



LONDON FIRE BRIGADE

Report title

Reviewing our Culture

Report to

People Board
Commissioner's Board
Deputy Mayor's Fire Resilience Board
London Fire Commissioner

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Report by

Assistant Director, People Services

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I agree the recommended decision below.

Andy Roe
London Fire Commissioner

Date **This decision was remotely signed on 27 July 2021**

Executive Summary

This report will detail proposals to establish a review of culture within London Fire Brigade (LFB) Culture. The proposal whilst triggered by the sad death of Firefighter (FFD) Jaden Francois-Esprit, who passed away on August 26 2020, also refers to wider reasons for an organisation-wide review of culture, including feedback from employees, data from People Services and information contained in our recent inspection report from Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services.

Recommended decisions

The London Fire Commissioner approves:

- (1) That a Search Committee be established to procure an agency who will find a chair and panel members for the review (section 32)
- (2) the terms of reference for the review, subject to the agreement of the chair of the review (section 43)
- (3) the operating protocols for the review, subject to the agreement of the chair of the review (section 44)
- (4) an estimated maximum expenditure of £265,000 over 12 months of this project (section 50)
- (5) the action plan¹ arising from the LFB internal investigation into the support available to Jaden Francois-Esprit during his time within LFB and from the Prevention of Future Deaths (PFD) report be sent to HM Coroner as LFB's response to that PFD (section 59)

The Deputy Mayor for Fire and Resilience is to be consulted on

- (6) the terms of reference for the review;
- (7) the operating protocols for the review;

¹ The action plan was noted at the February People Board, this is seeking permission to approve the action plan as the LFB's formal response to the Coroner.

Introduction and Background

1. This report outlines the background to the LFB review of culture, announced by the London Fire Commissioner (LFC) in March 2021. The report proposes:
 - a. That a Search Committee be established to establish and populate a panel to lead the search for the chair and panel members for the review;
 - b. The terms of reference for the review;
 - c. The operating protocols, which outline how the review will operate;
 - d. Options for the budget for the review, including costs for staff support for the review Jaden investigation triggering the internal investigation; and,
 - e. The approval of LFC's response to the Prevention of Future Deaths report.
2. The report begins with an explanation of some of the evidence which points towards the need for a wider review of culture.

The Case for a Culture Review

3. The specific trigger for the culture review was an action arising from the internal investigation report into the support available to Jaden Francois-Esprit, a Firefighter on development who sadly died in August 2020. The report, authored by three members of LFB staff, led by the Head of Culture, which has been circulated to a small number of senior colleagues internally, included a section entitled "Station Culture". In addition to that section a final section was entitled "Concluding Remarks", and, the final paragraph (5.114) noted:

"I recommend that the Brigade commissions an external review of the culture of watches on fire stations. The review should draw upon the findings of this investigation and put in place further recommendations to improve the culture of the Brigade. The review should also ensure that the culture in fire stations is aligned to the desired culture of the wider Brigade"

4. The culture review is proposed to go beyond the culture in fire stations, to be an organisation-wide review of culture, which encompasses everyone, up to and including the Commissioner and looks at every occupational group.
5. The Brigade wants its culture to be shaped by an increasingly diverse workforce at all levels, representing London's communities, and one where diversity is embraced, as is outlined in the Togetherness Strategy. This will enable LFB to be at the centre of its communities, make better decisions, increase public trust, and ensure that every member of staff would recommend their family and friends to work for the brigade.
6. The draft terms of reference below will make it clear that the review of culture intends to look at both areas of strength and areas for development within LFB. There is much to be positive about in the Brigade and it must not be lost throughout the review. Recently, the inaugural LFB People Awards demonstrated the breadth and depth of talent, performance and experience in the Brigade with the number of nominees surpassing initial expectations and the quality of nominees and winners also being high. Across the organisation, there will be many more examples of a

positive culture which this review should capture, share and celebrate. This report, however, points out some of the data which points towards areas for development.

