to address the longer term skills and workload requirements are set out in some detail in paragraph 18.

28. Whilst there is not a perceived need for wider engagement with the representative bodies (RBs) on this proposal as it does not materially alter the suspension of the pay policy applied for in FEP 2795, it would be good practice to inform and keep up to date the relevant RBs on any related appointments and provide any necessary assurances on the temporary nature of these provisions and the work being undertaken to put in place longer term succession planning and recruitment.

General Counsel comments

29. When carrying out its functions, the Commissioner, as the fire and rescue authority for Greater London, is required to 'have regard to the Fire and Rescue National Framework prepared by the Secretary of State (Fire and Rescue Service Act 2004, section 21).
30. To have regard does not mean to follow slavishly, if the Commissioner wishes to depart from the framework it may, but it must show a good reason to do so. The Courts have consistently suggested that Government guidance issued under statute, as is the case here, should be given 'great weight' and should be considered 'with great care, and from which it should depart only if it has cogent reasons for doing so'. The reasoning behind any decision to depart from the framework should also be 'spelled out clearly, logically and convincingly' (*R (Munjaz) v Mersey Care NHS Trust* [2006] 2 AC 148).
31. The Fire and Rescue National Framework states at para 6 that:

"6.8 Fire and rescue authorities must not re-appoint principal fire officers after retirement to their previous, or a similar, post save for in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited..."

6.11 ... we expect fire and rescue authorities to have regard to this principle when reappointing at any level."

32. General Counsel have advised previously that past decisions of LFEPA cannot be relied upon to underpin decisions of the London Fire Commissioner (LFC) under the revised governance arrangements. In this particular instance, the decision of the Resources Committee in relation to FEP 2795 put into effect a suspension of the pay policy arrangements for abating pensions. This proposal seeks to extend that suspension for a limited group of staff to be determined by business need and the individuals possessing the necessary skills for a temporary period.
33. This report seeks to extend the previous decision by the Authority to allow re-employment and pension abatement for multiple categories of Fire Safety staff.
34. Following the previous decision of the Authority, paragraph 9.1 (ex 10.1) of the Brigade's Pay Policy was amended as follows:

9.1 LFC's policy is to abate an employee's pension where the scheme rules provide for it, where the employee is a pensioner of the LFC and the combined remuneration from pay and pension exceeds the final pensionable salary of the employee.

From November 2017, the LFC will not apply abatement in the case of retired Fire Safety Inspection Officers who are re-employed in the same or similar role on a fixed term contract. This exception will be reviewed in November 2019.

This effect of this report will be to amend the Pay Policy as follows:

9.1 The LFC's policy is to abate an employee's pension where the scheme rules provide for it, where the employee is a pensioner of the LFC and the combined remuneration from pay and pension exceeds the final pensionable salary of the employee.

From October 2018, the LFC will not apply abatement in the case of retired Fire Safety Officers who are re-employed in the same or similar role on a fixed term contract. This exception will be reviewed in September 2020."

35. This report sets out in detail the reasons for departing from the Fire and Rescue National Framework and is clear, logical and convincing and provides cogent reasoning. Therefore, a sound legal basis exists to depart from the Framework if the Commissioner is so minded to do so.
36. Additionally, 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").
37. Paragraph 3.1 of Part 3 of the said direction requires the Commissioner to consult with the Deputy Mayor as far as practicable in the circumstances before a decision is taken on (inter alia) any "[c] decision that can be reasonably considered to be novel, contentious or repercussive in nature, irrespective of the monetary value of the decision involved (which may be nil)".
38. The subject of this report is unlikely to be considered to be novel, contentious or repercussive in nature as it follows closely the reasoning of previous decisions by the Authority. No additional consultation is required prior to the Commissioner taking this decision.

Sustainability implications

39. There are no direct sustainable development implications arising from this report.

Equalities implications

40. The proposal seeks to put in place temporary arrangements to meet immediate business needs resulting from workloads associated with an exceptional period of demand for the Fire Safety department.
41. The proposal is not intended to be used extensively and the proposal includes detail of further work being undertaken to open up recruitment channels and promote more widely the roles available to staff within the specialist teams within Fire Safety.
42. The staff to which the extension of the suspension of pay policy might apply come from both uniformed operational and FRS, and the criteria for applying the provisions within this proposal are based on specific skill requirements to support business needs. The recruitment of individuals for roles identified that meet this criteria will not follow normal open recruitment processes as offers will only be made directly to specific staff possessing the necessary skills and qualifications. However, it is considered reasonable and proportionate, given the demands on the service set out in this paper, to adopt that direct approach.
43. The proposals do not exempt anyone on the basis of any protected characteristics and in fact the future and more sustainable plans for succession planning and staff development will increase staff awareness of the opportunities within the Fire Safety department.

