

Approval for the reintroduction of a second Operational Director post

Report to:**Date:**

Commissioner's Board
 Deputy Mayor's Fire and Resilience Board.....
 London Fire Commissioner

3 August 2022
 31 August 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

The Deputy Commissioner and Director for Operational Delivery, Richard Mills, has announced his retirement from the Brigade. The Operational Delivery Director post is the Brigade's second operational officer and presently the statutory Deputy Commissioner. The decision to move to a single operational director model was taken in 2020, previously there had been two operational Deputy Commissioners, with varying responsibilities.

This paper recommends the re-introduction of two operational Director posts at an additional cost to the LFC of £240,000 and sets out the responsibilities that will sit under the posts. This will ensure the LFC is equipped with the necessary capacity and capability within the Executive Team to deliver the scale of transformation required including the commitments set out in the Brigade's Community Risk Management Plan.

For the London Fire Commissioner

That the London Fire Commissioner agrees that £240,000 be allocated annually for the purpose of funding the re-introduction of a second operational Director post.

That the London Fire Commissioner approves the separation of functional responsibilities between the Operational Director posts as set out in this report.

1 Introduction and background

- 1.1 In May 2022, Deputy Commissioner and Director for Operational Delivery, Richard Mills, announced his intention to retire from the Brigade. The Operational Delivery Director post is the Brigade's second operational officer and presently the statutory Deputy Commissioner. The decision to move to a single operational director model was taken in 2020, previously there had been two Operational Director posts, with varying responsibilities. The third officer role is held by an Assistant Commissioner who is given a Special Responsibility Allowance (SRA) for the additional responsibility.
- 1.2 The vacancy created by the retirement of the incumbent post-holder affords the London Fire Commissioner the opportunity to reflect on the most appropriate structure for the Brigade at the Director rank/grade. This paper recommends the re-introduction of a second Operational Director which will support:
 - The ability of the London Fire Commissioner and Mayor of London to succession plan effectively
 - The direction of travel laid out in the Community Risk Management Plan (CRMP)
 - The perception of a diminished operational voice at the top of the organization

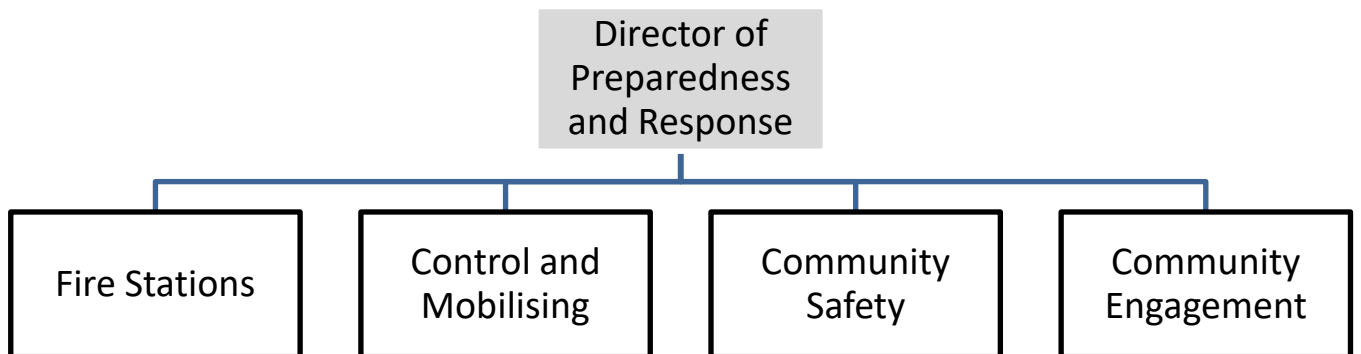
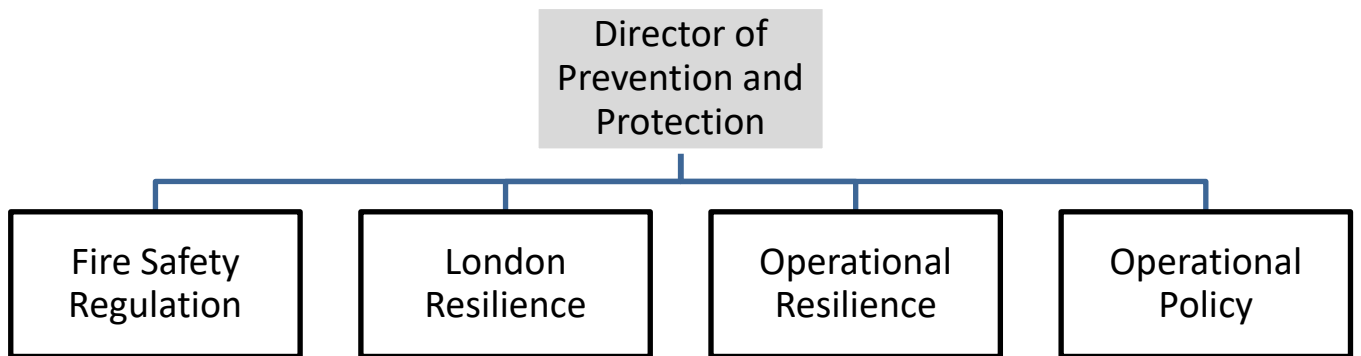
- 1.3 The re-introduction of a second Operational Director post enables the LFC to consider the most appropriate division of responsibilities which support the delivery of its strategic priorities. This report includes a recommendation on the functions within the responsibility of each Operational Director post and a recommendation on the division of responsibilities for the Assistant Commissioner posts