7. In interviews carried in the press on Friday 19 March², the Commissioner outlined some of the evidence which led to a decision to undertake a wider review.
8. The case for a wider review of culture is clear. This report demonstrates an overview of the evidence, arising from the Grenfell Phase One report, the Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) report Evidence, LFB's People Survey (2018), LFB's HR data and from the recent audit of our culture.
9. Headlines from the HMICFRS report, based on the survey conducted in 2019 (response rate: number equals 377), which, despite a low response rate, include:
 - a. "Promotion processes at middle and senior management level, we found that record keeping was often poor or inaccurate, and the rationale for making selections wasn't clear and was sometimes unavailable. This echoes strong staff feelings of unfairness and a lack of openness in selection at this level".
 - b. Similarly, "at the time of inspection, most staff hadn't had a recent meaningful performance review, and therefore weren't aware of any personal objectives. In the year to 31 March 2019, only 25 percent of wholetime staff had one, and this was lower for other staff groups that is, 17.4 percent of support staff and 5.4 percent of control room staff. Due to this, **staff lack confidence in how managers manage performance and believe that access to development opportunities isn't open or fair**. There is little training for managers or staff in using feedback effectively, and therefore learning opportunities are potentially stifled" (emphasis added).
 - c. The report also went on to state "People felt that staff discipline and management are inconsistent and unfair"; and,
 - d. "We were troubled to hear that staff from a BAME background, those with a disability and female uniformed staff need to use counselling and trauma services more often than other colleagues".
 - e. Furthermore, the report noted "the 377 respondents to our staff survey, 64 percent felt unable to challenge ideas without any detriment as to how they will be treated afterwards, and 28 percent reported feeling bullied or harassed in the past 12 months".
10. 1024 employees completed the culture audit between February 27 and 12 March 2020. This comprised of 12 per cent of uniformed operational staff, 47 per cent of FRS staff, 22 per cent of control and 7 per cent of temporary staff (17 per cent of all employees). This survey asked staff to describe the existing culture and describe the ideal culture.
11. The results demonstrated that the existing culture was based on the following sentiments: target driven, aggressive, structured, demanding, stable, efficiency, forceful, predictable, control and accomplishment.
12. The ideal culture the report identified should be based on the following sentiments: supportive, open, dynamic, innovative, mentoring, developmental, trusting, empowering, inclusive and challenging.

² <https://www.theguardian.com/uk-news/2021/mar/19/head-of-london-fire-brigade-says-it-must-face-up-to-racism-and-misogyny>

13. The report concluded that Transformation Delivery Plan (TDP) was already addressing some of the elements highlighted as areas of concern, however, more work was required to create transformative change. Three areas of work were identified by the report which were harder to achieve and longer-term in their focus. They were:

- a. Increasing Trust:
 - i. Lack of trust and empowerment
 - ii. Cynicism and distrust
 - iii. Encourage more constructive challenge
 - iv. Empower and challenge teams
 - v. Local ownership for community relations
- b. Simplifying:
 - i. Rules, policy and bureaucracy are getting in the way
 - ii. Simplify and focus
 - iii. Make the best use of technology
- c. Learning and improving:
 - i. Fear and risk aversion
 - ii. Learn from failures and mistakes
 - iii. Learn from elsewhere
 - iv. Put learning into practice
 - v. Innovation / improvement culture and processes
 - vi. Coach and role-model

14. Data obtained following a review of LFB disciplinary processes in 2020 identified that Black, Asian and Minority Ethnic staff are disproportionately more likely to be disciplined than white staff.

15. Data presented in a recent Deep Dive meeting into the case for the culture review to City Hall showed that the highest number of Employment Tribunals within LFB since 2005 have involved claims relating to disability discrimination.

16. Internal data shows that staff who are Black, Asian or from Ethnic Minority backgrounds are more likely to be re-coursed (to be taken off their Firefighter training course and put back on at a later date) than their white counterparts³;

17. Black, Asian and Ethnic Minority staff are clustered around the lower and middle management occupational grades within FRS teams, representing:

i.	FRS B (most junior grade)	24.6 per cent;
ii.	FRS C	24.6 per cent;
iii.	FRS B/C	1.5 per cent;
iv.	FRS D	21.6 per cent;
v.	FRS C/D	3.0 per cent;
vi.	FRS E	16.3 per cent;
vii.	FRS F	6.4 per cent; and,
viii.	FRS G	1.9 per cent

³ Between June 2019 and June 2020, 19% of the 257 trainee firefighters recruited identified as Black, Asian or Minority Ethnic, yet Black, Asian or Minority Ethnic staff made up 28% of those re-coursed.

18. Feedback from members of staff from underrepresented groups, represented by Equality Support Groups, suggests that many do not feel that they belong and are more likely to have a poorer experience of working for LFB.
19. In addition, some staff report that different occupational groups are regarded differently. This review seeks to establish what causes those differences in experience and the factors that influence that. It seeks to understand the relationship that increasing diversity has on team building, especially on operational incident grounds and whether there are barriers stopping staff at all levels exhibiting LFB's desired behaviours.
20. The report goes on to outline the engagement to date with key stakeholders, offering a proposal for the structure of the review and next steps to progress.

Engagement with key Stakeholders

21. To inform this proposal put to the Board, including learning lessons from a wide variety of stakeholders, the Cultural Change team has met with the following people and organisations:
 - a. The Deputy Mayor for Fire and Resilience at a Deep Dive meeting following Fire and Resilience Board on 20 April 2021;
 - b. The Deputy Mayor for Community and Social Justice at a Deep Dive meeting following Fire and Resilience Board on 8 June 2021;
 - c. The Fire Brigades Union (FBU) on 1 March and 11 March 2021;
 - d. FRS Staff Unions (Unison, GMB, Prospect and FOA) on 1 March and 12 March 2021;
 - e. The Togetherness Board, including three external members on 12 May 2021
 - f. Heads of Service, via email;
 - g. Essex County Fire and Rescue Service – People, Culture and Values Business Partner on 13 May 2021; and,
 - h. Barrister from 11 Kings Bench Walk (11KBW) 29 March 2021.
22. Discussions have also been held internally with the Community Engagement Team to ascertain the level of involvement that key external stakeholders might wish to have in the review and how best to include them.