Consultation:

Name/role	Method consulted
Fire Safety Dept	PMB

Directorate Management Board	DMB
Andy O’Loughlin, Strategy and Risk	Consulted – no S&R impact
Tom Davies, General Council	Paper shared for comment
Rory Murphy, David O’Sullivan, Finance	Paper shared for comment
Tim Powell, People Services	Paper shared for comment
Shilla Patel, Cultural Change	Paper shared for comment
Nicole Fletcher, Sustainable Development	Consulted - no sustainability impact

Appendix 1

Further background information regarding ‘Example of Specialist Officer shortage’ (Fire Engineering Group) –Experience levels and recruitment.

44. Since the early 1990s and the publication of the [Bickerdike Allen report](#) which heavily criticised (amongst others) the competence level of fire safety officers, the FEG were formed as an early iteration of the Group as it is today.
45. The report was scathing in its assessment of both building control bodies and the fire safety functions of fire brigades. It provided major criticism of fire safety officers – citing: level of

knowledge, inconsistencies, lack of continuity (through retirement of officers), not acknowledging their place in process.

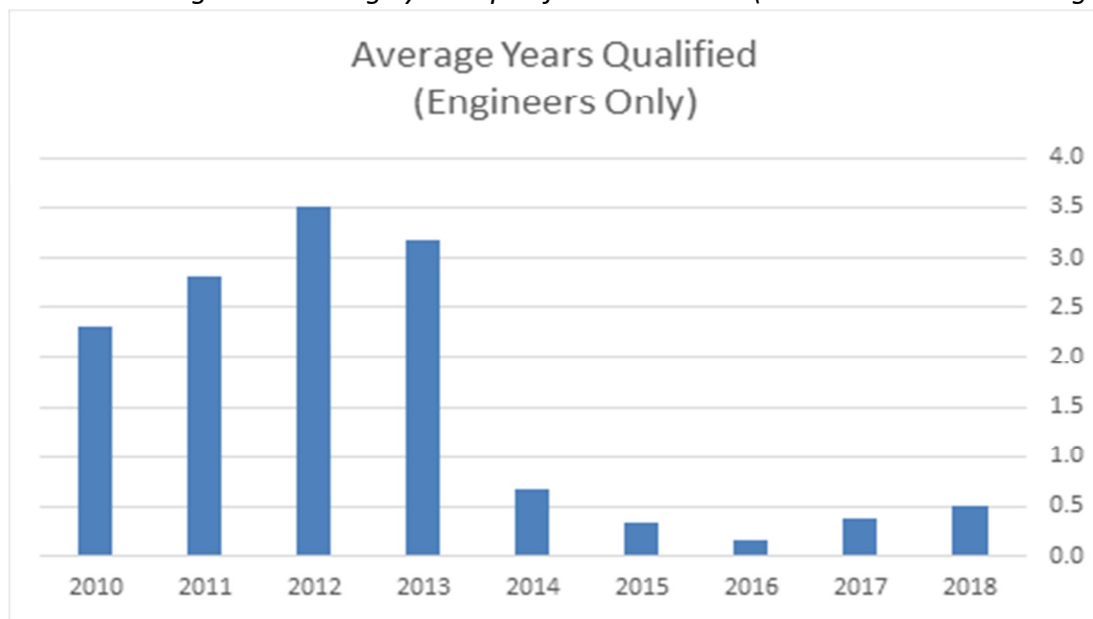
46. It concluded that authorities:

- Must “take steps to enable all parties by education to obtain a similar level of knowledge and understanding of the principles of fire safety design and their practical achievement in building”;
- On larger more complex projects graduate level knowledge was needed if fire officers wanted to provide advice as part of the process;
- Recommended dedicated technical fire safety officers.

47. When FEG was established in the early 90s it was just two officers and has grown modestly over the years as the work has become more complex, the volume of work has significantly increased and the role of the Group has developed and grown. As well as contributing to public safety, part of FEG’s role is to contribute to firefighter safety, through undertaking BCCs (e.g. ensuring firefighting access and facilities are present), driving standards where appropriate and providing technical input post fire (e.g. unexpected fire travel).

48. FEG has seen a decline in experience in recent years, as noted by the following tables:

Table 1: Fire engineers average years qualified since 2010 (excludes the 2 senior engineers).



Recruitment

49. FEG have two recruitment rounds open for 2 x FRS E and 1 x WMB fire engineer posts. For the FRS E posts FEG have undertaken the largest publicity campaign that FEG has ever done to try and advertise these posts. This included social media via twitter, Facebook and LinkedIn with support from the Brigade’s communications team. FEG also advertised on the Institute of Fire Engineers (IFE) member portal, which has global reach. A team member profile was added to the LFB website and the advert remained live for four weeks instead of the usual two, to increase the opportunity for prospective candidates. Despite best efforts, FEG only received three suitable applications to progress to an assessment centre (albeit only one of the three appears to be a qualified fire engineer). Of the three candidates, one is internal currently on secondment in the team and two are external. At present it is not clear if FEG will be able to fill both FRS E posts, however recruitment efforts continue.

50. FEG are also currently exploring options around developing (studying) students into role and ascertaining if engineers from non-fire disciplines such as mechanical or chemical engineers can

be re-trained for the fire sector. However, these activities are both time consuming and do not provide short term solutions.