2 Objectives and expected outcomes

- 2.1 The LFC is responsible for leading the Brigade through a period of unprecedented change. The publication of the Brigade's second full inspection report undertaken by Her Majesty's Inspectorate for Constabularies and Fire and Rescue Services will likely set out further recommendations for improvement. Combined with further outcomes likely from the Grenfell Tower Inquiry, the Brigade's own review of its culture being published in November 2022 and the launch of the Community Risk Management Plan, the scale of transformation required across all parts of the organisation is substantial.
- 2.2 The current structure of the LFC's executive team has been in place since 2020 with the decision taken to retain all elements of operational accountability under one Director role which also serves as the statutory Deputy Commissioner post. Whilst maintaining the current model retains some advantages in terms of a single point of accountability for all operational matters it is unlikely to provide sufficient capacity and leadership in delivering the scale of transformation and cultural change necessary across the operational workforce to support the LFC in the delivery of the commitments set out in the Brigade's Community Risk Management Plan. Moving back to a model of two operational posts also ensures a wider option in terms of succession planning for the post of London Fire Commissioner as well as addressing an established view that senior operational roles are under-represented at Executive level in the Brigade.
- 2.3 The most logical split of functions is based on the Brigade's outward-facing relationships: first, an Operational Director who is responsible for how the Brigade relates to other businesses and agencies (business-to-business) and second, an Operational Director who is responsible for how the Brigade relates to the people we serve, (business-to-customer relationships). Both Director posts would be responsible for driving and delivering transformational change, improving culture and delivering against the Brigade's corporate objectives in their functions. Prospective applicants will be tested in the assessment process against these elements, and they will also be prioritised in the job descriptions.

Table 1 – Operational Director functional responsibilities and organograms

Business-to-Business (B2B)	Business-to-Customer (B2C)
<i>Prevention and protection functions</i>	<i>Preparedness and response functions</i>
Fire Safety Regulation (function from Operational Delivery)	Fire Stations (function from Operational Delivery)
London Resilience (function from Operational Delivery)	Control and Mobilising (function from Operational Delivery)
Operational Resilience (function from Operational Delivery)	Community Safety (function from Operational Delivery)
Operational Policy (function from Operational Delivery)	Community Engagement (function from Communications Directorate)



2.4 The final title of the Director posts will be determined following the appointments process as will the decision on which of the post holders undertake the statutory role of Deputy Commissioner will be addressed as part of the assessment process. The functions that sit below each Director as set out in table 1 above will be subject to further consultation and review with the successful post holders and the teams affected. The Brigade currently has budget and an operational requirement for six Assistant Commissioners. In the proposed structures in table 1 the division of responsibilities under each Director would include the following functions.

- Reporting to the Director for Preparedness and Response:
 - AC Fire Stations
 - AC Control and Mobilising
 - In addition, it is recommended that consideration be given to the Community

Safety and Community Engagement function being led by an Assistant Director role separate from Fire Safety and Regulation

- Reporting to the Director for Prevention and Protection:
 - AC Operational Policy
 - AC Fire Safety and Regulation
 - AC Operational Resilience
- Reporting to the Director for Transformation
 - AC Service Delivery Assurance

- 2.5** The organisation structure will be reviewed and amended to reflect the changes at Deputy Commissioner and Assistant Commissioner level, and allow the new directorate and departmental structure to be confirmed, and support systems aligned to this.
- 2.6** Any further change to how the Assistant Commissioner areas of responsibility under each function are then organised is to be determined once the post holders are in place.
- 2.7** Following the review being undertaken into Central Operations and the Establishment Performance Team consideration will be given as to the future function and disposition of this team. This is consistent with the recommendation made with the People Directorate was established in 2020.
- 2.8** Recruitment to the posts will commence with the Assistant Director for People Services having accountability for undertaking a full search across the UK Fire Sector and where practical overseas. A full assessment process will be undertaken with the final shortlisted candidates being assessed by a panel chaired by the LFC, supported by the Independent Operational Assurance Advisor, with representation from the Deputy Mayor and the Home Office. It is currently planned to complete this by the 30 September 2022.
- 2.9** Appointment to the Operational Director posts will be subject to further Deputy Mayor approval. This will also include a recommendation to The Mayor of London on which of the proposed post holders is appointed to the statutory Deputy Commissioner role. The prior approval of the Mayor is required before the appointment of the Deputy London Fire Commissioner can be made pursuant to Paragraph 3 of Schedule 27A of the GLA Act 1999. Approval will be via a letter from the Mayor.
- 2.10** The introduction of a second Operational Director provides an opportunity to expand and codify the direct reports into the Commissioner and other key officers into an expanded Commissioner's Executive Team (CET). This group would meet on a weekly basis and be responsible as an executive team for the day-to-day leadership of the Brigade. Alongside this the support required to the expanded CET will be reviewed including staff officers, executive assistants and drivers and may require to some additional posts. It is also planned to review the organisation structure
- 2.11** In addition to changes to responsibilities at the Assistant Commissioner level, the CET will reflect on whether the division of responsibilities at Deputy Assistant Commissioner (DAC) level are aligned to the CRMP, particularly but not limited to Fire Stations. This would be the subject of a separate report if required.
- 2.12** It is also recommended to reflect whether a Brigade leadership group should be explored, expanded to a reasonable number, along the lines of a Corporate Leadership Team with members selected based on their need to lead change and ultimately, deliver the organisation's priorities as laid out in the Delivery Plan and CRMP. As part of this re-set, the LFC can take the opportunity to