Type of Culture Review

23. A review of culture could be structured in different ways. Broadly, two types have been considered. Firstly, a procured organisation being brought in to conduct the review. Secondly, a panel of experts, led by a chair, overseeing a review and authoring a report, with the support of either internal or external staff as required.
24. Initial discussions led to the conclusion that a procured agency reporting to a senior member of LFB staff may not be an effective approach because there may be a perception (potentially held by different staff groups) that it would not be independent. Whereas, a review led by an external chair, appointed through an agency with clear terms of reference and the independence to publish what they found, would be likely to attract the confidence of internal and external stakeholders alike.

Appointment of the Chair and Panel

25. Following feedback from representative bodies, Equality Support Groups (ESGs) and City Hall it is proposed that the appointment of the chair of the review and the panel members is made by a three-person Search Committee.
26. It is proposed that the three members of the Search Committee will be equally involved in the decision making process. The three people represented will be the London Fire Commissioner (or their representative), the Deputy Mayor for Fire and Resilience (or their representative) and the Chair of the LFB Audit Committee, Marta Phillips OBE. The initial Equality Impact Assessment (EIA) supporting this report identified the need for greater ethnic diversity on the panel. de:
27. The Search Committee will be responsible for appointing an agency to inform the search, in compliance with the Public Procurement Regulations and LFB standing orders. The Search Committee would also be responsible for agreeing the role descriptions for the chair and panel members, in accordance with the terms of reference. The agency would be responsible for

providing a list of suitable candidates for the position of chair and for each different constituency (i.e. a person who represents the Fire and Rescue sector, or a person who is an expert in diversity and inclusion) represented on the panel. The agency would then be responsible for arranging interviews and negotiating any contracts between parties. It is envisaged that the chair would be the first appointment, in order that they can be involved in the appointment of the panel members.

28. It is anticipated that once approval for the approach outlined in this report is given, the proposed order of actions is as follows:
 - a. Each organisation or office-holder must name a representative to form the Search Committee;
 - b. The LFB Procurement team will draft a specification, based on the content of this report for approval by the Search Committee;
 - c. The Search Committee will meet to approve the specification for the agency to be procured; and,
 - d. The LFB Procurement team will begin the procurement process.
29. Once the agency has been procured, the Search Committee will be convened again to agree the role descriptions for the chair and panel members, in line with the terms of reference.
30. The LFB Procurement Team have held initial discussions with four agencies, all of which have confirmed that they are able and interested in supporting the appointment of the chair and panel members.
31. Separately, the Search Committee may wish to appoint a senior legal figure (a QC or a retired judge) to lead the Review. Discussions are ongoing with General Counsel's department to factor in this option when the Search Committee is convened.
32. The Board is invited to **approve** the proposal for a Search Committee to be established and for services to be procured to search for appropriate candidates for Chair and Panel members.

Communications

33. The culture review was announced internally and externally, in March 2021. This launch involved:
 - a) Shout, LFB's internal staff magazine, carrying a significant three-page piece from the Commissioner announcing the review and the rationale, with the magazine's front page also devoted to the review;
 - b) An intranet article drawing attention to the Shout piece, including a video aimed at staff from the Commissioner;
 - c) A press release being sent to national and local journalists informing them of the review;
 - d) The Commissioner conducting interviews with media, resulting in articles in the Evening Standard, Guardian, ITV London News and the Daily Telegraph; and,
 - e) An external video from the Commissioner which was posted across Instagram, Facebook, Twitter and LinkedIn, with constructive comments from the public and former staff engaged with using agreed messaging.
34. The first stage of communicating an initiative like this internally is to set the broad narrative, context and secure very initial understanding. The next steps are to fill in more details that staff need at this point. Since launch, we have progressed this through:
 - a) a follow up article in Shout this month from Assistant Director, People Services, Kate Bonham giving more details on the review; and,

