

Appointment to Operational Director Posts

Report to:

The London Fire Commissioner

Date: 4 October 2022

Report by:

Tim Powell, Director for People

Report classification:

For decision

For publication

I agree the recommended decision below.



Andy Roe

London Fire Commissioner

Date **This decision was remotely signed on 06 October 2022**

PART ONE

Non-confidential facts and advice to the decision-maker

Executive Summary

Following the decision by the current Deputy Commissioner and Director for Operational Delivery and Assurance, Richard Mills, to retire the London Fire Commissioner has established two operational director roles. Following an appointment process, it is recommended that the London Fire Commissioner appoints Assistant Commissioner Jonathan Smith and Assistant Commissioner Dominic Ellis to these vacant posts with Assistant Commissioner Jonathan Smith being appointed as the statutory Deputy Commissioner for the Brigade.

Proposed decision – the London Fire Commissioner

That the London Fire Commissioner appoints Assistant Commissioner Jonathan Smith and Assistant Commissioner Dominic Ellis to the vacant posts of Operational Director in the London Fire Brigade and that Assistant Commissioner Jonathan Smith is appointed to the statutory post of Deputy Commissioner for the Brigade.

1 Introduction and background

- 1.1 **Following the decision by the Deputy Commissioner and Director for Operational Delivery and Assurance, Richard Mills, to retire the London Fire Commissioner established two operational director posts. This recognised not only the scale and complexity of the operational functions but also the level of change required across the Brigade following its second inspection report conducted by HMICFRS.**
- 1.2 **Following the advertisement for the posts all applications were reviewed by the selection panel which comprised of**
 - **The London Fire Commissioner, Andy Roe**
 - **The Deputy Mayor for Fire and Resilience, Dr Fiona Twycross**
 - **The Interim Fire Director, Home Office – Sarah Gawley**
 - **The Executive Director for Strategy and Communications, GLA – Niran Mothada**
 - **The Independent Operational Assurance Advisor, LFB – Alasdair Hay**
- 1.3 **Six applications were received with five applications meeting the requirements set out in the person specification for the role being shortlisted. Despite conversations taking place with numerous potential candidates the diversity pool of the shortlisted candidates was disappointing in terms of race and sex with all being white men. Further work is being undertaken through the Brigade's talent management strategy to ensure a more diverse pool of candidates becomes available in the future.**

1.4 One candidate withdrew from the process which resulted in four individuals being taken through the final assessment centre process which ran between 26th – 28th September and included:

- **Psychometric tests including an interview and feedback from an external occupational psychologist.**
- **An observed equality, diversity, and inclusion assessment.**
- **A meeting with a panel of internal and external stakeholders.**
- **A briefing with a watch at Dockhead Fire Station on the Brigades Community Risk Management Plan**
- **A presentation and interview with the selection panel listed at 1.2 above.**

2 Objectives and expected outcomes

2.1 Following the assessment centre process outlined in 1.4 above and taking into account feedback from all elements of the assessment the panel were unanimous in their view that the London Fire Commissioner appoints Assistant Commissioner Jonathan Smith and Assistant Commissioner Dominic Ellis to the posts advertised.

2.2 The panel further recommended that Assistant Commissioner Jonathan Smith be made the statutory Deputy Commissioner to the Brigade subject to approval from the Mayor of London under London Fire Commissioner Governance Direction 2018.

2.3 Post holders will assume their positions from the 4th October 2022 with further work undertaken to establish the separation of functions that currently sit under the current Director for Operational Delivery and Assurance.

3. Equality comments

3.1 The LFC and the Deputy Mayor for Fire and Resilience are required to have due regard to the Public Sector Equality Duty (section 149 of the Equality Act 2010) when taking decisions. This in broad terms involves understanding the potential impact of policy and decisions on different people, taking this into account and then evidencing how decisions were reached.

3.2 It is important to note that consideration of the Public Sector Equality Duty is not a one-off task. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken.

3.3 The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership (but only in respect of the requirements to have due regard to the need to eliminate discrimination), race (ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, and sexual orientation.

