



LONDON FIRE BRIGADE

Decision title

# Procurement of a Safety Event Reporting and Investigation Management Software Solution

Recommendation by

Assistant Director – Health and Safety

Decision Number

LFC-0381y-D

Protective marking: **OFFICIAL - Sensitive**

Publication status: Published with redactions

## Summary

Report LFC-0381y seeks approval of expenditure to procure a management software solution for reporting and recording safety events and the associated investigation records and files.

## Decision

That the Director of Corporate Services:

1. Approves expenditure up to [redacted] to develop, implement and maintain a safety event reporting e-solution over 5 years, after completing an OJEU compliant procurement exercise.
2. Approves to delegate the decision to award the contract following the tender exercise to the Assistant Director, Technical and Commercial.

**Sue Budden**

Director of Corporate Services

Date **This decision was remotely signed on Thursday 12 November**

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LONDON FIRE BRIGADE

Title

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# Procurement of a Safety Event Reporting and Investigation Management Software Solution

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Report to	Date
Corporate Services DB	26 May 2020
Deputy Mayor's Fire and Resilience Board	21 July 2020
London Fire Commissioner	

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Report by	Report number
Assistant Director – Health and Safety	LFC-0381y

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## Summary

This report seeks approval of expenditure to procure a management software solution for reporting and recording safety events and the associated investigation records and files.

## Recommended decisions

The Director for Corporate Services:

1. Approves expenditure up to ████████ to develop, implement and maintain a safety event reporting e-solution over 5 years, after completing an OJEU compliant procurement exercise.
2. Approves to delegate the decision to award the contract following the tender exercise to the Assistant Director, Technical and Commercial.

## Background

1. The Brigade requires a system with the core functionality of reporting and recording safety events and investigations in a timely and succinct way in order to facilitate compliance with health and safety legislation, including the Management of Health and Safety at Work Regulations 1999 and the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2012.
2. In addition to the requirement to have a simple solution for the purposes of legal compliance there are many reasons for having an efficient, effective and comprehensive solution for safety event reporting, including:
  - Reducing injuries and work-related ill health, to staff and members of the public
  - Reducing staff absence attributed to workplace injury and ill health
  - Reducing damage to Brigade vehicles and equipment
  - Reducing the significant financial costs associated with all the above

3. An effective solution for safety event reporting and investigation is integral to maintaining established performance reporting against a number of key corporate performance metrics, helps mitigate risk in relation to several corporate risks including CRR1 'Death or serious injury...' and supports the Brigade transformation strategy in a number of areas including ensuring the Brigade is the best place to work by supporting and enabling the Brigade to be a learning organisation and in delivering excellence by supporting operational assurance and improvement processes to improve the effectiveness of our service.
4. The Brigade has been using an electronic safety event reporting system for approximately 20 years. The contract with the current provider introduced a greater range of flexibility in the solution, including the ability to report different types of safety events on specially designed forms, to report near misses more quickly and anonymously if required and to use the solution remotely, including on portable devices. With the award of the last contract the Brigade also moved the solution off Brigade servers and to a hosted environment for the first time in accordance with the Brigade's ICT strategy. The current contract is ending in December 2020 and procurement needs to commence.
5. The current system provides reporting facilities for staff, allowing them to access a defined set of recording templates that can be amended as necessary to meet the needs of the Brigade. The main functions of the current system are as follows:
  - To report safety events including workplace injuries and ill health, near misses (including anonymous reports), vehicle events (e.g. road traffic collisions involving Brigade vehicles), environmental incidents and contamination events;
  - To complete investigation records that identify and record the causes of safety events and corrective actions;
  - To generate reports and allow trend analysis;
  - To complete and record health and safety audits; and
  - To electronically store all investigation records and associated documentation, policies, risk assessments, photographs and video files.
6. The primary objective of the procurement process is to identify and purchase a safety event reporting and investigation system which fully meets or exceeds our current requirement. In brief, this includes:
  - Intuitive data entry;
  - Definable and configurable data capture;
  - Definable and configurable reporting functionality;
  - Monitoring of completion of investigation records and associated actions;
  - Monitoring of work-related ill health;
  - Control of access and system administration rights;
  - Automated email or in-built notification functionality;
  - Capacity to complete and record health and safety audits, and
  - Paperless record keeping.

**Collaboration**

- 7. Under the Policing and Crime Act 2017, the LFC has a duty to keep collaboration opportunities (with police and ambulance services) under review and, where it is in the interests of efficiency or effectiveness, to put those collaboration opportunities into practice.
- 8. Expressions of interest from other Fire and Rescue Services (FRS's) and the wider Bluelight community were requested. Details of the procurement were posted on the NFCC ICT Managers group, the NFCC Procurement group and the Bluelight Procurement Database forum. One potential expression of interest was received from Buckinghamshire Fire and Rescue Service.
- 9. Use of the TfL ICT Resellers Framework has been considered, however the most common Safety Event Reporting software used by FRS's is not available via the resellers listed, therefore this procurement route has been discounted.
- 10. Contact has also been made with the GLA Collaborative Procurement Team to seek interest from other functional bodies who may have a similar requirement. To date no expressions of interest have been received.
- 11. The OJEU notice states that this contract will be available for use by the other functional bodies, and the other FRS's within the UK.