- b) an all staff meeting in May 2021 devoted to the review, where Director for People, Tim Powell talked about the review in some detail, and all Directors gave their own views and answered staff questions.
35. The next stage in the engagement plan is to start empowering managers with the tools and messages they need to have meaningful conversations with their teams, about the review. Working with the Culture Change team, and the AC Fire Stations, the Communications team will develop a narrative suitable for cascading down the management structure, via Deputy Assistant Commissioners and Borough Commanders. These points will be designed to be delivered face to face in a variety of briefings and can cover:
- a) Likely timelines for the review;
 - b) Why we are doing this;
 - c) What we expect to happen next;
 - d) What we expect of them as senior leaders;
 - e) Empowering them to answer questions from colleagues and teams; and,
 - f) A request to provoke at least one discussion with their teams under them about the review.
36. In addition to the work with Fire Stations, messaging will be adapted for FRS and Control colleagues and circulated via Heads of Service, with staff being supported with slide decks, frequently asked questions and other tools to lead conversations in their departments. Similarly, as well as Internal Communications, the Cultural Change Team will be delivering key messages as part of their business as usual activity across the whole organisation.
37. After these two first phases, there will be work to do to move to a place where all LFB people feel informed about and therefore able to participate fully in the review. This work will be about information sharing, not about guiding people to answer in a certain way, it is worth repeating: this review should be open, honest and transparent and people should be able to say what they need to say. This work will be done with the Chair of the review leading and no work would be undertaken without the Chair approving of it, once appointed. LFB's initial thinking is to integrate this work with other messages about LFB's transformation programme and instigate a wave of engagement among senior managers in the Summer, with station commander facilitated sessions to follow covering every single watch by the autumn, potentially helped by a dedicated team of engaged operational staff. These sessions will be two way, engaging and will be used to allow all LFB staff to use their voice and find out more about how the Brigade is changing. The culture review will be used to underpin these sessions, and messaging will be worked on nearer the time.
38. The Communications team, working with the Review chair and panel, will also communicate key external developments about the review to external audiences, media and stakeholders at agreed times.

The Terms of Reference

39. The Terms of Reference are intended to be the guiding document for the chair of the review. It gives them the scope for their investigation.
40. An initial draft was created in March 2021 and shared with trade unions, ESGs, Heads of Service, City Hall representatives and the family of Jaden Francois-Esprit for feedback. Where possible, the feedback has been factored into the draft terms of reference for proposal.

41. Several areas were highlighted throughout the initial engagement which have led to changes in the proposals before the board, they include:
- a. **The inclusion of former members of staff.** Former members of staff who have left the Brigade will be eligible to participate in the review. This will include those who have retired, resigned and those who were dismissed.
 - b. **The London Fire Commissioner being the sole appointing officer for the chair and panel members.** Proposals have been put forward which include a Search Committee, working with an external agency, to appoint the chair and panel members.
 - c. **Findings of the review.** The review will be shared with all staff at the conclusion of the process.
 - d. **Changing the ways Trade Unions, ESGs and Communities feed into the review.** Following discussions, it is proposed that committees are set up to allow trade unions, ESGs and community groups to directly access the chair and panel members on a regular basis, as opposed to a more general 'stakeholder panel'.
42. The terms of reference are listed at appendix two.
43. The Board is invited to **recommend** that the terms of reference be approved by the Commissioner's Board to be sent for consultation with the Deputy Mayor for Fire and Resilience.

The Operating Protocols

44. Anticipating the level of internal and external interest in the Culture Review, it was decided to draft 'operating protocols' for approval, which are intended to be the rules on which the review is undertaken. Version 1.1 of the operating protocols have been shared with all the Trade Unions, Equality Support Groups and Heads of Service as well as Jaden Francois-Esprit's family and stakeholders from City Hall. We have updated the Operating Protocols following that feedback and they are attached as appendix three.
45. The Board is invited to **recommend** that the operating protocols be approved by the Commissioner's Board to be sent for consultation with the Deputy Mayor for Fire and Resilience.

Costs

46. In this section, estimated costs are given for the review. These include options for an internal staff team to support the project, indicative costs for the chair and panel, alternative cost for support for the project if internal support is not viable and an initial estimate for activity costs (that have not been planned for elsewhere, such as the People Survey).
47. At present, the Cultural Change Team have identified £100,000 of funding from within existing budgets in this financial year to put toward this project in financial year 2021/22 and a further £100,000 in financial year 2022/23. All other costs are new and therefore have not been budgeted for.
48. The costs below are contingent on other decisions, which include the agency selected to recruit the chair and panel, the specialism of the chair and panel members and whether the organisation wishes to use entirely external staff to support the administration of the review. As final costings cannot be calculated, the Board is invited to approve these estimates.
- a. **Estimates for the costs of an internal or external secretariat** (*the exact way this cost can be spent should remain flexible to suit the preference of the chair, for example, if the chair requests the support of a specialist consultancy to carry out focus groups and interviews, that should be drawn from this cost*).
 - i. **Larger Team: £297,742** (four members of staff, hired or seconded to the project for an estimated twelve-month period. Including one FRS G, one Group Commander, one FRS F and one FRS D);
 - ii. **Medium Team: £155,520** (two members of staff, hired or seconded to the project for an estimated twelve-month period. Including one FRS G and one FRS F);
 - iii. **Smaller Team: £117,713** (two members of staff, hired or seconded to the project for an established twelve-month period. Including one FRS F and one FRS D);
 - iv. **External secretariat provided by a solicitor: £114,848** (two solicitors with over four years' experience and London based, working for twelve months). This option may be preferable if a retired High Court Judge chairs the panel
 - b. **Estimates for the costs of chair and panel members**
 - i. **Retired High Court Judge as chair: £24,672** (based on one retired High Court Judge as chair, charging £1,028 per day for 24 days over the course of the year);
 - ii. **Chair procured through a specialist agency: £40,176 inc VAT** (based on a chair charging £1,395, inclusive of agency search fees, for 24 days over the course of the year);
 - iii. **Panel member procured through a specialist agency: £68,832 inc VAT** (based on a panel of four members, charging £1,195, inclusive of agency search fees, for 12 days over the course of the year)
 - c. **Estimates for the cost of a specialist agency to search for the chair and panel members** (*which have not been factored into the fees above, further estimates are being sourced*)
 - i. **High end agency search fees: £165,000**