3.4 The Public Sector Equality Duty requires decision-takers in the exercise of all their functions, to have due regard to the need to:

- eliminate discrimination, harassment and victimisation and other prohibited conduct.
- advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it.
- foster good relations between people who share a relevant protected characteristic and persons who do not share it.

3.5 Having due regard to the need to advance equality of opportunity between persons who

share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic.
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

3.6 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

3.7 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice

3.8 The report already highlights the need for the LFC and the Fire Sector overall to have effective talent management and succession plans in place which ensure greater diversity of applicants for senior roles.

Workforce comments

4.1 Whilst this report considers appointments to roles it is recognised that this will lead to some organisational change including reporting lines. All teams impacted will be fully consulted with.

Sustainability comments

4.2 None

Procurement comments

4.3 None

Communications comments

4.4 Internal communications have been delivered to a range of internal and external stakeholders including an all staff message on the appointments made.

5. Financial comments

5.1 Financial comments relating to the additional annual revenue cost of £240,000 were detailed in a previous LFC decision on the establishment of the second operational director posts. There is no additional cost associated with the appointments being proposed with salaries to be set within the normal parameters for Director roles of £144,416 - £174,476.

6. Legal comments

6.1 This report seeks approval to appoint two new Operational Director posts, inclusive of the statutory role of Deputy London Fire Commissioner, at a cost exceeding £150,000.

6.2 Section 1 of the Fire and Rescue Services Act 2004 states that the London Fire Commissioner is the fire and rescue authority for Greater London. Section 327A (5) of the Greater London Authority Act 1999 requires the Commissioner to secure that the London Fire and Rescue Service is efficient and effective. This means the personnel, services and equipment secured by the London Fire Commissioner for the purposes of carrying out the Commissioner's functions.

6.3 Under paragraph 3 of Schedule 27A of the Greater London Authority Act 1999, the London Fire

Commissioner may exercise the power in section 112 of the Local Government Act 1972 (appointment of staff) to appoint a Deputy London Fire Commissioner. The Deputy London Fire Commissioner may exercise any or all of the powers and duties of the London Fire Commissioner during any absence, incapacity or suspension from duty of the Commissioner, during any vacancy in the office of the Commissioner, or at any other time with the consent of the Commissioner. The Deputy London Fire Commissioner may not act in circumstances where the London Fire Commissioner is absent, incapacitated, suspended or where there is a vacancy of the office for a continuous period of three months or more without the consent of the Mayor.

- 6.4 Under section 5A Fire and Rescue Services Act 2004 (FRSA 2004), the London Fire Commissioner, being a 'relevant authority', may do 'anything it considers appropriate for the purposes of the carrying out of any of its functions'.
 - 6.5 Accordingly, the recommendations in this report are within the London Fire Commissioners (LFC) general powers, subject to any other directions of the Mayor.
 - 6.6 In accordance with 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. By direction dated 1 April 2018 ('Direction'), the Mayor set out those matters, for which the Commissioner would require the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience (the "Deputy Mayor"). Paragraph (b) of Part 2 of the said direction requires the Commissioner to seek the prior approval of the Deputy Mayor before "[a] commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices...". The costs of the appointments exceed that threshold, thereby prior approval is needed from the Deputy Mayor. Under the same Direction, paragraph 1.1 (a) in Part 1, states that prior approval of the Mayor is required before the decision is taken in relation to the appointment of the Deputy London Fire Commissioner pursuant to Paragraph 3 of Schedule 27A of the GLA Act 1999. Approval will be via a letter from the Mayor. This report fulfils the reporting requirement.
- 6.6 The creation of the two new Operational Directors will ensure the LFC has capacity and capability within the Executive Team to deliver the scale of transformation anticipated from the commitments set out in the Brigade's Community Risk Management Plan. This will in turn enable the Brigade to operate efficiently and effectively.

List of appendices

Appendix	Title	Open or confidential*
	None	

Part two confidentiality

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

Is there a Part Two form: NO