**Outline costs**

- 12. The value of the contract is estimated to be a maximum of [REDACTED] over five years (see table below). These costs cover functional system development, ICT Security testing and systems integration costs, which will be required if we move to a new supplier and additionally for the ongoing licensing, maintenance and support costs over 5 years.

	Pre release (Yr1)	Yr1	Yr2	Yr3	Yr4	Yr5
<b>System development, ICT security testing and systems integration</b>	[REDACTED]					
<b>Licensing, technical support and system maintenance</b>		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Table 1. Costs over 5 years

^ - costs required to be met if a new supplier is awarded the contract and new system development, configuration and testing is required

**Procurement strategy**

- 13. The most recent contract was awarded through the Crown Commercial Services Digital Market place (G-Cloud) framework. As such there were limitations on the length of the contract, which

currently stands at a maximum of 2 years, with potential to extend for a further year. Having come to the end of the contract it has become clear that 3 years is too short a timescale to allow consistency and stability in a new solution, including in terms of functional use (i.e. staff familiarity with the solution), employee training in the use of the system for safety event investigation and cultural improvement (i.e. staff engagement with the system increasing and leading to improved investigation and safety outcomes).

14. As such, it is proposed the next contract is awarded for a longer duration. A contract award of 5 years is considered optimal.
15. The Procurement department have advised the best option for procurement is to undertake a restricted OJEU process, with a shortlist of suppliers being selected to invite to tender following expressions of interest and the completion of an online supplier questionnaire.
16. The contract will be awarded to the supplier submitting the most economically advantageous tender.

#### **Finance comments**

17. This report recommends that expenditure of up to [REDACTED] is approved to develop, implement and maintain a safety event reporting e-solution over 5 years. This expenditure is made up of [REDACTED] in implementation costs and maintenance costs of [REDACTED] annually for five years. The one-off implementation costs of up to [REDACTED] can be funded from the ICT development reserve. There is an existing budget for maintenance of the current system, which the [REDACTED] annual cost will be contained within.

#### **Workforce comments**

18. No specific consultation with the workforce has been undertaken in the preparation of this report. The specification of the new solution is in line with the solution already in use by staff and as such the principles of recording and reporting of safety events will remain broadly unchanged. Workforce consultation will however be completed in the user acceptance testing phase of the procurement.

#### **Legal comments**

19. The report seeks approval of expenditure in order to procure and award a contract for a new safety event reporting and investigation management software solution.
20. 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.
21. Section 1 of the Fire and Rescue Services Act 2004 (the "2004 Act") states that the Commissioner is the fire and rescue authority for Greater London. Under section 7 (2)(a) of the 2004 Act, the Commissioner has the power to secure the provision of personnel, services and equipment necessary to efficiently meet all normal requirements for firefighting. The procurement of the contract is in keeping with the above and the Commissioner's powers under section 5A of the Fire and Rescue Services Act 2004 to procure services they consider appropriate for purposes incidental to their functional purposes.

22. Section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, states the Mayor may issue to the Commissioner specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.
23. 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").
24. 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...". Based on the values set out in this report, the Deputy Mayor's approval is accordingly required for the London Fire Commissioner to procure and award this contract.
25. The report confirms procurement services are fully engaged in this matter. This will ensure the conduct of the procurement exercise and the subsequent contract award is made in compliance with the Public Contract Regulations 2015.
26. In accordance with the LFC's Scheme of Governance (1 May 2020) ("Scheme"), the approval of expenditure of up to £0.5m for new contracts is delegated to the Director. However, it is of note, a commitment of expenditure of £150k and above must still have the prior approval of the Deputy Mayor under the London Fire Commissioner Governance Direction ("Mayoral Direction, 2018").
27. Part 4 of the Scheme allows Directors which have delegated authority to exercise functions on behalf of the Commissioner to nominate officers within their Directorate/ Department to act on their behalf. The decision to delegate the contract award in this matter to the Assistant Director, Technical and Commercial is therefore permissible, but it must be lodged with General Counsel.

### **Sustainability implications**

28. Health, safety and wellbeing is one of the five themes under the Brigade's sustainable development framework. This report is consistent with the objective under the Sustainable Development Strategy 2016-20 (FEP 2580) to 'protect and promote the health, safety and wellbeing of our staff' through the monitoring of performance data to reduce the impact of injuries and days lost to safety events.

### **Equalities implications**

29. The London Fire Commissioner and decision takers are required to have due regard to the Public Sector Equality Duty (s149 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.
30. 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.
31. 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, Sexual orientation.

32. The Public Sector Equality Duty requires us, in the exercise of all our functions (i.e. everything we do), to have due regard to the need to:
- a. Eliminate discrimination, harassment and victimisation and other prohibited conduct;
  - b. Advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it, and
  - c. Foster good relations between people who share a relevant protected characteristic and persons who do not share it.
33. 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:
- a. Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic;
  - b. 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, and
  - c. 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.
34. 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.
35. 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:
- a. Tackle prejudice, and
  - b. Promote understanding
36. An equality impact assessment was undertaken on 7 May 2020. The impact assessment found mainly neutral impacts but a potential adverse impact on disabled staff (those with learning needs/dyslexia). This will be mitigated by ensuring there is a requirement in the software specification for the system to be compatible with Brigade Assistive Technology solutions.

## List of Appendices

Appendix	Title	Protective Marking
	None	