- d. **Estimates for travel costs and meeting expenses** (which are anticipated from the secretariat/review staff needing to hold face-to-face meetings with some individuals or teams).
- i. **Zone 1 – 5 travelcard for two people for 12 months £5,064** (£2,532 per person)
 - ii. **Zone 1 – 9 travelcard for two people for 12 months £7,720** (£3,860 per person)
 - iii. **Zone 1 – 5 travelcard for three people for 12 months £7,596**
 - iv. **Zone 1 – 9 travelcard for three people for 12 months £11,580**
 - v. **Costs of out of pocket expenses for one person for 12 months £1,035** (based on the Brigade maximum per week £19.91 set out in Policy Number 0514, subsistence and public transport expenses)
 - vi. **Costs of out of pocket expenses for two people for 12 month £2,070**
 - vii. **Costs of out of pocket expenses for three people for 12 months £3,105**
- e. The estimate for research and engagement activity has been deleted. The Chair of the review should be able to utilise the staffing budget flexibly (i.e. to bring in consultants or researchers), therefore, an additional and separate fund for this purpose is no longer necessary.
- f. The estimate for a contingency, should the project run over twelve months, has been deleted. The Chair of the review should be informed that this project must conclude within twelve months (noting however that this stretches across two financial years).

49. Based on the options above, selecting the prudent options within each category, the estimated maximum cost of the review is £241,106 including £24,106 contingency, bringing the total to £265,000.

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|---|-----------|
| a. 48 (a) iii (staff costs) | £117,713; |
| b. 48 (b) ii (chair procured through a specialist agency) | £40,176; |
| c. 48 (b) iii (panel procurement through a specialist agency) | £68,832; |
| d. 48 (d) iv (travel for staff) | £11,580; |
| e. 48 (d) vii (out of pocket expenses for staff) | £3,105; |

50. The Board is invited to **approve** the estimated expenditure of £265,000 for the cost of the review over the next 12 months, spread over two financial years. This funding is made up of £100,000 of existing budget from Cultural Change in financial year 2021/22 and another £100,000 in financial year 2022/23. Based on the estimate that the first costs will be incurred in August 2021, £160,929 of costs will be incurred in this financial year (eight months), with the remaining £80,477 incurred in the next financial year (four months). The balance of the funding coming from cultural change in the second financial year (£19,523) brings down the amount required from £60,929 to £41,406 which will be subject to a bid to the transformation reserve. In addition, a small contingency of £24,106 will also be subject to a bid to the transformation reserve.

Prevention of Future Deaths report

51. On 22 February 2021, following an inquest into the death of Jaden Francois-Esprit, HM Coroner Mary Hassell signed a [Prevention of Future Deaths \(PFD\) report](#), which was addressed to the London Fire Commissioner.

52. In the PFD, the Coroner noted in her comments to the Commissioner *"I should be grateful if you, or whoever you delegate to investigate this matter, would listen to the entirety of the recording of this inquest. The London Fire Brigade investigation report already produced, talks in some detail about the station culture. There were so many different aspects to the evidence that, without listening to the whole inquest, I am afraid that any understanding will not be as meaningful as it could be"*. The Brigade has had the inquest recording transcribed and will use elements of that transcript with staff members across the Brigade in order to learn lessons from the inquest.
53. The Brigade is required to respond by 28 May 2021 to the Prevention of Future Deaths report and that response:
- a. was originally due 56 days after the date of the report (on 19 April 2021), however, due to administrative errors by a member of the court staff in the sharing of the recording of the inquest, this date was extended to 28 May 2021 and,
 - b. must contain details of actions taken or proposed to be taken, setting out the timetable for action. Otherwise the Brigade must explain why no action is proposed.
54. The Board is invited to **approve the recommendation** that the action plan objectives attached as Appendix six are sent to HM Coroner, Mary Hassell as LFB's response to the Prevention of Future Deaths report, in a letter to be drafted by General Counsel's department.

GLA Collaboration and Lessons Learned

55. The Brigade has a history of proactively collaborating with the Greater London Authority (GLA) group that include members of the LFB Equality Support Groups (ESGs) representing on the GLA Family Race Network. The focus has been on creating priorities and opportunities for future collaboration using initiatives such as the Stronger Together Network established via the LFB Togetherness Strategy.
56. In order to learn from colleagues in the GLA, MOPAC and TFL who are also at different stages in undertaking similar projects, discussions will be held throughout the life of the review. It is proposed that a peer learning network is established across the GLA group for staff members working on major reviews of culture to look at sharing best practice, learning and implementing recommendations together. The group should also consider drawing on best practice from across the relevant sectors represented (Fire and Rescue Services, Transport, Local Government, Policing and others).
57. Discussions have been held with Essex County Fire and Rescue Service following the independent culture review⁴ in 2015 after a number of serious incidents including the suicides of two serving firefighters and allegations of bullying and intimidation occurred. The discussions included understanding any challenges in terms of how the process was conducted; the perception of staff during and after the review (i.e. can staff see the changes to the service) and understanding from the procurement process.