moderate annual objectives and set expectations on behaviours to support collaborative and cross directorate working.

3. Equality comments

- 3.1** The LFC and the Deputy Mayor for Fire and Resilience are required to have due regard to the Public Sector Equality Duty (section 149 of the Equality Act 2010) when taking decisions. This in broad terms involves understanding the potential impact of policy and decisions on different people, taking this into account and then evidencing how decisions were reached.
- 3.2** It is important to note that consideration of the Public Sector Equality Duty is not a one-off task. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken.
- 3.3** The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership (but only in respect of the requirements to have due regard to the need to eliminate discrimination), race (ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, and sexual orientation.
- 3.4** The Public Sector Equality Duty requires decision-takers in the exercise of all their functions, to have due regard to the need to:
- eliminate discrimination, harassment and victimisation and other prohibited conduct.
 - advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it.
 - foster good relations between people who share a relevant protected characteristic and persons who do not share it.
- 3.5** Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic.
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.6** The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 3.7** Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- tackle prejudice
 - promote understanding.
- 3.8** The report focuses on the creation of a new position where there will be opportunities to develop our inclusion work with other businesses, considering the impact of the PSED, and more broadly, the Equality Act 2010. Drawing on the diversity of other organisations externally will also give the LFC an opportunity to observe best practice and experience in order to strengthen our own inclusive practices. This will be a positive change broadly, as consideration of inclusion externally can be drawn into the job description, as well as the recruitment process. Inclusive business to business practices are a principle that will need to be explored as a theme whether at sift or assessment level.

3.9 The recruitment process itself presents opportunities for positive action work, noting the composition of the Senior Leadership team and specifically, Heads of Service and Directors. Seeking suitable candidates who can demonstrate diversity of thought, lived experience of London, and an understanding of the issues facing the Brigade in relation to the Togetherness Strategy. Particular attention will be paid to inclusive advertising in a range of locations, the content and presentation of the advertising, and consideration of how to attract diverse talent through a variety of channels. The recruitment process will also drive the importance of inclusion and our responsibilities relating to the Equality Act 2010, and should have a dedicated focus as well as a thread through all the assessment stages. Any recruitment agency should be considered against their performance in terms of attracting diverse talent, and their own inclusion policies.

4 Other considerations

Workforce comments

4.1 Representative bodies have been consulted on the proposed reintroduction of a second Operational Director. Prospect have been invited to comment and suggest any amendments they felt were necessary. Feedback included the need for further consultation with those staff who have leadership responsibility for the functions beneath Director level which will be undertaken following appointment to the roles. Broader consultation will commence with those employees impacted by the change once approval is received.

Sustainability comments

4.2 There are no sustainability implications arising from the matters set out in this report.

Procurement comments

4.3 There are no procurement implications arising from the matters set out in this report.

Communications comments

4.4 Wider communication on the Operation Director posts, the responsibilities that sit under them, and naming the post holders will be delivered following completion of the assessment process. Guidance will be sought from the Communications Team on the best channels by which to achieve this.

5. Financial comments

5.1 This report recommends that a second Operational Director (Deputy Commissioner) post is established at an annual revenue cost of £240,000. This will have a part year impact, based on a 1 October implementation, of £120,000 in 2022/23 which will be funded from the Budget Flexibility Reserve (BFR). If agreed this cost will be added to LFC's Medium Term Financial Plan (MTFP) for future years, which will require that additional savings are identified from 2023/24 to fund this pressure.

5.2 The report also notes that consideration should be given to the Community Safety and Engagement function being led by an Assistant Director role. The outcome of that consideration will be reported on separately in line with governance requirements.

5.3 The new Operational Director post leads to an expanded of the Commissioner's Executive Team

(CET), and therefore a review of the support to the CET is also required. Any cost of an increase to the support arrangements would also be met from the BFR in 2022/23 and added to the MTFP for future years.

- 5.4 The new Operational Director post will also lead to changes to the directorate and departmental structure and the organisation chart will be amended to reflect this and finance systems aligned to this.

6. Legal comments

- 6.1** 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.
- 6.2** In accordance with 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'. This is a matter coming within that power.
- 6.3** Under section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, the Mayor may issue to the 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, 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 in this report exceed that threshold and accordingly, prior approval is required.

List of appendices

Appendix	Title	Open or confidential*
1	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