⁴ Independent Cultural Review of Essex County Council, authored by Irene Lucas CBE, September 2015

Impacts

Stakeholder Impact

58. There has been engagement with Jaden's family throughout the LFB internal investigation via an appointed family liaison representative. The LFC has also arranged meetings with Jaden's family members who have been consulted as part of the operating protocols and terms of reference for the review. Jaden's family have requested that they are kept informed of progress throughout the review.
59. The LFB Community Engagement Manager and the LFC have consulted with the Grenfell Community members who have expressed interest in being appraised of the progress of the review.
60. As stated, the Coroner, Mary Hassell, has issued the LFC with a Prevention of Future Deaths report with 8 actions that require a response by 28 May 2021.

Equality Impact

61. 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.
62. It is important to note that consideration of the Public Sector Equality Duty is not a one-off task.
63. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken.
64. 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.
65. 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.
 - c. Foster good relations between people who share a relevant protected characteristic and persons who do not share it.

66. 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 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;
 - 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.
67. 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.
68. 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 to the need to:
- a. tackle prejudice, and
 - b. promote understanding
69. The recommendations set out in this paper aim to ensure we meet our legal duty set out in the Equality Act 2010 and Public Sector Equality Duty through a number of means. Firstly, through engaging with different staff networks to ensure their perspectives are included in the design of the review. Second, by ensuring the focus of the terms of reference focuses on discrimination, unfairness and inequality and third, by specifically highlighting areas within the terms of reference to be investigated which include some named protected characteristics.

Procurement and Sustainability

70. The Procurement team have been involved with regard to sourcing the recruitment search agencies complying with the relevant legal framework and LFC's procurement standing orders. In order to satisfy our duty under the Equality Act 2010, we will be seeking to ensure that interested parties meet this requirement as part of the selection process.

Strategic Drivers

71. The imperative for change in order for the LFB to be fit for purpose is evident. As already stated in this report there are several strategic drivers ranging internally from the Transformation Development Plan that sets the aspiration for the LFB to;
- (a) Be the best people and the best place to work
 - (b) Seize the future
 - (c) Deliver excellence
 - (d) Be outward facing

72. Externally we have a statutory duty to comply with outcomes from the following;

- (a) The Phase One Grenfell report
- (b) Her Majesty's Inspectorate of Constabulary Fire and Rescue Service (HMICFRS) 2019
- (c) Her Majesty's Inspectorate of Constabulary Fire and Rescue Service (HMICFRS) Covid-19 survey results (2020) report
- (d) The Prevention of Future Deaths report issued to the LFC by the Coroner, Mary Hassell

Workforce Impact

73. There is ongoing staff engagement on a number of themes within this report with stakeholders i.e. Trade Union, ESG representatives and Heads of Services. Engagement and Consultation will continue throughout and beyond the review of the culture. Specific amendments have been made to the proposals to ensure that Trade Union and ESGs are represented fully in the process.
74. The Culture Review seeks to engage staff throughout the process, in the establishment of the review, in the review itself and in the recommendations arising from the review. The Chair of the Review, however, working with Trade Unions, Equality Support Groups and others, determine the exact ways in which this will happen.

Finance comments

75. This report recommends that a review of culture is undertaken at a cost of £265k over 12 months, including a 10% contingency. Internal funding would be available from the existing development budget of £100k in each year, reducing the total un-budgeted cost from £265k to £65k.
76. The Board is asked to approve estimated expenditure of £265k for the cost of the review over the next 12 months, spread over two financial years. The funding for this is to largely come from the existing budget for Cultural Change with £100k to be provided in each financial year 2021/22 and 2022/23, therefore providing budget of £200k. Based on current planning costs on the review will be incurred over 12 months from August 2021, and would see £177k (eight months) of costs incurred in the current financial year, with the remaining £88k (four months) incurred in the next financial year. Therefore the profile of the expenditure against the budget available requires an additional allocation of £77k in the current financial year, but with £12k of this then offset by the balance on funding available in the coming financial year. The net balance of funding of £65k will be provided from reserves, and a bid against the transformation reserve is now being finalised.

Legal comments

77. 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. Under section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, 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.
78. Section 1 of the Fire and Rescue Services Act (FRSA) 2004 states that the Commissioner is the fire and rescue authority for Greater London.

79. 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").
80. 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...".
81. The work to be undertaken is consistent with the London Fire Commissioner's ('LFC') statutory function under section 6 of the Fire and Rescue Services Act 2004 ('the Act') which requires the LFC to make provision for the purpose of promoting fire safety, and in doing so may make arrangements for the provision of information, provide publicity and encouragement in respect to the steps needed to be taken to prevent fires and death or injury by fire.
82. Under section 7 of the Fire and Rescue Services Act 2004 the Commissioner has the power to secure the provision of personnel, services and equipment necessary to efficiently meet all normal requirements for those functions. Furthermore, in accordance with Section 5A Fire and Rescue Services Act 2004 (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...'. This includes putting in place Culture Review to improve efficiency of personnel in meeting the functional requirements
83. The General Counsel also notes that the proposed procurement of the service provider is in compliance with the Public Contracts Regulations 2015 and LFC Standing Orders.

List of Appendices

Appendix	Title	Protective Marking
1.	Terms of Reference for the Culture Review Search Committee	
2.	Terms of Reference for the Culture Review	
3.	Operating Protocols	

Appendix One: The Terms of Reference for the Culture Review Search Committee

Purpose

1. Using delegated powers from the London Fire Commissioner, the Search Committee is responsible for:
 - a. appointing an agency to lead the search for the chair and panel members, in compliance with the Public Procurement Regulations 2015 and LFC procurement standing orders;
 - b. agreeing the role descriptions for the chair and panel members, in line with the terms of reference;
 - c. appointing the chair of the culture review; and,
 - d. appointing the other panel members of the culture review;

Membership

2. The London Fire Commissioner (or their representative);
3. The Deputy Mayor for Fire and Resilience (or their representative); and,
4. A.N. Other

Appendix two: draft terms of reference

Draft Terms of Reference for the Independent Review of the Culture of LFB

The review will assess the existing culture of the London Fire Brigade (LFB) and consider the extent to which the Brigade and its employees have created a culture free from discrimination, unfairness and inequality. The review will seek to identify **areas for improvement** and **areas of strength**, publishing a report and making recommendations for improvement where appropriate. To achieve this purpose, the review of culture will:

- 1) consider the impact of policies, processes, systems and ways of working on people and culture;
- 2) consider the way in which policies, processes and systems are applied and interpreted by staff and how that impacts on people and culture;
- 3) consider the impact of individual or group behaviour on people and culture;
- 4) consider the impact of team-based customs and traditions within the Brigade on people and culture;
- 5) consider the impact of barriers to progression, real and perceived, on people and culture; and,
- 6) consider the difference in experiences of staff, based on, but not limited to their:
 - age;
 - disability and neurodiversity;
 - race;
 - sex; and,
 - other forms of difference, including occupational group and rank.

Appendix three: draft operating protocols

Draft Operating Protocols for the Review of Culture

1) Agreeing the terms of reference

- 1.1 The terms of reference will be subject to consultation with the Deputy Mayor for Fire and Resilience.
- 1.2 Following that consultation, the draft terms of reference will remain in draft form until they are agreed jointly by the Commissioner and the chair of the review.
- 1.3 The agreed terms of reference will then be published on LFBs external and internal websites.

2) Ensuring the independence of the review

- a) The Brigade agrees to guarantee the independence of the review by:
 - (i) guaranteeing that any corporate email addresses used by the review will not be accessed by any Brigade employees; and,
 - (ii) guaranteeing that any Brigade employees who act as staff support to the Review will sign a non-disclosure agreement (NDA) to protect any information that they encounter while supporting the review;
 - (iii) guaranteeing not to obstruct or obfuscate the review in any way.

3) Appointment of the chair and panel members

- a) The appointment of the chair of the review and panel members will be made by a search committee.
- b) The Search Committee will be made up of three individuals or their nominees:
 - i) The London Fire Commissioner;
 - ii) The Deputy Mayor for Fire and Resilience;
 - iii) A.N Other person.
- c) The Chair of the Review, once appointed, will be invited to meetings of the Search Committee to participate in the appointment of the members of the Review panel.
- d) The Search Committee will have the power to:
 - i) appoint an agency to conduct a thorough search for the chair;
 - ii) determine the role description of the chair;
 - iii) determine the role description for the different panel members;
 - iv) appoint a chair of the review; and,
 - v) appoint the panel members of the review.
- e) The chair of the review will have the power to remove any panel member.
- f) The LFC, with the agreement of the Deputy Mayor for Fire and Resilience has the power to remove the Chair, in line with any contract. The reason for the removal of the chair, if necessary, will be reported to a meeting of the Fire and Resilience Board for accountability.
- g) The Search Committee will aim to appoint the Chair of the Review first with the intention that the Chair is involved in the subsequent appointment of all panel members

4) The Constitution of the Review Panel

- a) The panel should be made up of a majority of stakeholders who are external to the London Fire Brigade (to preserve the external and independent nature of the review)

- b) Each panellist should bring a different perspective to the review, representing a different area of expertise or constituency
- c) The Review Panel should not number more than seven people in total.

5) The Community Panel

- a) In addition to the Review Panel, there will be a Community Panel. The purpose of the Community Panel shall be to engage community representatives in the review.
- b) The constitution of the Community Panel will be co-produced with members of the community and agreed jointly between them and the Chair of the Review.

6) The Representative Committee

- a) In addition to the Review Panel, there will be a committee for representative bodies and Equality Support Groups. The purpose of the Representative Committee shall be to engage with the trade unions and Equality Support Groups throughout the review.
- b) The membership of the committee will be made up of the trade unions recognised by LFB and Equality Support Group representatives. The size of the Committee will be agreed between the Chair of the Review and the representative bodies and ESGs.

7) The report

- a) The output of the review shall be a report, authored by the chair.
- b) The report must be submitted to the LFC and the Deputy Mayor for Fire and Resilience at least ten working days before publication.
- c) The LFC retains the right to correct factual inaccuracies contained within the report but has no other powers to edit or amend the content of the report.
- d) The LFC is able to request the author clarifies or expands upon points in the report, but is not able to direct the content of the report
- e) The chair of the review agrees to a co-ordinated release of statements at the conclusion of the review at a pre-agreed time and place
- f) The chair agrees to interviews with media and press at the conclusion of the review
- g) The LFC retains the right to reject or accept any recommendations contained in the report.
- h) The Chair shall report monthly on their progress to the LFC and the Deputy Mayor for Fire and Resilience.
- i) Should the Chair wish to publish any interim findings, where an issue or recommendation cannot wait, the same restrictions on publication apply as laid out above.

8) Access to data and information

- a) The review panel shall have access to all internal data including board reports and HR information.
- b) Panel members and any agencies, consultants or other parties working on the review may be required to sign NDAs to ensure that LFB data remains confidential until the publication of the report.
- c) The report will be made public, so all steps to protect the anonymity of any individuals shall be taken.

9) Call for evidence

- a) The review may call for evidence from existing staff. This will be determined by the Chair in consultation with the Review Panel.

- b) The Chair of the Review may determine that a public call for evidence is required on specific issues. Where this is the case, they will liaise with the LFC to agree the process for calling for evidence.

10) Timing of report

- a) The length of the Review will be determined by the Chair and Review Panel in consultation with the LFC, within the parameters set by this document.
- b) The Review will be published not more than eighteen months from the date the Chair is appointed.

11) Support available for the review

- a) The Brigade shall make available a team of staff to act as the secretariat for the review. The size of the secretariat shall be determined by the LFC in consultation with the Deputy Mayor for Fire and Resilience.
- b) The Brigade shall make available funding for the review to procure such support as it requires. The usual procurement processes shall be followed. The budget envelope for support for the review shall be determined by the LFC in consultation with the Deputy Mayor for Fire and Resilience.
- c) Where the chair of the review determines that additional support is required and a procurement process takes place.

12) Inclusion of former members of staff

- a) The investigation of historical allegations and closed cases is out of the scope of this review, meaning that this review cannot revisit the outcome or decisions of previous cases. The review can reflect on the effectiveness of such cases.
- b) Former members of staff who worked at LFB within the last five years may participate in the review.
- c) Former members of staff who worked at LFB beyond five years ago are not permitted to contribute to the review.

13) Other organisations in scope

- a) With the agreement of the LFC, the impact of the following organisations shall be covered by the scope of this review:
 - i) Babcock (training contract)
 - ii) HML (health and wellbeing contract)
 - iii) Kier (property services)
 - iv) Hays (provider of temporary staff)

14) Contact with the family of Jaden Francois-Esprit

- a) The family of Jaden Francois-Esprit will be invited to participate in the review
- b) The family of Jaden Francois-Esprit will be given regular updates about the progress of the review, by the Office of the London Fire Commissioner.

15) Contact with representatives of those affected by the tragedy at Grenfell Tower

- a) The representatives of those affected by the tragedy at Grenfell Tower, which includes members of the families, residents, survivors and other representative groups, will be invited to participate in the review

- b) The representatives of those affected by the tragedy at Grenfell Tower will be given regular updates about the progress of the review, by the Office of the London Fire Commissioner.

16) Involvement of the chair and panel in implementation

- a) The chair and panel's involvement with the review will formally cease after press interviews have been concluded following the publication of the report. Any ongoing involvement of the chair and panel in the implementation of the recommendations shall be subject to a separate agreement made with the LFC at the time.

17) Publication of the report internally

- a) The report will be published in full internally and made available to all staff.

18) Presentation of findings to boards and bodies

- a) The Chair, or their nominee, agrees to present the findings of the report to the following boards and bodies:
 - i) People Board;
 - ii) Commissioner's Board; and,
 - iii) The Deputy Mayor's Fire and Resilience Board.

19) Agreement and amendment of these operating protocols

- a) The chair of the review shall sign these operating protocols upon their appointment, confirming they agree to these terms. This shall be countersigned by the LFC and Deputy Mayor for Fire and Resilience, confirming their agreement to the terms.
- b) These operating protocols can be varied by the agreement of the Chair of the Review, the LFC and the Deputy Mayor for Fire and Resilience. Should any party not agree to a variation in the terms of the Review, the operating protocols as agreed will be the final terms.